

IN THE SUPREME COURT OF THE

STATE OF NEVADA

CLARK NMSD, LLC,
Appellant,

vs

JENNIFER GOLDSTEIN,
Respondent.

Electronically Filed
Nov 21 2022 08:52 PM
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. 84623

District Court Case No. A-15-728510-B

APPELLANT'S APPENDIX: Volume 3

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

DATED this 21st day of November, 2022.

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

MITCHELL STIPP, ESQ.
Nevada Bar No. 7531
1180 N. Town Center Drive
Suite 100
Las Vegas, Nevada 89144
Telephone: (702) 602-1242
mstipp@stiplaw.com
Counsel for Appellant

CERTIFICATE OF SERVICE

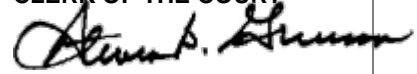
I HEREBY CERTIFY that on the 21st day of November, 2022, I filed the foregoing **Appellant's Appendix**, using the court's electronic filing system.

DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
Nevada Bar No. 7758
BROOKS T. WESTERGARD
Nevada Bar No. 14300
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel.: (775) 343-7500
Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
Email: bwestergard@dickinsonwright.com

By: /s/ Mitchell Stipp

An employee of Law Office of Mitchell Stipp

Application/Petition	Volume 1	000005-000027		
Opposition	Volume 1	000028-000038		
Reply	Volume 1	000039-000059		
Minutes	Volume 1	000060-000061		
Motion	Volume 1	000062-000077		
Order to Show Cause	Volume 1	000078-000083		
Order	Volume 1	000084-000093		
Opposition	Volume 2	000097-000108		
Reply	Volume 2	000109-000114		
Minutes	Volume 2	000115-000116		
Notice of Entry	Volume 2	000117-000128		
Motion	Volume 2	000129-000148		
Opposition	Volume 3	000152-000219		
Order	Volume 3	000220-000225		
Notice of Appeal	Volume 3	000226-000240		
Reply	Volume 4	000245-000256		
Minutes	Volume 4	000257-000258		
Notice of Entry	Volume 4	000259-000271		



OPPS
DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
Nevada Bar No. 7758
BROOKS T. WESTERGARD
Nevada Bar No. 14300
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel.: (775) 343-7500
Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
Email: bwestergard@dickinsonwright.com
Attorneys for Plaintiff Jennifer M. Goldstein

DISTRICT COURT
CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

HEARING DATE: May 10, 2022

HEARING TIME: 10:00 A.M.

**OPPOSITION TO SECOND RENEWED MOTION FOR RECONSIDERATION OF
DENIAL OF APPLICATION/PETITION PURSUANT TO NRS 31.070(5)**

Plaintiff Jennifer Goldstein ("Goldstein"), by and through her counsel of record, Dickinson Wright PLLC, hereby respectfully files her Opposition to Clark NMSD, LLC, a Nevada limited liability company d/b/a The Sanctuary's ("Clark") Second Renewed Motion for Reconsideration of Denial of Application Petition Pursuant to NRS 31.070(5) ("Motion"). This Opposition is based on the following Memorandum of Points and Authorities, the Declaration of Brian R. Irvine, attached hereto as **Exhibit 1**, all papers and pleadings on file herein and in related cases, and any oral argument this Court chooses to consider.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 “Motions for reconsideration are disfavored” and not “to be used to ask the court to
4 rethink what it has already thought”. *See Peoples v. Wells Fargo Bank*, No. 2:07-cv-01025, 2008
5 WL 5050675, at *1 (D. Nev. Nov. 20, 2008) (Jones, J.). Clark’s Motion is nothing but a request
6 for this Court to “rethink what it has already thought” several times, as Clark’s Motion only
7 repeats arguments that it has already made in its Application, and such arguments were already
8 correctly rejected. Clark’s Motion presents no newly discovered evidence or change in law, and
9 Clark’s Motion identifies no clear error by this Court in its March 11, 2022 Order. Therefore,
10 Clark’s Motion must be denied.

11 **II. FACTUAL AND PROCEDURAL HISTORY**

12 **A. The Application and Goldstein’s Opposition**

13 On August 12, 2021, judgment debtor NuVeda LLC and Clark filed their Application
14 claiming that Goldstein’s judgment is somehow “subject to” an indemnity agreement between
15 NuVeda and CWNevada, LLC (Appl. at 3, on file herein), accusing Goldstein of making
16 unspecified misrepresentations regarding NuVeda’s position in the case and requested, with no
17 supporting legal authority, that Goldstein be required “to file a motion with notice to and an
18 opportunity to be heard by NuVeda for approval of any further collection activity.” (*Id.* at 6). In
19 the Application, Clark, which is not a party to this case, requested a hearing in accordance with
20 NRS 31.070 (*Id.* at 4-5) and demanded that the \$638.00 seized pursuant to the writ of execution
21 be returned. (*Id.* at 6). The sole basis for this request was a purported declaration from Dr.
22 Pejman Bady, manager of Clark. (*Id.* at Ex. 2, p. 3).

23 In her Opposition, Goldstein argued that even had Clark complied with the requirements
24 of NRS 31.070, which it did not, the statement in the letter to the Constable attached to the
25 Application, that NuVeda has no property located at 1324 S. 3rd Street, Las Vegas, Nevada
26 89104, was directly contradicted by prior statements made by NuVeda to this very Court. (Opp’n
27 to Appl. at 5, on file herein). Goldstein further argued that NuVeda had consistently taken the
28 position in this case and in the CWNevada Receivership Case, that NuVeda owns and operates

1 the locations where the Writs were directed, including the 1324 S. 3rd Street, Las Vegas, Nevada
2 89104. (*Id.*) Finally, Goldstein reminded the Court that it had also found that NuVeda operates
3 these locations. (*Id.*) Thus, Goldstein argued that NuVeda and its subsidiary, Clark, should be
4 judicially estopped from attempting to avoid Goldstein’s collection efforts by taking a contrary
5 position in the Application. (*Id.*)

6 **B. This Court’s Order Denying the Application**

7 On March 11, 2022, this Court entered its Order Denying the Application. (See Ord.
8 Denying Appl., on file herein). In its Order, this Court determined that (1) “[t]o avail itself of
9 any of the remedies afforded by NRS 31.070, Clark must serve the constable with ‘written claim
10 verified by the person’s oath or that of the person’s agent, setting out the person’s right to the
11 possession’ of the property at issue,” (2) “Clark has failed to comply with the requirements under
12 NRS 31.070 and has not established that it has any relationship with or interest in NuVeda or the
13 property at issue in the Application,” (3) “as already held by this Court in its Order denying
14 NuVeda’s Motion to Quash Writs of Execution, NuVeda lacks ‘standing to assert exemptions on
15 behalf of third parties,’” and (4) NuVeda and Clark are thus not entitled to any relief under NRS
16 31.070.” (Ord. ¶¶ 1-4). This Court further held that because “[n]one of the motions enumerated
17 under NRCP 62(d) [were] currently pending, . . . neither NuVeda nor Clark may obtain relief
18 under NRCP 62(b).” (*Id.* ¶ 5).

19 **II. ARGUMENT**

20 **A. Legal Standard**

21 A rehearing is not appropriate unless “substantially different evidence is subsequently
22 introduced or the decision was clearly erroneous.” *Masonry & Tile Contractors Ass’n of S. Nev.*
23 *v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 742, 941 P.2d 486, 489 (1997). “A motion for
24 reconsideration should not be granted, absent highly unusual circumstances, unless the district
25 court is presented with newly discovered evidence, committed clear error, or if there is an
26 intervening change in the controlling law.” *E.g., McDonald v. Olivas*, 2016 WL 3883355, *6 (D.
27 Nev. June 20, 2016).

28 “[M]otions for reconsideration are not the proper vehicles for rehashing old arguments

1 and are not intended to give an unhappy litigant one additional chance to sway the judge.
2 Accordingly, a motion for reconsideration is properly denied where it presents no new
3 arguments. At the same time, a motion for reconsideration may not be used to raise arguments or
4 present evidence for the first time when they could reasonably have been raised earlier in the
5 litigation.” *Walker v. Clark Cty.*, No. 2:07-CV-01528-HDM, 2011 WL 232033, at *1 (D. Nev.
6 Jan. 24, 2011) (internal quotation marks and citations omitted).

7 “Reconsideration of a prior order is an extraordinary remedy, to be used sparingly in the
8 interests of finality and conservation of judicial resources.” *Cohen v. Clark County School Dist.*,
9 2012 WL 5473483, *2 (D. Nev. Nov. 9, 2012) (citing *Kona Enters. v. Estate of Bishop*, 229 F.3d
10 877, 890 (9th Cir. 2000) (citing 12 James Wm. Moore et al., *Moore's Federal Practice* § 59.30[4]
11 (3d ed. 2000)). The moving party bears the “burden on a motion to reconsider.” *E.g., Peoples v.*
12 *Wells Fargo Bank*, No. 207-CV-01025-RCJ-PAL, 2008 WL 5050675, at *2 (D. Nev. Nov. 20,
13 2008).

14 **B. Clark is Not Entitled to Reconsideration of this Court’s Order**

15 First, Clark has not introduced one scintilla of new evidence in support of its Motion.
16 Indeed, the only substantive exhibit attached to the Motion is the same Indemnification
17 Agreement that was also attached to the Application. (Compare Mot., Ex. 2 with Appl., Ex. A).
18 Clark’s failure to even suggest the existence of, let alone introduce, new evidence in support of
19 its Motion is grounds for denial. *Swain v. Gafford*, 497 P.3d 639 at *1 (Nev. App. 2021) (“The
20 district court appropriately determined that . . . the motion for reconsideration did not set forth
21 any newly discovered evidence that was unavailable at the time Swain filed her opposition to the
22 motion, and therefore properly denied reconsideration.”); *see also Wallis v. J.R. Simplot Co.*, 26
23 F.3d 885, 892 n.6 (9th Cir. 1994) (“Evidence is not newly discovered if it was in the party’s
24 possession at the time of summary judgment or could have been discovered with reasonable
25 diligence.”).

26 Second, the arguments in the Motion are near carbon-copies of the arguments raised in
27 the Application, and the Reply thereto, and thus cannot be properly raised on a motion for
28 reconsideration. For example, Clark argues in the Motion that it “satisfied its burden under NRS

1 31.070” because “[t]he statute does not require a third-party to establish any relationship with the
2 judgment debtor or creditor.” (Mot. at 6-7). However, part of the basis of the Court’s Order
3 denying the Application was that Clark had not established that it had any “relationship with or
4 interest in NuVeda or the property at issue in the Application.” (Ord. ¶ 2). To that end, NRS
5 31.070 does require that the third party serve the constable with “a written claim verified by the
6 person’s oath or that of the person’s agent, setting out the person’s right to the possession” of the
7 property at issue. NRS 31.070(1). Clark (again) argues that it complied with this provision of
8 NRS 31.070 by citing directly to the Application and the exhibits attached hereto. (Mot. at 6-7).
9 Clark’s re-hashing of its identical argument that was already made in the Application is wholly
10 improper and does not militate in favor of reconsideration.

11 Third, Clark has not identified any change in controlling law that would support its
12 request for consideration. Indeed, Clark does not cite a single case in its Motion that has been
13 published in the last decade. (See generally, Mot.) Moreover, although Clark styles its motion as
14 one for “reconsideration,” Clark cites to NRCP 60(b)(6) as the sole rule or statute upon which it
15 bases its Motion. However, Clark does not identify any of the factors relevant to a request for
16 relief pursuant to Rule 60, and the most recent case it cites for the standard for reconsideration
17 were published during the Reagan Administration. As such, Clark has not levied a persuasive or
18 even cogent argument warranting reconsideration. *See Edwards v. Emperor's Garden Rest.*, 122
19 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider issues that are not
20 supported by relevant legal authority or cogent argument).

