IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No.

RONALD SWANSON, an individual,

Petitioner,

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark; and THE HONORABLE SUSAN JOHNSON, District Judge, Dept. 22

Respondent,

and

SONIC CAVITATION, LLC, a Nevada limited liability company; and GARY GEORGE, an individual,

Real Parties in Interest.

PETITION FOR WRIT OF PROHIBITION OR, IN THE ALTERNATIVE, MANDAMUS

Jon T. Pearson (10182)
Erica C. Medley (13959)
Brian D. Downing (14510)
Justin E. Berkman (15869)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
(702) 669-4600

Counsel for Petitioner

NRAP 26.1 DISCLOSURE

The counsel below certifies that the following are persons and entities as described in Rule 26.1(a) of the Nevada Rules of Appellate Procedure and must be disclosed. These representations are made so that the judges of this Court may evaluate possible disqualification or recusal.

Petitioner/Intervenor Plaintiff Ronald Swanson is an individual.

Dated: August 23, 2022

/s/ *Jon T. Pearson*
Jon T. Pearson (10182)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

Counsel for Petitioner

ROUTING STATEMENT

The Nevada Supreme Court should retain this writ proceeding because it stems from a case "originating in Business Court." NRAP 17(a)(9). This writ proceeding also raises a question of first impression and a question of statewide public importance: whether Nevada district courts have the authority to order production of documents designated as confidential, protected from disclosure by the D.C. Bar, and that cannot be made available for use in any proceeding except by order of the D.C. Court of Appeals. *See* NRAP 17(a)(11)–(12).

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

CASES

STATUTES

RULES

INTRODUCTION

This petition arises from the district court's decision compelling petitioner Ronald Swanson to produce a confidential affidavit relating to his consensual disbarment from the District of Columbia Bar. The district court's decision is worth of review by this Court because it is clearly erroneous, and because Swanson is required to produce the confidential affidavit, he does not have a plain, speedy, and adequate remedy at law.[1]

The D.C. Court of Appeals, as the highest court of the District of Columbia, has the authority to define, regulate, and control the practice of law in the District of Columbia. The D.C. Bar Rules, as promulgated by the D.C. Court of Appeals, allow an attorney who is the subject of an investigation or a pending proceeding based on allegations of misconduct, to consent to disbarment by providing an affidavit declaring the attorney's consent. Although the order disbarring an attorney on consent becomes a public record, the affidavit remains confidential and cannot be "publicly disclosed or *made available for use in any proceeding except by order* of the [D.C. Court of Appeals] or upon written consent of the attorney." See D.C. Bar Rule XI § 12(c) (emphasis added).

[1] This petition identifies each individual's first and last name when that person first appears. After that, for simplicity and to avoid confusion, this petition will use the individual's given last name. The use of last names is not meant to be disrespectful.

Swanson will not consent to the disclosure of his confidential affidavit, and real parties in interest Sonic Cavitation, LLC ("SonCav") and Gary George (collectively with SonCav, "Defendants") never moved for the appropriate order from the D.C. Court of Appeals. Because the D.C. Bar Rules make clear that the confidential affidavit must remain confidential and cannot be disclosed or used in any proceeding unless written consent is provided by the lawyer or by order from the D.C. Court of Appeals, the district court did not have jurisdiction to compel its release.

Indeed, the district court never addressed the jurisdictional question. Instead, the district court approached the issue as a humdrum discovery dispute and found that the confidential affidavit is "at issue" because it is relevant to the claims and defenses alleged in this lawsuit. In so doing, though, the district court never considered whether Swanson, rather than Defendants, would need to rely on the contents of the affidavit to support his claims or defenses. This diverges from this Court's decision in *Wardleigh v. Second Jud. Dist. Ct.*, 111 Nev. 345, 891 P.2d 1180 (1995), where this Court rejected a relevance-based inquiry when analyzing the at-issue waiver.

If the district court's decision were allowed to stand, it could fundamentally reshape how this state and other jurisdictions regulate their own Bar members, and could be used as a blueprint to impermissibly circumvent another jurisdiction's rules

and procedures for obtaining similar confidential documents and information. The writ petition should thus be granted.