21 In sum, Clark has not identified a single reason for this Court to reconsider its Order, and
22 Clark’s Motion must be denied.

23 **C. Clark is Not Entitled to a Stay**

24 When considering whether to stay district court proceedings pending appeal, the Nevada
25 Supreme Court considers: “(1) Whether the object of the appeal or writ petition will be defeated
26 if the stay is denied; (2) Whether appellant/petitioner will suffer irreparable or serious injury if
27 the stay is denied; (3) Whether respondent/real party in interest will suffer irreparable or serious
28 injury if the stay is granted; and (4) Whether appellant/petitioner is likely to prevail on the merits

1 in the appeal or writ petition.” *Hansen v. Eighth Jud. Dist. Ct. ex rel. Cty. of Clark*, 116 Nev.
2 650, 657, 6 P.3d 982, 986 (2000). Clark’s request for a stay pending its anticipated writ petition
3 seeking review of the Order is completely unsupported in fact or law.

4 Initially, Clark has not filed an affirmative motion to stay, and is not a “party” to this
5 litigation. Thus, the request for this Court to stay these proceedings pending resolution of its
6 anticipated writ petition is improper under NRAP 8(a)(1).¹ Moreover, Clark argues that it will be
7 harmed if a stay is not granted because “[c]ash which belongs to [Clark] will be delivered to Ms.
8 Goldstein . . .,” and “Ms. Goldstein will use this court’s order to support further improper
9 collection activity . . .” (Mot. at 10). Both these arguments are without merit.

10 First, the object of the anticipated writ will not be defeated if the stay is denied because,
11 if the anticipated writ is granted, Clark will be able to recoup the sums that were collected
12 pursuant to Goldstein’s Writ of Execution. Second, the sum collected from Clark (under \$700),
13 certainly cannot rise to the level of irreparable harm that would warrant a stay. Such a monetary
14 sum “is neither irreparable nor serious.” *Hansen*, 116 Nev. at 657, 6 P.3d at 986. In fact, the sum
15 collected from Clark has not been delivered to Goldstein as of the filing of this Opposition.
16 (Irvine Decl. ¶ 3). Third, Goldstein will suffer serious injury, because her Judgment will remain
17 unsatisfied, notwithstanding her continued collection efforts since the Judgment was entered. *See*
18 *Sobol v. Capital Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986) (concluding, in the
19 context of an injunction, that “acts committed without just cause which unreasonably interfere
20 with a business or destroy its credit or profits, may do an irreparable injury”).

21 In addition, Clark failed to disclose to this Court that it is currently pursuing claims
22 against the Clark County Sheriff based upon the exact same facts about which it complains in the
23 Motion. (**Exhibit 2**, Complaint filed in Case No. A-22-850747) Although Clark’s recently-filed
24 complaint against the Clark County Sheriff would appear to be a collateral attack on this Court’s
25 prior Orders, Clark presumably can pursue the same relief sought in the Motion in that case.

26
27 ¹ In addition, as Clark is not a party to this case, and NuVeda is the only defendant/judgment debtor, Clark’s request
28 for a stay would appear to be moot, at least for the time being, as NuVeda has filed a Chapter 11 Petition and the
matter is stayed pursuant to 11 U.S.C. § 362. (*See* Dkt. No. 206, Notice of Suggestion of Bankruptcy)

1 Finally, in showing a likelihood of success on the merits, “the movant must present a
2 substantial case on the merits when a serious legal question is involved and show that the balance
3 of equities weighs heavily in favor of granting the stay.” *Id.* Here, Clark has not even attempted
4 to present a “substantial case on the merits [or] a serious legal question,” and has completely
5 failed to articulate how the “the balance of equities weighs heavily in favor of granting the stay.”

6 As such, a stay is unwarranted, and Clark’s request for the same should be denied.

7 **III. CONCLUSION**

8 For the reasons stated in this Opposition, the Motion should be denied.

9
10 DATED this 19th day of April, 2022.

11
12
13 DICKINSON WRIGHT PLLC

14
15 /s/ Brian R. Irvine
16 BRIAN R. IRVINE
17 Nevada Bar No. 7758
18 BROOKS T. WESTERGARD
19 Nevada Bar No. 14300
20 100 West Liberty Street, Suite 940
21 Reno, Nevada 89501
22 Email: birvine@dickinsonwright.com
23 Email: bwestergard@dickinsonwright.com

24 *Attorneys for Plaintiff Jennifer M. Goldstein*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of DICKINSON WRIGHT PLLC, and that on this date,
3 pursuant to NRCP 5(b), I am serving a true and correct copy of the DOCUMENT to the
4 following individuals by to the following individuals by Odyssey Electronic Service:
5

6 MITCHELL STIPP, ESQ.
7 Nevada Bar No. 7531
8 LAW OFFICE OF MITCHELL STIPP
9 1180 N. Town Center Drive, Suite 100
10 Las Vegas, Nevada 89144
11 Telephone: 702.602.1242
12 mstipp@stipplaw.com

Matthew T. Dushoff
Scott D. Fleming
KOLESAR & LEATHAM
400 South Rampart Boulevard
Suite 400
Las Vegas, NV 89145

Attorneys for NuVeda, LLC

12 DATED this 19th day of April, 2022.

14 /s/ Angela Shoults
15 An Employee of DICKINSON WRIGHT PLLC

16 4893-7125-1478 v1 [88728-1]
17
18
19
20
21

22 4885-4788-6108 v1 [88728-1]
23
24
25
26
27
28

EXHIBIT 1

DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
Nevada Bar No. 7758
BROOKS T. WESTERGARD
Nevada Bar No. 14300
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel.: (775) 343-7500
Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
Email: bwestergard@dickinsonwright.com
Attorneys for Plaintiff Jennifer M. Goldstein

DISTRICT COURT
CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE
Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: 31

DECLARATION OF BRIAN R. IRVINE IN SUPPORT OF
PLAINTIFF JENNIFER GOLDSTEIN'S OPPOSITION TO SECOND RENEWED
MOTION FOR RECONSIDERATION OF DENIAL OF APPLICATION/PETITION
PURSUANT TO NRS 31.070(5)

1. I am an attorney with the law firm of DICKINSON WRIGHT, PLLC, attorneys for Plaintiff, JENNIFER M. GOLDSTEIN ("Goldstein") in the above captioned action. I submit this Declaration in support of Goldstein's Opposition to Motion for Reconsideration of Denial of Application/Petition Pursuant to NRS 31.070(5). I have personal knowledge of the matters set forth in this Declaration and, if called as a witness could and would competently testify thereto.

2. In Clark NMSD, LLC, a Nevada limited liability company d/b/a The Sanctuary's

(“Clark”) Application Petition Pursuant to NRS 31.070(5) (“Application”), Clark submitted that, pursuant to a Writ of Execution, “officers from the constable’s office, which served writs at 1324 S. 3rd Street, Las Vegas, Nevada 89104, physically forced the employees of [Clark] to remove \$638.00 in cash from the facility on or about August 9, 2021.” (See Appl. at 3).

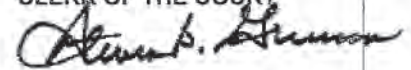
3. Although the \$638.00 in cash was seized from Clark’s facility, the \$638.00 was never delivered to Goldstein, and, on information and belief remains in possession of the officers/constables who seized the cash.

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

DATED this 19th day of April, 2022.

/s/ Brian R. Irvine
BRIAN R. IRVINE

EXHIBIT 2



LAW OFFICE OF MITCHELL STIPP
MITCHELL STIPP, ESQ.
Nevada Bar No. 7531
1180 N. Town Center Drive
Suite 100
Las Vegas, Nevada 89144
Telephone: 702.602.1242
Facsimile: 866.220.5332
mstipp@stipplaw.com
Counsel for Plaintiff, The Sanctuary

CASE NO: A-22-850747-W
Department 8

DISTRICT COURT

CLARK COUNTY, NEVADA

**CLARK NMSD, LLC D/B/A THE
SANCTUARY.**

PLAINTIFF,

vs.

**CLARK COUNTY SHERIFF JOE
LOMBARDO, OFFICE OF THE EX-
OFFICIO CONSTABLE,**

DEFENDANT.

Case No: (See Above)

Department No.: (See Above)

ARBITRATION EXEMPTION CLAIMED:
Rule 3(a): Action Seeking Equitable Relief

Plaintiff, Clark NMSD LLC, a Nevada limited liability company d/b/a The Sanctuary ("Plaintiff"), by and through its attorney, Mitchell D. Stipp, Esq., of the Law Office of Mitchell Stipp, alleges as follows:

PARTIES

1. Plaintiff is a Nevada limited liability company, which is organized under Chapter 86 of the Nevada Revised Statutes, as amended (the "NRS").

1 2. Plaintiff owns a recreational and medical cannabis dispensary license and operates
2 its dispensary business at 1324 S. 3rd Street, Las Vegas, Nevada 89104.

3 3. Defendant, Clark County Sheriff Joe Lombardo, is the Ex-Officio Constable, as
4 appointed by the Clark County Board of Commissioners, under NRS 258.010 ("Defendant").
5

6 **JURISDICTION AND VENUE**

7 4. This court has jurisdiction over Defendant because he is the duly elected Sheriff
8 of Clark County, State of Nevada, and was appointed by the Clark County Board of
9 Commissions pursuant to NRS 258.010, to serve as Ex Officio Constable.

10 5. Venue is proper because Defendant is the Ex Officio Constable and/or a
11 substantial portion of the acts, events, and transactions complained of herein occurred in Clark
12 County, Nevada.
13

14 6. This court has jurisdiction to grant relief pursuant to NRS 30.030 and 33.010,
15 respectively.

16 7. The court has jurisdiction to grant a writ of mandamus or prohibition pursuant to
17 Chapter 34 of NRS.
18

19 **GENERAL ALLEGATIONS**

20 8. On or about June 11, 2021, NuVeda, LLC ("NuVeda") received notice of two (2)
21 writs of execution requested by Jennifer Goldstein in Case. No. A-15-728510-B ("Goldstein
22 Case"). These writs are identified as Docket Nos. 164 and 165 as filed in the Goldstein Case
23 ("Goldstein Writs").

24 9. Goldstein fraudulently requested the Goldstein Writs to collect amounts owed
25 pursuant to a judgment in her favor against NuVeda.
26
27
28

1 10. The Goldstein Writs requested that Defendant seize without regard to ownership
2 “all cash, currency, and other monies from the cash register, vault, safe and cash box” at the
3 following locations:
4

CANOPI 2113 N. Las Vegas Blvd. Las Vegas, NV 89030	The Sanctuary Dispensaries 1324 S. 3rd St. Las Vegas, NV 89104	Solaris Farms 2795 W. Brooks Ave. North Las Vegas, NV 89032
---	---	--

8 11. NuVeda does not own any property at the above locations.
9

10 12. NuVeda sent a letter dated June 15, 2021 to Defendant, a copy of which is
11 attached hereto as **Exhibit 1**, objecting to the service of the writs.

12 13. NuVeda sent another letter dated July 21, 2021 to Defendant, a copy of which is
13 attached hereto as **Exhibit 2**, objecting to the service of the writs.

14 14. Despite the notice provided by NuVeda as set forth in **Exhibits 1 and 2** hereto,
15 Defendant served the Goldstein Writs including on Plaintiff at the cannabis dispensary it
16 operates at 1324 S. 3rd Street, Las Vegas, Nevada 89104.
17

18 15. On August 9, 2021, Defendant arrested an employee of Plaintiff and wrongfully
19 seized cash from the cash registers at the cannabis dispensary operated by Plaintiff at 1324 S. 3rd
20 Street, Las Vegas, Nevada 89104.

21 16. On August 10, 2021, Plaintiff sent a demand/claim letter to Defendant asserting
22 that the cash seized by Defendant was owned by Plaintiff and demanding the return of the cash
23 unless Goldstein posted security, as required by NRS 31.070, a copy of which is attached hereto
24 as **Exhibit 3**.
25

26 17. NRS 31.070(1) provides as follows:
27

28 If the property levied on is claimed by a third person as the person's property by a
written claim verified by the person's oath or that of the person's agent, setting out the

1 person's right to the possession thereof, and served upon the sheriff, the sheriff must
2 release the property if the plaintiff, or the person in whose favor the writ of attachment
3 runs, fails within 7 days after written demand to give the sheriff an undertaking
4 executed by at least two good and sufficient sureties in a sum equal to double the value
5 of the property levied on. If such undertaking be given, the sheriff shall hold the
6 property. The sheriff, however, shall not be liable for damages to any such third person
7 for the taking or keeping of such property if no claim is filed by any such third person.

8 (emphasis added).

9 18. Defendant refused to release the cash seized as required by NRS 31.070(1).

10 19. Defendant failed to request that Goldstein provide security as required by NRS
11 31.070(1).

12 20. Goldstein failed to provide security as required by NRS 31.070(1).

13 21. Defendant remains in possession of Plaintiff's cash.

14 **CLAIM FOR RELIEF**
15 **(INJUNCTIVE RELIEF)**

16 22. Plaintiff repeats and re-alleges the allegations contained in the preceding
17 paragraphs of this Complaint as though said paragraphs were fully set forth herein.

18 23. The seizure of cash from Plaintiff was not permitted under Nevada law.

19 24. Defendant had actual notice that the cash seized belonged to Plaintiff.

20 25. Defendant refused to follow the requirements of NRS 31.070.

21 26. Plaintiff has no adequate remedy at law. Defendant is not a party to the Goldstein
22 Case. Defendant remains in possession of Plaintiff's cash.

23 27. Without injunctive relief, Defendant will continue to seize property including
24 cash which belongs to Plaintiff and refuse to follow the requirements of NRS 31.070. As a
25 result, Plaintiff has suffered and will continue to suffer irreparable harm for which compensatory
26 damages are inadequate.
27
28

1 28. The court should enjoin Defendant from seizing Plaintiff's property to satisfy a
2 judgment owed by NuVeda to Goldstein (unless Defendant complies with Nevada law including
3 NRS 31.070),
4

5 **APPLICATION FOR WRIT OF MANDAMUS OR PROHIBITION**
6

7 29. Plaintiff repeats and re-alleges the allegations contained in the preceding
8 paragraphs of this Complaint as though said paragraphs were fully set forth herein.

9 30. In Nevada, a writ shall issue "in all cases where there is not a plain, speedy and
10 adequate remedy in the ordinary course of law." NRS 34.170; NRS 34.330. "A writ of prohibition is
11 appropriate when a district court acts without or in excess of its jurisdiction." Cote v. District Ct., 124
12 Nev. 36, 39, 175 P.3d 906, 907 (2008) (citing NRS 34.320; State v. District Ct. (Anzalone), 118 Nev.
13 140, 146-47, 42 P.3d 233, 237 (2002)). "A writ of mandamus is available to 'compel the performance
14 of an act which the law . . . [requires] as a duty resulting from an office, trust or station.' *Id.*, 124
15 Nev. At 39, 175 P.3d at 907-08 (quoting NRS 34.160), or to control a manifest abuse or an arbitrary
16 or capricious exercise of discretion. *Id.* (citing Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601,
17 603-04, 637 P.2d 534, 536 (1981)). "Because both writs of prohibition and writs of mandamus are
18 extraordinary remedies, [the court has] complete discretion to determine whether to consider them."
19 *Id.*, 124 Nev. At 39, 175 P.3d at 908 (citing Smith v. District Ct., 107 Nev. 674, 818 P.2d 849
20 (1991)).
21

22 31. Even when an "arguable adequate remedy exists, this court may exercise its
23 discretion to entertain a petition for mandamus under circumstances of urgency or strong necessity,
24 or when an important issue of law needs clarification and sound judicial economy and administration
25 favor the granting of the petition." State v. District Ct., 118 Nev. 609, 614, 55 P.3d 420, 423 (2002)
26 (citations omitted).
27
28

32. Here, "there is not a plain, speedy and adequate remedy in the ordinary course of law."
NRS 34.170; NRS 34.330.

33. As such, this court has the ability to mandate that Defendant return the cash to Plaintiff it wrongfully seized and to prohibit Defendant from seizing Plaintiff's property to satisfy a judgment owed by NuVeda to Goldstein (unless Defendant complies with Nevada law including NRS 31.070).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests as follows:

1. Grant preliminary and permanent injunction enjoining Defendant from seizing Plaintiff's property to satisfy a judgment owed by NuVeda to Goldstein (unless Defendant complies with Nevada law including NRS 31.070).

2. Mandate that Defendant return the cash to Plaintiff it wrongfully seized and to prohibit Defendant from seizing Plaintiff's property to satisfy a judgment owed by NuVeda to Goldstein (unless Defendant complies with Nevada law including NRS 31.070).

3. For an award of attorney's fees and costs; and

4. For such other and further relief as the Court may deem just and proper.

DATED this 5th day of April, 2022.

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

MITCHELL STIPP, ESQ.

Nevada Bar No. 7531

1180 N. Town Center Drive

Suite 100

Las Vegas, Nevada 89144

Telephone: 702.602.1242

Facsimile: 866.220.5332

mstipp@stipplaw.com

Counsel for Plaintiff, The Sanctuary

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

EXHIBIT 1 TO COMPLAINT



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

E: mstipp@stipplaw.com | www.stipplaw.com

1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

June 15, 2021

VIA FAX at 702-385-2436

Office of the Ex-Officio Constable
Las Vegas Township
301 E. Clark Ave., Suite 100
Las Vegas, NV 89101

**RE: Writs of Execution by Jennifer Goldstein
Eighth Judicial District Court, State of Nevada (Case No. A-15-728510-B)**

To Whom It May Concern:

My firm represents NuVeda, LLC (the "Company"). The Company became aware of writs of execution prepared and filed in the above-referenced case by Jennifer Goldstein. As a result, the Company filed a motion to quash these writs. A copy of the motion is attached as **Exhibit A** hereto. The writs are included as Exhibits 2 and 3 to the Company's motion. Ms. Goldstein is asking the Constable's Office to appear at five (5) separate business locations and seize "all cash, currency, and other monies from the cash register, vault, safe and cash box." These business locations are not owned or operated by the Company (as set forth in more detail in the Company's motion). We would respectfully ask the Constable's Office to refrain from taking any action on these writs or any others delivered by Ms. Goldstein pending an order from the district court in the above-referenced case.

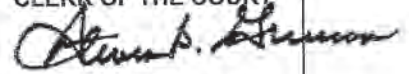
If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Best Regards,

Mitchell D. Stipp

Mailing and Payment Address: 10120 W. Flamingo Rd., PMB 4-124, Las Vegas, Nevada 89147

EXHIBIT A TO LETTER



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

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

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

**MOTION TO QUASH
WRITS OF EXECUTION**

HEARING REQUESTED

Plaintiff, NuVeda, LLC, a Nevada limited liability company ("NuVeda"), by and through its
counsel of record, Mitchell Stipp, Esq., of the Law Office of Mitchell Stipp, hereby files the above-
referenced motion.

This filing is based on the papers and pleadings on file in this action, the memorandum of points
and authorities that follows, the exhibits attached hereto (or filed separately in support), and any
argument of counsel permitted by the court at any hearing.

1
2
3 DATED this 11th day of June, 2021.
4

5 **LAW OFFICE OF MITCHELL STIPP**
6

7 /s/ Mitchell Stipp, Esq.

8 MITCHELL STIPP, ESQ.

9 Nevada Bar No. 7531

10 LAW OFFICE OF MITCHELL STIPP

11 1180 N. Town Center Drive, Suite 100

12 Las Vegas, Nevada 89144

13 Telephone: 702.602.1242

14 mstipp@stipplaw.com

15 Attorneys for NuVeda, LLC
16
17
18
19
20
21
22
23
24
25
26
27
28

[MEMORANDUM OF POINTS AND AUTHORITIES FOLLOW]

MEMORANDUM OF POINTS AND AUTHORITIES

Jennifer Goldstein ("Goldstein"), former member of NuVeda, LLC, a Nevada limited liability company ("NuVeda"), has a judgment against NuVeda in the approximate amount of \$2,565,276.41 (plus interest from October 31, 2019). The judgment arises from binding arbitration (AAA Case # 01-15-005-8574), which was supervised by this court.

Goldstein's judgment is subject to an indemnification agreement with CWNevada, LLC (which through Brian Padgett controlled the arbitration proceedings). This agreement is part of NuVeda's proof of claim submitted in the Receivership Action, which the receiver has refused to honor.¹ NuVeda does not own any property other than purportedly membership interests in one or more subsidiaries.

Goldstein has conducted post-judgment discovery. NuVeda has responded to the same. After the hearing on March 1, 2021 concerning Goldstein's motion for an order to show cause why NuVeda should not be held in contempt, NuVeda reached out to Goldstein's attorney to resolve any disputes with NuVeda's discovery responses and to coordinate a judgment debtor examination. Goldstein's attorney provided no response. See Exhibit 1.

On June 11, 2021, NuVeda received copies of two (2) writs of execution filed by Goldstein in this case. These writs are attached hereto as Exhibits 2 and 3. The writs ask the sheriff/constable's office to seize without regard to ownership "all cash, currency, and other monies from the cash register, vault, safe and cash box" at the following locations:

CANOPI 2113 N. Las Vegas Blvd. Las Vegas, NV 89030	The Sanctuary Dispensaries 1324 S. 3rd St. Las Vegas, NV 89104	Solaris Farms 2795 W. Brooks Ave. North Las Vegas, NV 89032
---	---	--

¹ Goldstein also submitted a proof of claim in the Receivership Action based on the indemnification agreement.
NuVeda's Motion 003

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

NUVEDA 301 S. Oxbow Ave., Unit 13 Pahrump, NV 89048
--

NUVEDA 1620 W. Charleston Park Pahrump, NV 89048

NuVeda does not own or have rights to any property at the addresses above. Goldstein has personal knowledge that NuVeda does not own or have rights to the cash, currency, and other monies from any cash register, vault, safe, or cash box at these facilities. However, she wants the sheriff/constable to seize such property subject to any objections to be litigated.

Clark NMSD, LLC operates the dispensaries addressed at 2113 N. Las Vegas Blvd, Las Vegas, Nevada 89030 and 1324 S. 3rd Street, Las Vegas, Nevada 89104, which are separately owned by 2113 Investors, LLC. Clark Natural Medicinal Solutions, LLC (which is not the same as Clark NMSD, LLC) leases the cultivation/production facility at 2795 W. Brooks Avenue, North Las Vegas, Nevada 89032. Nye Natural Medicinal Solutions, LLC leased spaced at 301 S. Oxbow Avenue., Unit 13, Pahrump, Nevada 89048. However, the lease expired, and the space was vacated. The premises located at 1620 W. Charleston Park, Pahrump, Nevada 89048 is not owned by NuVeda.