RELIEF SOUGHT

Swanson petitions for a writ of prohibition or, in the alternative, mandamus directing the district court to vacate its order dated July 6, 2022, compelling Swanson to turn over the confidential affidavit relating to his consensual disbarment from the D.C. Bar.

ISSUES PRESENTED

1. Under the D.C. Bar Rules, an affidavit required for consensual disbarment "shall not be publicly disclosed or made available for use in any other proceeding except by order of the [D.C.] Court [of Appeals] or upon written consent of the attorney." The district court never addressed the jurisdictional question of whether it had the authority to compel the production of the confidential affidavit, and the plain language of the D.C. Bar Rules that make clear that such authority rests exclusively with the D.C. Court of Appeals. Did the district court abuse its discretion by circumventing the authority of the D.C. Court of Appeals and requiring Swanson to produce the confidential affidavit?

2. The at-issue doctrine can only apply when a litigant must rely on privileged or confidential communications at trial to support his claims or defenses. Swanson will not need to rely on the contents of the confidential affidavit to support

his claims or defenses. Rather than focus on that factual predicate, the district court simply found that the confidential affidavit is at issue because it is relevant. Did the district court abuse its discretion by compelling Swanson to produce the confidential affidavit when Swanson will never need to rely on it to prove *his* claims or defenses?

STATEMENT OF FACTS

A. Overview of the Underlying Litigation

Sonic Cavitation is a patented technology based on a machine that purifies water on a commercial scale. (I App. 025, ¶ 11)[2] SonCav raised funds needed to launch the technology globally. (I App. 025–026, ¶¶ 12, 14) Swanson is SonCav's former CEO and General Counsel. (I App. 025, 033, ¶¶ 8, 57)

In August 2015, Peter Dizer, a self-proclaimed director of SonCav, improperly withdrew $310,000 from SonCav's corporate account and transferred the money to his personal bank account. (I App. 029, ¶ 31) This withdrawal was done without Swanson's knowledge or consent, and led to SonCav's insolvency and inability to operate. (I App. 029, ¶ 31) Swanson notified SonCav's investors and other interested parties of the improper withdrawal and transfer. (I App. 030, ¶ 35) Dizer later withdrew an additional $100,000 from SonCav's account and transferred

[2] Citations to "* App. *" refers to the Appendices to this petition filed contemporaneously with this petition.

the money to a bank account under real party in interest George's name. (I App. 030, ¶ 37)

Swanson was terminated as CEO and General Counsel of SonCav. (I App. 033, ¶ 57) After his termination, George sent a letter on the company's behalf to its investors claiming that Swanson was a liar, had defrauded the company, and was unsuccessful in business. (I App. 033, ¶ 58) Swanson claims that these statements were untrue. (I App. 033, ¶ 58) George and Dizer also made similar statements to SonCav's investors and suppliers, including that Swanson had a serious gambling problem, all of which has been denied by Swanson. (I App. 033, ¶ 59)

In retaliation for Swanson uncovering the embezzlement of approximately $400,000, SonCav, through George and Dizer, filed a Bar Complaint against Swanson. (I App. 033, ¶ 60; I App. 041, ¶ 133; I App. 092) Swanson, however, could not adequately defend himself because SonCav had stolen his hard drive from his apartment in Connecticut containing exculpatory evidence. (I App. 091–092; I App. 166–169) Swanson reported the theft to the authorities, and sued SonCav in Connecticut for burglary and theft. (I App. 169) That lawsuit, which is styled *Swanson v. Sonic Cavitation, LLC*, Case No. LLI-CV18-6018675-S, Superior Court, Judicial District of Litchfield at Torrington, Connecticut, remains pending. Still, because Swanson could not defend himself, he decided to consent to disbarment rather than engage in a protracted, expensive legal battle with the D.C. Bar. (I App.