NRS 21.075 does not require a judgment creditor to identify the "specific" property that is subject to execution. It merely requires the judgment creditor to notify the judgment debtor of the property that is exempt from execution. See id. If exempt property is being levied on, then NRS 21.075 requires the judgment debtor—not the judgment creditor—to identify the specific property that is being levied on that is allegedly exempt from execution. However, NRS 21.075 does not permit Goldstein to execute on property which does NOT belong to NuVeda. The writs of execution do not qualify that "all cash, currency, and other monies from the cash register, vault, safe and cash box" must actually belong to NuVeda. Here, Goldstein is seeking to expand the limitations of her charging order, which limits her relief to NuVeda's share of profits and distributions in its subsidiaries and does not provide her the right to any of the assets of the subsidiaries or the right to participate in the management or administration of the business of the subsidiaries. See Weddell v. H2O, Inc., 271 P.3d 743 (Nev. 2012). Accordingly, NuVeda asks the court to quash the writs of execution filed by Ms. Goldstein.

///

///

///

1
2 DATED this 11th day of June, 2021.

3
4 **LAW OFFICE OF MITCHELL STIPP**

5
6 /s/ Mitchell Stipp, Esq.

7 MITCHELL STIPP, ESQ.

8 Nevada Bar No. 7531

9 LAW OFFICE OF MITCHELL STIPP

10 1180 N. Town Center Drive, Suite 100

11 Las Vegas, Nevada 89144

12 Telephone: 702.602.1242

13 mstipp@stiplaw.com

14 Attorneys for NuVeda, LLC

1
2
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I am an employee of the Law Office of Mitchell Stipp and that on the 11th
5 day of June, 2021, I electronically filed the foregoing with the Clerk of the Court for the Eighth Judicial
6 District Court, which provided e-service to the following:
7

8
9 Briar R. Irvine, Esq.
Brooks T. Westergard, Esq.
10 **DICKINSON WRIGHT PLLC**
100 West Liberty Street, Suite 940
11 Reno, Nevada 89501
Attorneys for Jennifer Goldstein
12

13 */s/ Amy Hernandez*

14 Amy Hernandez
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

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

Jennifer Goldstein

1 message

Mitchell Stipp <mstipp@stiplaw.com>

Mon, Mar 1, 2021 at 8:29 PM

To: "Brian R. Irvine" <BIrvine@dickinson-wright.com>

I will supplement our responses. NuVeda has no banking records or financial statements. It owns nothing other than membership interests. You will be able to confirm this during the judgment debtor examination.

Just so we are clear, it was not my intention to exclude documents that may be in the possession of those who act on behalf of NuVeda. I fully understand that Nuveda cannot withhold documents in Dr. Bady's possession as manager. In this instance, it does not change Nuveda's responses.

After you receive our supplement, please advise when you would like to schedule a judgment debtor examination. If possible, I would like it to be in-person.

We are also open to re-start settlement discussions. I understand that Jason Wiley did not get very far. Let me know your thoughts.



Mitchell Stipp

Law Office of Mitchell Stipp

(O) 702.602.1242 | (M) 702.378.1907 | mstipp@stiplaw.com

Address: 1180 N. Town Center Drive, Suite 100
Las Vegas, Nevada 89144

Website: www.stiplaw.com

EXHIBIT 2

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



1 **WTEX**
2 DICKINSON WRIGHT PLLC
3 BRIAN R. IRVINE
4 Nevada Bar No. 7758
5 BROOKS T. WESTERGARD
6 Nevada Bar No. 14300
7 100 West Liberty Street
8 Suite 940
9 Reno, Nevada 89501
10 Tel.: (775) 343-7500
11 Fax: (844) 670-6009
12 Email: birvine@dickinsonwright.com
13 Email: bwestergard@dickinsonwright.com
14 *Attorneys for Plaintiff Jennifer M. Goldstein*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 NUVEDA, LLC, a Nevada limited liability
18 company, SHANE M. TERRY, a Nevada
19 resident; and JENNIFER M. GOLDSTEIN, a
20 Nevada resident,

Case No.: A-15-728510-B

Dept. No.: XI

WRIT OF EXECUTION

21 Plaintiffs,
22 vs.

☐ Earnings ☒ Other Property
☐ Earnings, Order of Support

23 PEJMAN BADY; POUYA MOHAJER; DOE
24 Individuals I-X and ROE Entities I-X, inclusive,

25 Defendants.

26 **THE PEOPLE OF THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY,**
27 **GREETINGS:**

28 On November 13, 2019, a judgment was entered in the above-entitled action in favor of
JENNIFER M. GOLDSTEIN as judgment creditor and against NUVEDA, LLC, a Nevada Limited
Liability Company, as judgment debtor for:

\$ 2,426,163.80 principal,
\$ 26,944.08 attorney's fees,
\$ 112,168.53 interest, and

1 \$ 0.00 costs, making a total amount of

2
3 \$ 2,565,276.41 the judgment as entered.

4 WHEREAS, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$ 299,398.48 accrued interest, and

6 \$ 0.00 accrued costs, together with \$0 fee, for the issuance of this writ,
7 making a total of

8 \$ 299,398.48 as accrued costs, accrued interest and fees.

9 Credit must be given for payments and partial satisfactions in the amount of:

10 \$ 0.00

11 which is to be first credited against the total accrued costs and accrued interest, with any excess
12 credited against the judgment as entered, leaving a net balance of:

13 \$ 2,864,674.89

14 actually due on the date of the issuance of this writ, of which:

15 \$ 2,864,674.89

16 bears interest at 7.5 percent per annum, in the amount of \$ 527.11 per day, from the date of judgment
17 to the date of levy, to which must be added the commissions and costs of the officer executing this
18 writ.

19 **NOW, THEREFORE,** you are hereby commanded to satisfy this judgment with interest and
20 costs as provided by law, out of the personal property of the judgment debtor, except that for any
21 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly
22 salary or wage of the debtor on the date the most recent writ of garnishment was issued was \$770 or
23 less, 75 percent of the disposable earnings of the debtor during that week if the gross weekly salary or
24 wage of the debtor on the date the most recent writ of garnishment was issued exceeded \$770, or 50
25 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards
26 Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is
27 greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property
28

1 cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and
2 make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
3 you have done.

4 Please retain all cash, currency, and other monies from the cash register, vault, safe and cash
5 box, and similar at the following locations in satisfaction of the Judgment against NUVEDA, LLC:

CANOPI 2113 N. Las Vegas Blvd. Las Vegas, NV 89030	The Sanctuary Dispensaries 1324 S. 3rd St. Las Vegas, NV 89104	Solaris Farms 2795 W. Brooks Ave. North Las Vegas, NV 89032
---	---	--

9
10 DATED this _____ day of June, 2021.

11
12 CLERK OF THE COURT

13 By: _____
14 Deputy Clerk

15 *Respectfully Submitted by:*

16 DICKINSON WRIGHT PLLC

17
18 /s/ Brian R. Irvine
19 BRIAN R. IRVINE
20 BROOKS T. WESTERGARD
21 100 West Liberty Street, Suite 940
22 Reno, Nevada 89501
23 Email: birvine@dickinsonwright.com
24 Email: bwestergard@dickinsonwright.com

25 *Attorneys for Plaintiff Jennifer M. Goldstein*
26
27
28

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

Melinda Prockman
An Employee of Dickinson Wright PLLC

1 NE
2 DICKINSON WRIGHT PLLC
3 BRIAN R. IRVINE
4 Nevada Bar No. 7758
5 BROOKS T. WESTERGARD
6 Nevada Bar No. 14300
7 100 West Liberty Street
8 Suite 940
9 Reno, Nevada 89501
10 Tel.: (775) 343-7500
11 Fax: (844) 670-6009
12 Email: birvine@dickinsonwright.com
13 Email: bwestergard@dickinsonwright.com

14 *Attorneys for Plaintiff Jennifer M. Goldstein*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 NUVEDA, LLC, a Nevada limited liability
18 company, SHANE M. TERRY, a Nevada
19 resident; and JENNIFER M. GOLDSTEIN, a
20 Nevada resident,

Case No.: A-15-728510-B

Dept. No.: XI

21 Plaintiffs,

22 vs.

23 PEJMAN BADY; POUYA MOHAJER; DOE
24 Individuals I-X and ROE Entities I-X, inclusive,

25 Defendants.

26 **NOTICE OF EXECUTION**

27 **YOUR PROPERTY IS BEING ATTACHED**

28 A court has determined that you owe money to JENNIFER M. GOLDSTEIN, the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

1 Certain benefits and property owned by you may be exempt from execution and may not be
2 taken from you. The following is a partial list of exemptions:

3 1. Payments received pursuant to the federal Social Security Act, including, without
4 limitation, retirement and survivors' benefits, supplemental security income benefits and disability
5 insurance benefits.

6 2. Payments for benefits or the return of contributions under the Public Employees'
7 Retirement System.

8 3. Payments for public assistance granted through the Division of Welfare and Supportive
9 Services of the Department of Health and Human Services or a local governmental entity.

10 4. Proceeds from a policy of life insurance.

11 5. Payments of benefits under a program of industrial insurance.

12 6. Payments received as disability, illness or unemployment benefits.

13 7. Payments received as unemployment compensation.

14 8. Veteran's benefits.

15 9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

16 (a) The judgment is for a medical bill, in which case all of the primary dwelling,
17 including a mobile or manufactured home, may be exempt.

18 (b) Allodial title has been established and not relinquished for the dwelling or
19 mobile home, in which case all of the dwelling or mobile home and its
20 appurtenances are exempt, including the land on which they are located, unless a
21 valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

22 10. All money reasonably deposited with a landlord by you to secure an agreement to rent or
23 lease a dwelling that is used by you as your primary residence, except that such money is not exempt
24 with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the
25 agreement to rent or lease the dwelling.

26 11. A vehicle, if your equity in the vehicle is less than \$15,000.

27 12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary
28 or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five
percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on

1 the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than
2 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

3 13. Money, not to exceed \$1,000,000 in present value, held in:

- 4 (a) An individual retirement arrangement which conforms with or is maintained
5 pursuant to the applicable limitations and requirements of section 408 or 408A of
6 the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without
7 limitation, an inherited individual retirement arrangement;
- 8 (b) A written simplified employee pension plan which conforms with or is
9 maintained pursuant to the applicable limitations and requirements of section 408
10 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an
11 inherited simplified employee pension plan;
- 12 (c) A cash or deferred arrangement plan which is qualified and maintained pursuant
13 to the Internal Revenue Code, including, without limitation, an inherited cash or
14 deferred arrangement plan;
- 15 (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is
16 qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue
17 Code, 26 U.S.C. §§ 401 et seq.; and
- 18 (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of
19 NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and
20 section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is
21 deposited after the entry of a judgment against the purchaser or account owner or
22 the money will not be used by any beneficiary to attend a college or university.

23 14. All money and other benefits paid pursuant to the order of a court of competent
24 jurisdiction for the support, education and maintenance of a child, whether collected by the judgment
25 debtor or the State.

26 15. All money and other benefits paid pursuant to the order of a court of competent
27 jurisdiction for the support and maintenance of a former spouse, including the amount of any
28 arrearages in the payment of such support and maintenance to which the former spouse may be
entitled.

16. Regardless of whether a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a
contingent interest, if the contingency has not been satisfied or removed;

- 1 (b) A present or future interest in the income or principal of a trust for which
2 discretionary power is held by a trustee to determine whether to make a
3 distribution from the trust, if the interest has not been distributed from the trust;
4 (c) The power to direct dispositions of property in the trust, other than such a power
5 held by a trustee to distribute property to a beneficiary of the trust;
6 (d) Certain powers held by a trust protector or certain other persons; and
7 (e) Any power held by the person who created the trust.
8 17. If a trust contains a spendthrift provision:
9 (a) A present or future interest in the income or principal of a trust that is a
10 mandatory interest in which the trustee does not have discretion concerning
11 whether to make the distribution from the trust, if the interest has not been
12 distributed from the trust; and
13 (b) A present or future interest in the income or principal of a trust that is a support
14 interest in which the standard for distribution may be interpreted by the trustee or
15 a court, if the interest has not been distributed from the trust.
16 18. A vehicle for use by you or your dependent which is specially equipped or modified to
17 provide mobility for a person with a permanent disability.
18 19. A prosthesis or any equipment prescribed by a physician or dentist for you or your
19 dependent.
20 20. Payments, in an amount not to exceed \$16,150, received as compensation for personal
21 injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment
22 debtor or by a person upon whom the judgment debtor is dependent at the time the payment is
23 received.
24 21. Payments received as compensation for the wrongful death of a person upon whom the
25 judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary
26 for the support of the judgment debtor and any dependent of the judgment debtor.
27 22. Payments received as compensation for the loss of future earnings of the judgment
28 debtor or of a person upon whom the judgment debtor is dependent at the time the payment is
received, to the extent reasonably necessary for the support of the judgment debtor and any dependent
of the judgment debtor.
23. Payments received as restitution for a criminal act.

1 24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise
2 exempt from execution.

3 25. A tax refund received from the earned income credit provided by federal law or a similar
4 state law.

5 26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in
6 that section.

7 These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for
8 support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney
9 immediately to assist you in determining whether your property or money is exempt from execution. If
10 you cannot afford an attorney, you may be eligible for assistance through Washoe Legal Services. If
11 you do not wish to consult an attorney or receive legal services from an organization that provides
12 assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the
13 clerk of the court.

14 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

15 If you believe that the money or property taken from you is exempt, you must complete and file
16 with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be
17 served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of
18 execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the
19 specific property that is being levied on. The property must be released by the garnishee or the sheriff
20 within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment
21 creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a
22 notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to
23 determine whether the property or money is exempt. The objection to the claim of exemption and
24 notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the
25 claim of exemption is served on the judgment creditor by mail or in person and served on the
26 judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the
27 hearing. The hearing to determine whether the property or money is exempt must be held within 7
28 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may

1 be able to have your property released more quickly if you mail to the judgment creditor or the
2 attorney of the judgment creditor written proof that the property is exempt. Such proof may include,
3 without limitation, a letter from the government, an annual statement from a pension fund, receipts for
4 payment, copies of checks, records from financial institutions or any other document which
5 demonstrates that the money in your account is exempt.

6 **IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME**
7 **SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE**
8 **JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.**

9 DATED this 11th day of June, 2021.

10
11 DICKINSON WRIGHT PLLC

12 /s/ Brian R. Irvine

13 BRIAN R. IRVINE

14 Nevada Bar No. 7758

15 BROOKS T. WESTERGARD

16 Nevada Bar No. 14300

17 100 West Liberty Street

18 Suite 940

19 Reno, Nevada 89501

20 Tel.: (775) 343-7500

21 Fax: (844) 670-6009

22 Email: birvine@dickinsonwright.com

23 Email: bwestergard@dickinsonwright.com

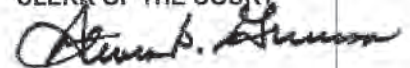
24 *Attorneys for Plaintiff Jennifer M. Goldstein*

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

Melinda Beckman
An Employee of Dickinson Wright PLLC

EXHIBIT 3

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



1 **WTEX**
2 DICKINSON WRIGHT PLLC
3 BRIAN R. IRVINE
4 Nevada Bar No. 7758
5 BROOKS T. WESTERGARD
6 Nevada Bar No. 14300
7 100 West Liberty Street
8 Suite 940
9 Reno, Nevada 89501
10 Tel.: (775) 343-7500
11 Fax: (844) 670-6009
12 Email: birvine@dickinsonwright.com
13 Email: bwestergard@dickinsonwright.com
14 *Attorneys for Plaintiff Jennifer M. Goldstein*

DISTRICT COURT
CLARK COUNTY, NEVADA

12 NUVEDA, LLC, a Nevada limited liability
13 company, SHANE M. TERRY, a Nevada resident;
14 and JENNIFER M. GOLDSTEIN, a Nevada
resident,

15 Plaintiffs,

16 vs.

17 PEJMAN BADY; POUYA MOHAJER; DOE
18 Individuals I-X and ROE Entities I-X, inclusive,

19 Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

WRIT OF EXECUTION

☐ Earnings ☒ Other Property

☐ Earnings, Order of Support

20 **THE PEOPLE OF THE STATE OF NEVADA TO THE SHERIFF OF NYE COUNTY,**

21 **GREETINGS:**

22 On November 13, 2019, a judgment was entered in the above-entitled action in favor of
23 JENNIFER M. GOLDSTEIN as judgment creditor and against NUVEDA, LLC, a Nevada Limited
24 Liability Company, as judgment debtor for:

25 \$ 2,426,163.80 principal,

26 \$ 26,944.08 attorney's fees,

27 \$ 112,168.53 interest, and
28

1 \$ 0.00 costs, making a total amount of

2
3 \$ 2,565,276.41 the judgment as entered.

4 WHEREAS, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$ 299,398.48 accrued interest, and

6 \$ 0.00 accrued costs, together with \$0 fee, for the issuance of this writ,
7 making a total of

8 \$ 299,398.48 as accrued costs, accrued interest and fees.

9 Credit must be given for payments and partial satisfactions in the amount of:

10 \$ 0.00

11 which is to be first credited against the total accrued costs and accrued interest, with any excess
12 credited against the judgment as entered, leaving a net balance of:

13 \$ 2,864,674.89

14 actually due on the date of the issuance of this writ, of which:

15 \$ 2,864,674.89

16 bears interest at 7.5 percent per annum, in the amount of \$ 527.11 per day, from the date of judgment
17 to the date of levy, to which must be added the commissions and costs of the officer executing this
18 writ.

19 NOW, THEREFORE, CONSTABLE/SHERIFF, you are hereby commanded to satisfy this
20 judgment with interest and costs as provided by law, out of the personal property of the judgment
21 debtor, except that for any workweek, 82 percent of the disposable earnings of the debtor during that
22 week if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment
23 was issued was \$770 or less, 75 percent of the disposable earnings of the debtor during that week if the
24 gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued
25 exceeded \$770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal
26 Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are
27 payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
28

1 sufficient personal property cannot be found, then out of the real property belonging to the debtor in
2 the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days
3 endorsed thereon with what you have done.

4 Please retain all cash, currency, and other monies from the cash register, vault, safe and cash
5 box, and similar at the following locations in satisfaction of the Judgment against NUVEDA, LLC:

6 **NUVEDA**
7 **301 S. Oxbow Ave., Unit 13**
8 **Pahrump, NV 89048**

NUVEDA
1620 W. Charleston Park
Pahrump, NV 89048

9
10 DATED this _____ day of June, 2021.

11
12 CLERK OF THE COURT

13 By: _____
14 Deputy Clerk

15 *Respectfully Submitted by:*

16 DICKINSON WRIGHT PLLC

17
18 /s/ Brian R. Irvine
19 BRIAN R. IRVINE
20 BROOKS T. WESTERGARD
21 100 West Liberty Street, Suite 940
22 Reno, Nevada 89501
23 Email: birvine@dickinsonwright.com
24 Email: bwestergard@dickinsonwright.com
25 *Attorneys for Plaintiff Jennifer M. Goldstein*
26
27
28

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

Melinda Bachman
An Employee of Dickinson Wright PLLC

1 NE
DICKINSON WRIGHT PLLC
2 BRIAN R. IRVINE
Nevada Bar No. 7758
3 BROOKS T. WESTERGARD
Nevada Bar No. 14300
4 100 West Liberty Street
Suite 940
5 Reno, Nevada 89501
6 Tel.: (775) 343-7500
7 Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
8 Email: bwestergard@dickinsonwright.com

9 *Attorneys for Plaintiff Jennifer M. Goldstein*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 NUVEDA, LLC, a Nevada limited liability
13 company, SHANE M. TERRY, a Nevada
14 resident; and JENNIFER M. GOLDSTEIN, a
Nevada resident,

15 Plaintiffs,

16 vs.

17 PEJMAN BADCY; POUYA MOHAJER; DOE
18 Individuals I-X and ROE Entities I-X, inclusive,

19 Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

20
21 **NOTICE OF EXECUTION**

22 **YOUR PROPERTY IS BEING ATTACHED**

23
24 A court has determined that you owe money to JENNIFER M. GOLDSTEIN, the judgment
25 creditor. The judgment creditor has begun the procedure to collect that money by garnishing your
26 wages, bank account and other personal property held by third persons or by taking money or other
27 property in your possession.
28

1 Certain benefits and property owned by you may be exempt from execution and may not be
2 taken from you. The following is a partial list of exemptions:

3 1. Payments received pursuant to the federal Social Security Act, including, without
4 limitation, retirement and survivors' benefits, supplemental security income benefits and disability
5 insurance benefits.

6 2. Payments for benefits or the return of contributions under the Public Employees'
7 Retirement System.

8 3. Payments for public assistance granted through the Division of Welfare and Supportive
9 Services of the Department of Health and Human Services or a local governmental entity.

10 4. Proceeds from a policy of life insurance.

11 5. Payments of benefits under a program of industrial insurance.

12 6. Payments received as disability, illness or unemployment benefits.

13 7. Payments received as unemployment compensation.

14 8. Veteran's benefits.

15 9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

16 (a) The judgment is for a medical bill, in which case all of the primary dwelling,
17 including a mobile or manufactured home, may be exempt.

18 (b) Allodial title has been established and not relinquished for the dwelling or
19 mobile home, in which case all of the dwelling or mobile home and its
20 appurtenances are exempt, including the land on which they are located, unless a
valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

21 10. All money reasonably deposited with a landlord by you to secure an agreement to rent or
22 lease a dwelling that is used by you as your primary residence, except that such money is not exempt
23 with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the
24 agreement to rent or lease the dwelling.

25 11. A vehicle, if your equity in the vehicle is less than \$15,000.

26 12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary
27 or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five
28 percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on

1 the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than
2 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

3 13. Money, not to exceed \$1,000,000 in present value, held in:

- 4 (a) An individual retirement arrangement which conforms with or is maintained
5 pursuant to the applicable limitations and requirements of section 408 or 408A of
6 the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without
7 limitation, an inherited individual retirement arrangement;
- 8 (b) A written simplified employee pension plan which conforms with or is
9 maintained pursuant to the applicable limitations and requirements of section 408
10 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an
11 inherited simplified employee pension plan;
- 12 (c) A cash or deferred arrangement plan which is qualified and maintained pursuant
13 to the Internal Revenue Code, including, without limitation, an inherited cash or
14 deferred arrangement plan;
- 15 (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is
16 qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue
17 Code, 26 U.S.C. §§ 401 et seq.; and
- 18 (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of
19 NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and
20 section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is
21 deposited after the entry of a judgment against the purchaser or account owner or
22 the money will not be used by any beneficiary to attend a college or university.

23 14. All money and other benefits paid pursuant to the order of a court of competent
24 jurisdiction for the support, education and maintenance of a child, whether collected by the judgment
25 debtor or the State.