166–167, 169–170) He did so understanding that the required affidavit would remain confidential, and that no one would ever receive a copy of that affidavit. (I App. 167, 170)

B. The District Court's Order to Produce the Confidential Affidavit

On April 12, 2022, SonCav filed a renewed motion to compel Swanson "to disclose an affidavit consenting to disbarment." (I App. 104)[3] SonCav argued that the confidential affidavit was "highly relevant" to Swanson's claims against SonCav. (I App. 106) Swanson opposed the motion, noting that SonCav's previous motion to compel for the same confidential affidavit was denied by the discovery commissioner. (I App. 165) Swanson argued D.C. Bar Rule XI § 12 prevented disclosure of his affidavit except by order of the D.C. Court of Appeals. (I App. 171) Swanson also argued that he did not place the confidential affidavit at issue in the litigation. (I App. 171–172)

At a motions hearing on May 31, 2022, the district court granted Defendants' motion to compel. (II App. 204) Although the district court recited D.C. Bar Rule XI § 12(c), the district court did not address the threshold question of whether it had the authority to circumvent the D.C. Court of Appeals. (II App. 204–205) Instead,

[3] Before the case was designated a business court matter, the discovery commissioner recommended denying the motion to compel but never entered the report and recommendations. (I App. 098; I App. 164–165)

the district court found in conclusory fashion, that "Swanson, through his conduct, arguments, claims, and defenses in this action placed the subject matter of his Affidavit at issue, making the Affidavit discoverable and subject to disclosure." (II App. 205) The district court did not address whether Swanson would need to rely on the confidential affidavit to support his claims and defenses. (*See* II App. 204–205)

Swanson moved to reconsider the district court's order granting the motion to compel, which the court heard and denied on August 18, 2022. (II App. 212–225; II App. 234–240; II App. 241–256) At the conclusion of that hearing, Swanson requested a stay pending resolution of this writ, which the district court denied, ordering production of the confidential affidavit by August 25, 2022. (II App. 252–254) The order denying the motion to reconsider has not been finalized.

REASONS WHY THE WRIT SHOULD ISSUE

A. The District Court Cannot Commandeer the Authority of the D.C. Court of Appeals by Compelling the Production of the Confidential Affidavit

"The judicial power of the District [of Columbia] is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia." D.C. Code § 1-204.31(a). The D.C. Court of Appeals, as the highest court of the District of Columbia, has the authority to regulate the practice of law, including the admission and discipline of attorneys. Indeed, "[t]he great weight of authority renders it almost universally accepted that the highest court in the jurisdiction is

imbued with the inherent authority to define, regulate, and control the practice of law in that jurisdiction." *Brookens v. Comm. on Unauthorized Prac. of Law*, 538 A.2d 1120, 1125 (D.C. 1988); *see also Ex parte Burr*, 22 U.S. 529, 530–31 (1824); *Sitcov v. Dist. of Columbia Bar*, 885 A.2d 289, 295 (D.C. 2005). The inherent authority of the judicial branch to discipline attorneys gives the court the "primary" power to do so. *Obrien v. Jones*, 23 Cal. 4th 40, 48, 999 P.2d 95, 100 (2000). While the existence of this "primary" power does not necessarily mean that the legislature is precluded from playing any role in regulating the conduct of attorneys and of the practice of law, *id*., there is no supporting authority that would allow a foreign jurisdiction, especially a lower court from that jurisdiction, to usurp the vested authority of another jurisdiction's highest court, such as the D.C. Court of Appeals here.

Under the D.C. Bar Rules, which the D.C. Court of Appeals promulgated,[4] although the order disbarring an attorney becomes a public record, "the affidavit . . . *shall not* be publicly disclosed or *made available for use in any other proceeding* except by order of the Court or upon written consent of the attorney." D.C. Bar Rule XI § 12(c) (emphasis added). "The Court" refers to the D.C. Court of Appeals. *See* D.C. Bar Rule I § 1. Thus, to request release of documents designated

[4] *See* D.C. Bar Rule I, Preamble.