26 15. All money and other benefits paid pursuant to the order of a court of competent
27 jurisdiction for the support and maintenance of a former spouse, including the amount of any
28 arrearages in the payment of such support and maintenance to which the former spouse may be
entitled.

16. Regardless of whether a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a
contingent interest, if the contingency has not been satisfied or removed;

- 1 (b) A present or future interest in the income or principal of a trust for which
2 discretionary power is held by a trustee to determine whether to make a
3 distribution from the trust, if the interest has not been distributed from the trust;
4 (c) The power to direct dispositions of property in the trust, other than such a power
5 held by a trustee to distribute property to a beneficiary of the trust;
6 (d) Certain powers held by a trust protector or certain other persons; and
7 (e) Any power held by the person who created the trust.
- 8 17. If a trust contains a spendthrift provision:
- 9 (a) A present or future interest in the income or principal of a trust that is a
10 mandatory interest in which the trustee does not have discretion concerning
11 whether to make the distribution from the trust, if the interest has not been
12 distributed from the trust; and
- 13 (b) A present or future interest in the income or principal of a trust that is a support
14 interest in which the standard for distribution may be interpreted by the trustee or
15 a court, if the interest has not been distributed from the trust.
- 16 18. A vehicle for use by you or your dependent which is specially equipped or modified to
17 provide mobility for a person with a permanent disability.
- 18 19. A prosthesis or any equipment prescribed by a physician or dentist for you or your
19 dependent.
- 20 20. Payments, in an amount not to exceed \$16,150, received as compensation for personal
21 injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment
22 debtor or by a person upon whom the judgment debtor is dependent at the time the payment is
23 received.
- 24 21. Payments received as compensation for the wrongful death of a person upon whom the
25 judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary
26 for the support of the judgment debtor and any dependent of the judgment debtor.
- 27 22. Payments received as compensation for the loss of future earnings of the judgment
28 debtor or of a person upon whom the judgment debtor is dependent at the time the payment is
received, to the extent reasonably necessary for the support of the judgment debtor and any dependent
of the judgment debtor.
- 23 23. Payments received as restitution for a criminal act.

1 24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise
2 exempt from execution.

3 25. A tax refund received from the earned income credit provided by federal law or a similar
4 state law.

5 26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in
6 that section.

7 These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for
8 support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney
9 immediately to assist you in determining whether your property or money is exempt from execution. If
10 you cannot afford an attorney, you may be eligible for assistance through Washoe Legal Services. If
11 you do not wish to consult an attorney or receive legal services from an organization that provides
12 assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the
13 clerk of the court.

14 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

15 If you believe that the money or property taken from you is exempt, you must complete and file
16 with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be
17 served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of
18 execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the
19 specific property that is being levied on. The property must be released by the garnishee or the sheriff
20 within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment
21 creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a
22 notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to
23 determine whether the property or money is exempt. The objection to the claim of exemption and
24 notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the
25 claim of exemption is served on the judgment creditor by mail or in person and served on the
26 judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the
27 hearing. The hearing to determine whether the property or money is exempt must be held within 7
28 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may

1 be able to have your property released more quickly if you mail to the judgment creditor or the
2 attorney of the judgment creditor written proof that the property is exempt. Such proof may include,
3 without limitation, a letter from the government, an annual statement from a pension fund, receipts for
4 payment, copies of checks, records from financial institutions or any other document which
5 demonstrates that the money in your account is exempt.

6 **IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME**
7 **SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE**
8 **JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.**

9 DATED this 11th day of June, 2021.

10
11 DICKINSON WRIGHT PLLC

12 /s/ Brian R. Irvine

13 BRIAN R. IRVINE

14 Nevada Bar No. 7758

15 BROOKS T. WESTERGARD

16 Nevada Bar No. 14300

17 100 West Liberty Street

18 Suite 940

19 Reno, Nevada 89501

20 Tel.: (775) 343-7500

21 Fax: (844) 670-6009

22 Email: birvine@dickinsonwright.com

23 Email: bwestergard@dickinsonwright.com

24 *Attorneys for Plaintiff Jennifer M. Goldstein*

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

Melinda Robinson
An Employee of Dickinson Wright PLLC

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

EXHIBIT 2 TO COMPLAINT



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

E: mstipp@stippaw.com | www.stippaw.com

1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

July 21, 2021

VIA FAX at 702-385-2436

Office of the Ex-Officio Constable
Las Vegas Township
301 E. Clark Ave., Suite 100
Las Vegas, NV 89101

RE: Writs of Execution by Jennifer Goldstein
Eighth Judicial District Court, State of Nevada (Case No. A-15-728510-B)

To Whom It May Concern:

My firm represents NuVeda, LLC ("NuVeda") and its affiliates: Clark NMSD, LLC, Clark Natural Medicinal Solutions, and Nye Natural Medicinal Solutions, LLC (collectively, "NuVeda Affiliates"). I sent a letter to the Constable's Office dated June 15, 2021 on behalf of NuVeda objecting to writs of execution prepared and filed in the above-referenced case by Jennifer Goldstein. The writs ask the Constable's Office to seize without regard to ownership "all cash, currency, and other monies from the cash register, vault, safe and cash box" at the following locations:

CANOPI 2113 N. Las Vegas Blvd. Las Vegas, NV 89030	The Sanctuary Dispensaries 1324 S. 3rd St. Las Vegas, NV 89104	Solaris Farms 2795 W. Brooks Ave. North Las Vegas, NV 89032
---	---	--

NUVEDA 301 S. Oxbow Ave., Unit 13 Pahrump, NV 89048	NUVEDA 1620 W. Charleston Park Pahrump, NV 89048
--	---

Mailing and Payment Address: 10120 W. Flamingo Rd., PMB 4-124, Las Vegas, Nevada 89147

NuVeda filed a motion to quash these writs. NuVeda believes they are drafted to imply that NuVeda has assets located at the above-referenced facilities. However, the court denied the motion because the court believes NuVeda lacks standing to challenge them. NuVeda contends that the property subject to Ms. Goldstein's writs is not owned by NuVeda. See Kulick v. Albers Incorporated, 91 Nev. 134, 137, 532 P.2d 603, 605 (1975) (concluding that for property to be properly subject to a writ of execution, "it must be owned by the party against who, the judgment is entered."). NRS 31.070(1) further provides if property levied upon "is claimed by a third person as his property by a written claim verified by his oath or that of his agent[]" and "served upon the sheriff," the sheriff "must release the property" if the plaintiff fails "within 7 days after written demand to give the sheriff an undertaking executed by at least two good and sufficient sureties in a sum equal to double the value of the property levied on." The Nevada Supreme Court has stated that NRS 31.070 provides "a complete and valid remedy to third persons whose property has been attached." Cooper v. Liebert, 81 Nev. 341, 344, 402 P.2d 989, 991 (1965).

Clark NMSD, LLC operates the dispensaries addressed at 2113 N. Las Vegas Blvd, Las Vegas, Nevada 89030 and 1324 S. 3rd Street, Las Vegas, Nevada 89104. Clark Natural Medicinal Solutions, LLC (which is not the same as Clark NMSD, LLC) leases the cultivation facility at 2795 W. Brooks Avenue, North Las Vegas, Nevada 89032. The premises located at 1620 W. Charleston Park, Pahrump, Nevada 89048 is leased by Nye Natural Medicinal Solutions, LLC. The facility located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV 89048 is no longer leased or occupied by Nye Natural Medicinal Solutions, LLC.

Dr. Pejman Bady is the manager of Clark NMSD, LLC, Clark Natural Medicinal Solutions, LLC, and Nye Natural Medicinal Solutions, LLC. As set forth below, he declares under penalty of perjury that any cash, currency, or other monies from any cash register, vault, safe, or cash box at these facilities do not belong to NuVeda. Assets (other than the real property) located at 2113 N. Las Vegas Blvd, Las Vegas, Nevada 89030 and 1324 S. 3rd Street, Las Vegas, Nevada 89104 belong to Clark NMSD, LLC. Assets (other than the real property) located at 2795 W. Brooks Avenue, North Las Vegas, Nevada 89030 belong to Clark Natural Medicinal Solutions, LLC. Assets (other than the real property) located at 1620 W. Charleston Park, Pahrump, Nevada 89048 belong to Nye Natural Medicinal Solutions, LLC. NuVeda and the NuVeda Affiliates do not have any assets located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV 89048.

If any property is seized by the Constable's Office at the above facilities based on Ms. Goldstein's writs, we would ask that the property be returned, and Ms. Goldstein post a bond in accordance with NRS 31.070. However, we would prefer that the Constable's Office elect not to seize any cash, currency, or other money at these facilities in light of this letter (including the declaration of Dr. Bady). Ms. Goldstein's writs are intentionally deception to trick the Constable's Office into seizing property which does not belong to NuVeda because cash, currency, or other

money does not have typical indicia of ownership. Nevada law does provide guidance on this issue: the seizure of property from someone is prima facie evidence of that person's entitlement, particularly when the seized property is money-negotiable instruments difficult to identify and trace. See Ferris v. United States, 501 F. Supp. 98 (D. Nev. 1980). Hopefully, we can avoid litigation over this issue.

If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Best Regards,

A handwritten signature in black ink, appearing to read "Mitchell D. Stipp". The signature is written in a cursive, flowing style.

Mitchell D. Stipp

DECLARATION UNDER PENALTY OF PERJURY

Dr. Pejman Bady, as manager of NuVeda, LLC, Clark NMSD, LLC, Clark Natural Medicinal Solutions, LLC, and Nye Natural Medicinal Solutions, LLC, declares under penalty of perjury, as follows: (1) Any cash, currency, and other monies from the cash register, vault, safe and cash box located at 2113 N. Las Vegas Blvd, Las Vegas, Nevada 89030 and 1324 S. 3rd Street, Las Vegas, Nevada 89104, are owned by Clark NMSD, LLC; (2) Any cash, currency, and other monies from the cash register, vault, safe and cash box located at located at 2795 W. Brooks Avenue, North Las Vegas, Nevada 89030, are owned by Clark Natural Medicinal Solutions, LLC; and (3) Any cash, currency, and other monies from the cash register, vault, safe and cash box located at 1620 W. Charleston Park, Pahrump, Nevada 89048, are owned Nye Natural Medicinal Solutions, LLC. NuVeda, LLC, Clark NMSD, LLC, Clark Natural Medicinal Solutions, LLC, and Nye Natural Medicinal Solutions, LLC, do not have any assets located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV 89048.

STATE OF NEVADA)

COUNTY OF CLARK)

 Dr. Pejman Bady

This Declaration was acknowledged before me on July 21, 2021, by Dr. Pejman Bady, as manager of NuVeda, LLC and its affiliates: Clark NMSD, LLC, Clark Natural Medicinal Solutions, and Nye Natural Medicinal Solutions, LLC.

Signature Victoria O'Harra (Seal)



CC: Brian Irvine (attorney for Jennifer Goldstein)

EXHIBIT 3 TO COMPLAINT

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



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

E: mstipp@stippaw.com | www.stippaw.com

1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

August 10, 2021

VIA FAX at 702-385-2436

Office of the Ex-Officio Constable
Las Vegas Township
301 E. Clark Ave., Suite 100
Las Vegas, NV 89101

RE: Writs of Execution by Jennifer Goldstein
Eighth Judicial District Court, State of Nevada (Case No. A-15-728510-B)

To Whom It May Concern:

My firm represents Clark NMSD, LLC ("The Sanctuary"). We sent letters to the Constable's Office dated June 15, 2021 and July 21, 2021 via fax objecting to writs of execution prepared and filed in the above-referenced case by Jennifer Goldstein. We received no response. The writs asked the Constable's Office to seize without regard to ownership "all cash, currency, and other monies from the cash register, vault, safe and cash box" at several business locations including the cannabis dispensary operated and leased by The Sanctuary addressed as 1324 S. 3rd Street, Las Vegas, Nevada 89104. My firm has previously notified the Constable's Office that the judgment debtor, NuVeda, LLC, has no property at these business locations. We even supplied a sworn statement by Dr. Pejman Bady, as manager of The Sanctuary. Notwithstanding these letters, the Constable's Office served the writs. On August 9, 2021, officers from the Constable's Office placed an employee of The Sanctuary, Armando Mendoza, in handcuffs and forced the staff to open the dispensary floor area to gain access to the cash register. Despite being informed that NuVeda, LLC had no property at the facility (including by the undersigned via telephone), the officers removed \$638.00 in cash, which belongs to The Sanctuary. See Declaration of Dr. Bady included herewith; see also Cash Receipt attached as Exhibit A and Shift Report by Mr. Mendoza attached as Exhibit B.

NRS 31.070(1) provides if property levied upon "is claimed by a third person as his property by a written claim verified by his oath or that of his agent[]" and "served upon the sheriff," the sheriff "must release the property" if the plaintiff fails "within 7 days after written demand to give the sheriff an undertaking executed by at least two good and sufficient sureties in a sum equal to double the value of the property levied on." See also Cooper v. Liebert, 81 Nev. 341, 344, 402 P.2d 989, 991 (1965). The cash seized by the Constable's Office based on Ms. Goldstein's writs

Mailing and Payment Address: 10120 W. Flamingo Rd., PMB 4-124, Las Vegas, Nevada 89147

must be returned unless Ms. Goldstein posts a bond in accordance with NRS 31.070. The Sanctuary and its employee, Mr. Mendoza, are reserving their rights and remedies against the Constable's Office and the officers who arrested Mr. Mendoza. The Constable's Office had adequate notice that the cash seized did not belong to the judgment debtor.

If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Best Regards,

A handwritten signature in black ink, appearing to read "Mitchell Stipp", with a stylized, cursive script.


Mitchell D. Stipp

DECLARATION UNDER PENALTY OF PERJURY

Dr. Pejman Bady, as manager of Clark NMSD, LLC, declares under penalty of perjury, that the cash removed from cannabis dispensary addressed as 1324 S. 3rd Street, Las Vegas, Nevada 89104, in the amount of \$638.00 on August 9, 2021, belongs to Clark NMSD, LLC.

STATE OF NEVADA)

COUNTY OF CLARK)

 Dr. Pejman Bady

This Declaration was acknowledged before me on August 10, 2021, by Dr. Pejman Bady, as manager of Clark NMSD, LLC.

Signature Victoria O'Hara (Seal)



EXHIBIT A

2021

CLARK COUNTY, Sheriff

DATE: 08-09-21 TIME:

CASH RECEIPT

OFFICE OF THE EX-OFFICIO CONSTABLE
LVMPD - DETENTION SERVICES DIVISION
CONSTABLE OPERATIONS SECTION
301 E. Clark #100 • Las Vegas NV 89101 • (702) 455-4099

CASE# A-15-7085/KO-15

ADDRES: 1324 S. 3RD ST, LAS VEGAS, NV 89104

Cash Retrieved	Dollars/Cents	Cash Retrieved	Dollars/Cents	Cash Retrieved	Dollars/Cents
18	X \$1 = \$48	1	X \$50 = \$50.00		
	X \$2 =	X	\$100 =		
18	X \$5 = \$90.00	X	Reimues =		
5	X \$10 = \$50.00	X	Nickels =		
20	X \$20 = \$400.00	X	Dimes =		

Officer's Signature: 
Officer's Name: Refused

Rev. 7-2015

DISTRIBUTION:

WHITE-Gainstine

CANARY-Guller

CHIEF

Officer's Name: Refused
Officer's Name: Refused
Name: Refused

opening Amount
Cash, lenders
Safe, Props
Reimues
Expended
CC, 10/1/2021

EXHIBIT B



The Secretary Discrepancy

Date	Name	Ref
\$1.00	Wright	Ref 1
\$5.00		
\$10.00		
\$20.00		
\$50.00		
\$100.00		
Cost Change	1.98	
Grand Total		

Signature: *[Signature]*

MOD Signature: *[Signature]*

Note

Sheet Report

Class of 50, 1st (Ref 1) 08-08-2001

Sheet closed by Armando Mendoza on August 09, 2001 at 10:28 am

Operating Income

Cash Income

Safe Depos

Refunds

Expected Drawer

Actual Drawer

Sheet

1328.00

1311.52

16.00

13.00

1639.22

13.98

1653.24

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Clark NMSD, LLC d/b/a The Sanctuary c/o Law Office of Mitchell Stipp, 1180 N. Town Center Drive, #100 Las Vegas, Nevada 89144 (T: 702-602-1242)</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">CLARK COUNTY SHERIFF JOE LOMBARDO, OFFICE OF THE EXOFFICIO CONSTABLE</div>
Attorney (name/address/phone): <div style="text-align: center;">Law Office of Mitchell Stipp, 1180 N. Town Center Drive, #100 Las Vegas, Nevada 89144 (T: 702-602-1242)</div>	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 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 (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input checked="" type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-\$20,000 <input type="checkbox"/> \$2,500 or less	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 Warrantum <input type="checkbox"/> Writ of Prohibition <input checked="" 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.

04/5/22

Date


Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Stipp

CLERK OF THE COURT

FFCO

DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
Nevada Bar No. 7758
BROOKS T. WESTERGARD
Nevada Bar No. 14300
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel.: (775) 343-7500
Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
Email: bwestergard@dickinsonwright.com

Attorneys for Plaintiff Jennifer M. Goldstein

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B
Dept. No.: 31

**~~PROPOSED~~ FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
DENYING MOTION TO ENTER
ORDER FROM HEARING AND FOR
RECONSIDERATION OF DENIAL OF
APPLICATION/PETITION PURSUANT
TO NRS 31.070(5)**

Hearing Date: April 5, 2022

This matter having come on for hearing related to third-party Clark NMSD, LLC, a Nevada limited liability company d/b/a The Sanctuary's ("Clark") Motion to Enter Order from Hearing and for Reconsideration of Denial of Application/Petition Pursuant to NRS 31.070(5) (the "Motion") before the Court on April 5, 2022. Plaintiff Jennifer M. Goldstein ("Goldstein") appeared by and through her counsel of record Brooks Westergard of the law firm of Dickinson Wright PLLC; and Clark appeared by and through Mitchell Stipp of the Law Office of Mitchell Stipp; the Court having read and considered the pleadings filed by the parties; the Court having

1 considered the oral and written arguments of counsel, and with the intent of deciding the issues
2 before the Court related to the Motion, the Court finds and orders as follows:

3 1. In the Motion, Clark requests that this Court enter an order following the hearing
4 on Clark's Application/Petition Pursuant to NRS 31.070(5) and Request to Prohibit Goldstein
5 From Any Further Collection Activity Without Court Approval (the "Application"). However,
6 this Court entered its Order Denying the Application on March 11, 2022.

7 2. Based on this Court's March 11, 2022 Order Denying the Application, Clark's
8 request that this Court enter an order disposing of the Application is DENIED as moot.

9 3. With respect to Clark's request for reconsideration of the Order Denying the
10 Application, EDCR 2.24(b) provides that "[a] party seeking reconsideration of a ruling of the
11 court . . . *must* file a motion for such relief within 14 days *after* service of written notice of the
12 order or judgment unless the time is shortened or enlarged by order." (emphasis added); *see also*
13 *Div. of Child & Fam. Servs., Dep't of Hum. Res., State of Nevada v. Eighth Jud. Dist. Ct. ex rel.*
14 *Cty. of Clark*, 120 Nev. 445, 453, 92 P.3d 1239, 1244 (2004) ("Eighth Judicial District Court
15 Rule 2.24(b) does not permit a party to file a reconsideration motion until after service of written
16 notice of the order.").

17 4. Clark's Motion was filed before this Court entered its Order Denying the
18 Application and before Notice of Entry of that Order was filed, and the time to file a motion for
19 reconsideration was not shortened or enlarged by order of this Court. As such, Clark's request
20 for reconsideration of this Court's March 11, 2022 Order Denying the Application is DENIED
21 pursuant to EDCR 2.24(b) as premature.

22 **ORDER**

23 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
24 Motion is **DENIED**.

25 IT IS SO ORDERED

The Court further finds that the
instant written Order
memorializes the ruling of the
Court at the April 5, 2022
hearing and thus the oral
pronouncement of the Court's
ruling pre-dates the filing or
notice of Bankruptcy which was
filed on or about April 11, 2022.

Dated this 21st day of April, 2022



F29 73F BFB1 C791
Joanna S. Kushner
District Court Judge



1 *Respectfully submitted by:*

2 DICKINSON WRIGHT PLLC

3
4 /s/ Brian R. Irvine

BRIAN R. IRVINE

5 Nevada Bar No. 7758

BROOKS T. WESTERGARD

6 Nevada Bar No. 14300

7 100 West Liberty Street

Suite 940

8 Reno, Nevada 89501

Tel.: (775) 343-7500

9 Fax: (844) 670-6009

Email: birvine@dickinsonwright.com

10 Email: bwestergard@dickinsonwright.com

11 *Attorneys for Plaintiff Jennifer M. Goldstein*

12
13 4861-1006-3898 v1 [88728-1]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Nuveda, LLC , Plaintiff(s)

CASE NO: A-15-728510-B

7 vs.

DEPT. NO. Department 31

8 Pejman Bady, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/21/2022

15 "Kristina R. Cole, Legal Assistant" .

kcole@klnevada.com

16 "Mary Barnes, Legal Assistant" .

mbarnes@klnevada.com

17 "Matthew T. Dushoff, Esq." .

mdushoff@klnevada.com

18 "Ryan T. Gormley, Esq." .

rgormley@klnevada.com

19 Amy Reams .

areams@naylorandbrasterlaw.com

20 Claire Wildman .

buttelllawoffice@aim.com

21 eFiling District .

nvdistrict@klnevada.com

22 Jennifer Braster .

jbraster@naylorandbrasterlaw.com

23 John Naylor .

jnaylor@naylorandbrasterlaw.com

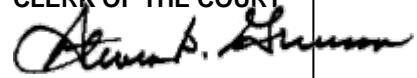
24 LaQuinta Smith .

laquintasmith@aol.com

25 Jason Wiley

jwiley@wileypetersenlaw.com

1	Ryan Petersen	rpetersen@wileypetersenlaw.com
2	Jennifer Goldstein	jennifer@xanthussports.com
3	Brian Padgett	brian@briancpadgett.com
4	David Feuerstein	david@dfmklaw.com
5	Shane Terry	shane@ahcgroup.co
6	Mitchell Stipp	mstipp@stiplaw.com
7	Brian Irvine	birvine@dickinsonwright.com
8	Brooks Westergard	bwestergard@dickinsonwright.com
9	Catherine Ramsey	cathy@briancpadgett.com
10	Kira Harris	info@briancpadgett.com
11	Angela Shoults	ashoults@dickinson-wright.com
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
1180 N. Town Center Drive, Suite 100
Las Vegas, Nevada 89144
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Non-Party, Clark NMSD, LLC d/b/a The Sanctuary

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

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: 31

NOTICE OF APPEAL

Clark NMSD, LLC, a Nevada limited liability company d/b/a The Sanctuary, by and through its
attorneys-of-record, Mitchell Stipp, of the Law Office of Mitchell Stipp, hereby provides Notice of
Appeal of the order attached hereto as **Exhibit 1**.