as confidential, the party seeking the confidential information must either obtain written consent from the lawyer or make a motion to the D.C. Court of Appeals and establish good cause for the requested disclosure. *See* D.C. Bar Rule XI § 17(e) ("For good cause shown, the Court on motion may authorize disclosure of otherwise confidential information through discovery or appropriate processes in any civil, criminal, or administrative action, subject to such protective order as the Court may deem appropriate . . . .").[5]

The D.C. Court of Appeals expects other jurisdictions to follow its rules—a standing order by the court. For instance, in *In re Brown*, the D.C. Court of Appeals entertained a petition from a former attorney who was consensually disbarred from D.C. *See* 617 A.2d 192, 194 (Ct. App. D.C. 1992). After the attorney was disbarred in D.C., the Virginia State Bar Disciplinary Board considered reciprocal discipline against him. *See id.* at 195. The Virginia Board had a copy of the attorney's

[5] D.C. Bar Rule XI § 17(f) requires Disciplinary Counsel to file a written request with the Board for permission to communicate information about any disciplinary matter to, among others, law enforcement agencies, state or federal attorney disciplinary agencies, boards, or committees that have a legitimate interest in such matter. Permission to communicate such information may be granted, in writing, by the Chairperson of the Board or the Chairperson's designated Board member upon good cause shown and subject to any limitations or conditions the Board may impose, including appropriate protections of confidentiality. If Disciplinary Counsel must obtain permission, there is no reason to believe that a foreign jurisdiction can simply compel the production without requiring a litigant to seek permission from the appropriate court—here, the D.C. Court of Appeals.

confidential affidavit consenting to disbarment. *See id.* The D.C. Court of Appeals recognized that, under D.C. Bar Rule XI § 12(c), the Virginia Board was only allowed to review the confidential affidavit because the attorney provided a copy of it to the Virginia Board. *See id.* at 195 n.5.

There are only two ways to obtain a confidential affidavit under the D.C. Bar Rules—written consent from the lawyer or by order from the D.C. Court of Appeals—neither of which has happened here. Defendants could have moved for the appropriate relief before the D.C. Court of Appeals to obtain the confidential affidavit. They did not. Because the D.C. Court of Appeals has not ordered the disclosure of the confidential affidavit and Swanson will not provide his consent for such disclosure, the district court cannot compel Swanson to produce the confidential affidavit. The district court, which failed to address the jurisdictional question,[6] thus committed clear legal error by circumventing the authority that rests exclusively with the D.C. Court of Appeals. *See* D.C. Bar Rule XI § 12(c).

[6] This Court has admonished courts for not addressing arguments raised by the parties. *See*, *e.g.*, *Yellow Cab of Reno v. Second Jud. Dist. Ct. of Nev.*, 127 Nev. 583, 592, 262 P.3d 699, 704 (2011) ("Unfortunately, despite the fact that the parties had briefed this issue, the district court failed to address Yellow Cab's NRS 706.473 argument. Instead, in denying Yellow Cab's summary judgment motion, the district court summarily concluded, without explanation or analysis, that whether Willis was an independent contractor or an employee was a question of fact for the jury to decide."); *Tri-Cnty. Equip. & Leasing, LLC v. Klinke*, 128 Nev. 352, 354, 286 P.3d 593, 594 (2012) ("The district court summarily concluded, without citation to legal authority, that NRS 616C.215 did not apply because Klinke had received payments pursuant to California's, rather than Nevada's, workers' compensation scheme.

B. By Not Considering Whether Swanson Will Need to Rely on the Confidential Affidavit to Support *His* Claims or Defenses, the District Court Misapplied the At-Issue Doctrine and Diverged from this Court's Decision in *Wardleigh*

"[A]t-issue waiver occurs when the holder of the privilege pleads a claim or defense in such a way that eventually he or she will be forced to draw upon the privileged communication at trial in order to prevail[.]" *Wardleigh*, 111 Nev. at 355, 891 P.2d at 1186. The equitable purpose of the at-issue waiver doctrine is to prevent privilege-holders from using privileged or confidential information as both a sword and shield. *See Wardleigh*, 111 Nev. at 354, 891 P.2d at 1186. Put another way, when "a party seeks an advantage in litigation by revealing part of a privileged communication, the party shall be deemed to have waived the entire attorney-client privilege as it relates to the subject matter of that which was partially disclosed." *Id*. (internal citations and quotations omitted).

Case law presumes as a factual predicate to finding "at issue" waiver that the disclosing party will rely on the privileged or confidential communications. *Windsor Secs, LLC v. Arent Fox LLP*, 273 F. Supp. 3d 512, 519 (S.D.N.Y. 2017). Thus, to apply the at-issue waiver doctrine to confidential communications, the district court

---

Inexplicably, after addressing NRS 616C.215, the district court failed to address the applicability of California law, despite Tri-County's argument that Klinke's workers' compensation payments were admissible 'under both California and Nevada law.'" (citations omitted)).

had to determine whether Swanson would need to rely on the confidential affidavit to support his claims or defenses. The district court's reasoning is legal error because it was rejected by this Court in *Wardleigh*.

In *Wardleigh*, this Court rejected the *Hearn* test articulated by *Hearn v. Rhay*, 68 F.R.D. 574 (E.D. Wash. 1975). "*Hearn* proposed a three-tier test which requires that the repository of the privilege (1) make an assertion through some affirmative act that (2) renders relevant to the action (3) privileged matter vital to the opposing party's defense." *Wardleigh*, 111 Nev. at 356, 891 P.2d at 1187 (quoting *Hearn*, 68 F.R.D. at 581). Had this Court adopted the *Hearn* test, which it did not, Defendants' arguments would hold water. This Court, however, rejected the *Hearn* test because it violated principles of fairness.

> Fairness should not simply dictate that because pleadings raise issues implicating a privileged communication, the privilege regarding those issues is waived. Rather, fairness should dictate that where litigants raise issues that will compel the litigants to necessarily *rely upon* privileged information at trial to *defend* those issues, the privilege as it relates only to those issues should be waived. Allocations of burdens of pleading and proof should not be the basis for depriving privilege-holders of their privilege.

Id. (emphasis added).

Swanson did not rely on the confidential affidavit, nor does he intend to, to support *his* claims or defenses. He simply acknowledges that he consented to disbarment because he could not defend himself, and he claims that he could not defend himself because his hard drive containing exculpatory evidence was stolen

from his Connecticut apartment. Refusing to analyze whether Swanson will need to rely on the confidential affidavit, Defendants just claim that, based on the pleadings, the confidential affidavit is relevant. But this approach was rejected by this Court. In fact, it would set a dangerous precedent if an opposing party were allowed to claim at-issue waiver just because a specific communication or document could be relevant, rather than necessary for the holder of the privileged communication or confidential document to rely on that document to prove *their* claims or defenses. Even if Defendants believe that the confidential affidavit could be used for impeachment, such a basis would not invoke the at-issue doctrine because *Swanson*—not Defendants—did not rely on the information. *See id.*; *see also Mir v. L-3 Communs. Integrated Sys., L.P.*, 315 F.R.D. 460, 472 (N.D. Tex. 2016) ("Mir only asserts that he is entitled to this document for possible impeachment or corroboration. Mir's arguments do not properly sound in an at-issue theory of waiver . . . ."). Besides its lack of authority to compel production, the district court also committed legal error by not addressing whether Swanson would need to rely on the confidential affidavit to support his claims or defenses.

ISSUANCE OF A WRIT IS WARRANTED HERE

A writ of prohibition is available to arrest proceedings when a district court has acted in excess of its jurisdiction. NRS 34.320; *Las Vegas Sands v. Eighth Judicial Dist. Court*, 130 Nev. 643, 649, 331 P.3d 905, 909 (2014). Nevada courts

must entertain a writ of mandamus when a plain, speedy, and adequate remedy in the ordinary course of law does not exist. *See* NRS 34.170.