///

///

///

///

///

1 DATED this 21st day of April, 2022.

2
3 **LAW OFFICE OF MITCHELL STIPP**

4
5 /s/ Mitchell Stipp, Esq.

6 MITCHELL STIPP, ESQ.

7 Nevada Bar No. 7531

8 LAW OFFICE OF MITCHELL STIPP

9 1180 N. Town Center Drive, Suite 100

10 Las Vegas, Nevada 89144

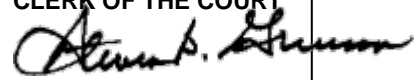
11 Telephone: 702.602.1242

12 mstipp@stipplaw.com

13 *Attorneys for Clark NMSD, LLC*

EXHIBIT 1

Appellant's Appendix 000229



MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
1180 N. Town Center Drive, Suite 100
Las Vegas, Nevada 89144
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for NuVeda, LLC and Clark NMSD, LLC

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

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: 31

NOTICE OF ENTRY

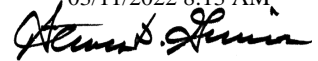
TO ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

The undersigned hereby provides notice of entry of the attached order.

1
2
3 DATED this 5th day of April, 2022.
4

5 **LAW OFFICE OF MITCHELL STIPP**
6

7 /s/ Mitchell Stipp, Esq.
8 MITCHELL STIPP, ESQ.
9 Nevada Bar No. 7531
10 LAW OFFICE OF MITCHELL STIPP
11 1180 N. Town Center Drive, Suite 100
12 Las Vegas, Nevada 89144
13 Telephone: 702.602.1242
14 mstipp@stiplaw.com
15 *Attorneys for NuVeda, LLC and Clark NMSD, LLC*
16
17
18
19
20
21
22
23
24
25
26
27
28



CLERK OF THE COURT

FFCO

DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
Nevada Bar No. 7758
BROOKS T. WESTERGARD
Nevada Bar No. 14300
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel.: (775) 343-7500
Fax: (844) 670-6009
Email: birvine@dickinsonwright.com
Email: bwestergard@dickinsonwright.com

Attorneys for Plaintiff Jennifer M. Goldstein

DISTRICT COURT

CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B
Dept. No.: 31

**[PROPOSED] FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
DENYING APPLICATION/PETITION
PURSUANT TO PROHIBIT
GOLDSTEIN FROM ANY FURTHER
COLLECTION ACTIVITY WITHOUT
COURT APPROVAL**

Hearing Date: October 5, 2021

This matter having come on for hearing related to Defendant NuVeda, LLC (“NuVeda”) and third-party Clark NMSD, LLC, a Nevada limited liability company d/b/a The Sanctuary’s (“Clark”) Application/Petition Pursuant to Prohibit Goldstein From Any Further Collection Activity Without Court Approval (the “Application”) before the Court on October 5, 2021. Plaintiff Jennifer M. Goldstein (“Goldstein”) appeared by and through her counsel of record Brian Irvine of the law firm of Dickinson Wright PLLC; and NuVeda appeared by and through its counsel of record Mitchell Stipp of the Law Office of Mitchell Stipp; the Court having read and

1 considered the pleadings filed by the parties; the Court having considered the oral and written
2 arguments of counsel, and with the intent of deciding the issues before the Court related to the
3 Application, the Court finds and orders as follows:

4 1. To avail itself of any of the remedies afforded by NRS 31.070, Clark must serve
5 the constable with “a written claim verified by the person’s oath or that of the person’s agent,
6 setting out the person’s right to the possession” of the property at issue.

7 2. Clark has failed to comply with the requirements under NRS 31.070 and has not
8 established that it has any relationship with or interest in NuVeda or the property at issue in the
9 Application.

10 3. Moreover, as already held by this Court in its Order denying NuVeda’s Motion to
11 Quash Writs of Execution, NuVeda lacks “standing to assert exemptions on behalf of third
12 parties.” *Ciras, LLC v. Ziegler*, No. 2:10-CV-02019-RLH, 2011 WL 1979857, at *2 (D. Nev.
13 May 20, 2011).

14 4. NuVeda and Clark are thus not entitled to any relief under NRS 31.070.

15 5. In addition, the Application requests that the Court “require Goldstein to file a
16 motion with notice to and an opportunity to be heard by NuVeda for approval of any further
17 collection activity.” Although the Application cites no legal authority for this request, under
18 NRCP 62(b), a “court may stay execution on a judgment – or any proceedings to enforce it –
19 pending disposition of” (1) a motion under Rule 50 for judgment as a matter of law; (2) a motion
20 to amend findings under Rule 52(b); (3) a motion for a new trial or to amend judgment under
21 Rule 59, or (4) a motion for relief from judgment under Rule 60. None of the motions
22 enumerated under NRCP 62(b) are currently pending, and therefore neither NuVeda nor Clark
23 may obtain relief under NRCP 62(b).

24
25 **ORDER**

26 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
27 Application is **DENIED**.

1 IT IS SO ORDERED.

Dated this 11th day of March, 2022



DD8 E60 D777 8DD6

Joanna S. Kushner
District Court Judge

2
3
4
5 *Respectfully submitted by:*

6 DICKINSON WRIGHT PLLC

7 /s/ Brian R. Irvine

8 BRIAN R. IRVINE

9 Nevada Bar No. 7758

BROOKS T. WESTERGARD

10 Nevada Bar No. 14300

11 100 West Liberty Street

Suite 940

12 Reno, Nevada 89501

13 Tel.: (775) 343-7500

Fax: (844) 670-6009

Email: birvine@dickinsonwright.com

14 Email: bwestergard@dickinsonwright.com

15 *Attorneys for Plaintiff Jennifer M. Goldstein*

Approved as to form and content:

LAW OFFICE OF MITCHELL STIPP

7 /s/ Mitchell Stipp

8 MITCHELL STIPP

9 Nevada Bar No. 7531

1180 N. Town Center Drive

Suite 100

Las Vegas, NV 89144

12 Tel: (702) 602-1242

mstipp@stipplaw.com

13 *Attorneys for NuVeda, LLC*

16 4886-3782-8372 v1 [88728-1]

From: [Mitchell Stipp](#)
To: [Brian R. Irvine](#)
Subject: Re: FW: EXTERNAL: Eighth Judicial District Court - Proposed Order Returned
Date: Thursday, March 10, 2022 4:06:25 PM

Changes are fine.



Mitchell Stipp

Law Office of Mitchell Stipp, P.C.

A: 1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

P: [702-602-1242](tel:702-602-1242) **M:** [702-378-1907](tel:702-378-1907)

E: mstipp@stipplaw.com **W:** www.stipplaw.com

On Thu, Mar 10, 2022 at 10:25 AM Brian R. Irvine <BIrvine@dickinson-wright.com> wrote:

Mitchell

Thanks for the email. I think your markup adequately addresses the reasons why the NRS Chapter 31 relief sought by Clark is denied, but does not provide an explanation why the relief is denied as to NuVeda, so I have added the standing paragraph back in. Also, your markup does not address the reasons for the denial of the request that the Court require "Goldstein to file a motion with notice to and an opportunity to be heard by NuVeda for approval of any further collection activity." I also included a paragraph explaining the denial of that relief. Please let me know if I have your authority to submit the attached proposed Order to the Court with those changes.

Thanks,

Brian

From: Mitchell Stipp <mstipp@stipplaw.com>

Sent: Wednesday, March 9, 2022 7:05 PM

To: Brian R. Irvine <BIrvine@dickinson-wright.com>

Subject: Re: FW: EXTERNAL: Eighth Judicial District Court - Proposed Order Returned

Thanks Brian. I am sorry that happened.

Attached is your revised draft in tracked changes with my comments for your review and approval.



Mitchell Stipp

Law Office of Mitchell Stipp, P.C.

A: 1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

P: [702-602-1242](tel:702-602-1242) **M:** [702-378-1907](tel:702-378-1907)

E: mstipp@stiplaw.com **W:** www.stiplaw.com

On Wed, Mar 9, 2022 at 4:10 PM Brian R. Irvine <BIrvine@dickinson-wright.com> wrote:

Mitchell-

I submitted the bare-bones Order you approved to Department 31 today, but the Order was rejected because "The order does not comply with the rules as it gives no basis for the Court's ruling." See the email from the Court below. I have attached the proposed order that I sent you in October of last year and again last month, which tracks the reasons set forth in our opposition why the motion should be denied. Do I have your authority to submit the attached? Please respond ASAP, as the Court has issued an order to show cause.

Thanks,

Brian

Brian R. Irvine Member

100 West Liberty Street
Suite 940
Reno NV 89501-1991

--	--

Phone 775-343-7507
Fax 844-670-6009
Email BIrvine@dickinsonwright.com

[cid:image004.jpg@01D83468.5465F200](#)



Brian R. Irvine Member

100 West Liberty Street Phone 775-343-7507
Suite 940 Fax 844-670-6009
Reno NV 89501-1991 Email Blrvine@dickinsonwright.com



From: Mina Reel <WReel@dickinson-wright.com>
Sent: Wednesday, March 9, 2022 3:57 PM
To: Brian R. Irvine <Blrvine@dickinson-wright.com>
Subject: FW: EXTERNAL: Eighth Judicial District Court - Proposed Order Returned

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>
Sent: Wednesday, March 9, 2022 3:37 PM
To: Mina Reel <WReel@dickinson-wright.com>
Subject: EXTERNAL: Eighth Judicial District Court - Proposed Order Returned

A-15-728510-B - FFCO - Nuveda LLC et al v. Pejman Bady et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): The order does not comply with the rules as it gives no basis for the Court's ruling.

Mina Reel Legal Assistant

100 West Liberty Street Phone 775-343-7509
Suite 940 Fax 844-670-6009
Reno NV 89501-1991 Email MReel@dickinsonwright.com

[cid:image001.jpg@01D833CF.8AE06C00](#)



The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Nuveda, LLC , Plaintiff(s)

CASE NO: A-15-728510-B

7 vs.

DEPT. NO. Department 31

8 Pejman Bady, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/11/2022

15 "Kristina R. Cole, Legal Assistant" .	kcole@klnevada.com
16 "Mary Barnes, Legal Assistant" .	mbarnes@klnevada.com
17 "Matthew T. Dushoff, Esq." .	mdushoff@klnevada.com
18 "Ryan T. Gormley, Esq." .	rgormley@klnevada.com
19 Amy Reams .	areams@naylorandbrasterlaw.com
20 Claire Wildman .	buttelllawoffice@aim.com
21 eFiling District .	nvdistrict@klnevada.com
22 Jennifer Braster .	jbraster@naylorandbrasterlaw.com
23 John Naylor .	jnaylor@naylorandbrasterlaw.com
24 LaQuinta Smith .	laquintasmith@aol.com
25 Jason Wiley	jwiley@wileypetersenlaw.com

1	Ryan Petersen	rpetersen@wileypetersenlaw.com
2	Jennifer Goldstein	jennifer@xanthussports.com
3	Brian Padgett	brian@briancpadgett.com
4	David Feuerstein	david@dfmklaw.com
5	Shane Terry	shane@ahcgroup.co
6	Mitchell Stipp	mstipp@stiplaw.com
7	Brian Irvine	birvine@dickinsonwright.com
8	Brooks Westergard	bwestergard@dickinsonwright.com
9	Catherine Ramsey	cathy@briancpadgett.com
10	Kira Harris	info@briancpadgett.com
11	Mina Reel	mreel@dickinsonwright.com
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