When, as here, a district court order requires the disclosure of confidential information, a party has "no plain, speedy and adequate remedy at law" other than by seeking writ relief because with no relief the information would lose its confidential quality. *Wardleigh*, 111 Nev. at 350–51, 891 P.2d at 1183–84 (stating a writ of "prohibition is the remedy which is generally employed to prevent improper discovery.") (quoting *State ex rel. Tidvall v. Dist. Ct.*, 91 Nev. 520, 524, 539 P.2d 456, 458 (1975)). Indeed, a party who must comply with such an order without first having the opportunity for writ review faces an impossible dilemma—it must choose between the irreparable prejudice suffered by revealing privileged information, or, by refusing to comply, "the imposition of such drastic remedies as dismissal with prejudice or other similar sanctions." *Id*. Because the stakes and possible consequences of noncompliance are high, relief by writ petition is the appropriate vehicle to challenge a district court's order compelling the disclosure of highly confidential information.

This Court has also held that writ relief is appropriate to address important questions of state law that would benefit from a definitive ruling by the state's highest court. *MountainView Hosp., Inc. v. Eighth Jud. Dist. Ct.*, 128 Nev. 180, 184, 273, P.3d 861, 864 (2012). Given the significance of an at-issue waiver, reminding

district courts that the relevance-based inquiry has been rejected by this Court, and reminding district courts that they need to address issues that are presented, would be beneficial and thus warrants issuance of a writ. Indeed, considering that the district court's decision circumvents the D.C. Bar Rules—that unless written consent is provided by the lawyer, the affidavit remains confidential unless relief is sought and granted by the D.C. Court of Appeals—and diverges from this Court's decision in *Wardleigh*, it is hard to envision a scenario more appropriate for the issuance of a writ because the district court failed to address the threshold jurisdictional question and failed to apply controlling legal authority. *See State v. Eighth Judi. Dist. Ct.*, 127 Nev. 927, 932, 267 P.3d 777, 780 (2011) (explaining that "[a] manifest abuse of discretion is a clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule") (internal quotation marks and brackets omitted)).

CONCLUSION

The district court erred when it compelled Swanson to produce the confidential affidavit. The district court's ruling usurps the authority of the D.C. Court of Appeals and departs from this Court's controlling authority on at-issue waiver. This Court should thus issue a writ to correct the district court's decision, and it should direct the district court to vacate its decision compelling Swanson to produce the confidential affidavit.

Dated: August 23, 2022

/s/ *Jon T. Pearson*
Jon T. Pearson (10182)
Erica C. Medley (13959)
Brian D. Downing (14510)
Justin E. Berkman (15869)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

Counsel for Petitioner

VERIFICATION

I, Jon T. Pearson, declare as follows:

1. I am Of Counsel at the law firm of Holland & Hart LLP, and am counsel for Ronald Swanson, the Petitioner.

2. I have personal knowledge of the facts stated in this petition, except those stated on information and belief, and as to those, I believe them to be true.

3. I, as legal counsel, am verifying the petition because the questions presented are legal issues as to the proper scope of jurisdiction and whether a document is at issue in this litigation, which are matters for legal counsel.

4. I certify and affirm that this petition is made in good faith and not for delay.

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

Executed on August 23, 2022

/s/ *Jon T. Pearson*
Jon T. Pearson

CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word with 14 point, double-spaced Times New Roman font.

2. I also certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 3,786 words.

3. I also certify that I have read this petition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

/ / /

I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: August 23, 2022

/s/ *Jon T. Pearson*

Jon T. Pearson (10182)
Erica C. Medley (13959)
Brian D. Downing (14510)
Justin E. Berkman (15869)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on August 23, 2022, I submitted the foregoing **Petition for Writ of Prohibition or, in the Alternative, Mandamus** for filing through the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

David T. Blake
PO Box 1589
Logandale, Nevada 89021
David.blake@gmail.com
Counsel for Sonic Cavitation, LLC and Gary George

I further certify that a copy of this document will be personally delivered as follows:

Honorable Susan Johnson
Department 22
Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Valerie L. Larsen
An Employee of Holland & Hart LLP

19641098_v3