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Elizabeth A. Brown  
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*Attorneys for Plaintiff Michael Tricarichi*

DISTRICT COURT  
CLARK COUNTY, NEVADA

MICHAEL A. TRICARICHI,	)	CASE NO. A-16-735910-B
	)	DEPT NO. XXXI
Plaintiff,	)	
	)	<b>PLAINTIFF'S NOTICE OF</b>
v.	)	<b>APPEAL</b>
	)	
PRICEWATERHOUSECOOPERS LLP,	)	
	)	
Defendant.	)	
	)	

Notice is hereby given that Plaintiff Michael Tricarichi hereby appeals to the Supreme Court of Nevada from the special order after final judgment denying Plaintiff's motion pursuant

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1 to NRCP 60(b) based on newly discovered evidence, entered in this action on November 28, 2023,  
2 and all other orders rendered appealable by the foregoing.

3 Dated: December 22, 2023

HUTCHISON & STEFFEN, PLLC

4  
5 By: /s/ Ariel C. Johnson  
Ariel C. Johnson  
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9  
10 *Attorneys for Plaintiff Michael A. Tricarichi*

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## ALL PARTIES ON THE E-SERVICE LIST

/s/ Monica Bocon  
An employee of Hutchison & Steffen, LLC

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-16-735910-B**

**Michael Tricarichi, Plaintiff(s)**  
**vs.**  
**PricewaterhouseCoopers LLP, Defendant(s)**

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Location: **Department 31**  
 Judicial Officer: **Kishner, Joanna S.**  
 Filed on: **04/29/2016**  
 Case Number History:  
 Cross-Reference Case Number: **A735910**  
 Supreme Court No.: **73175**  
**86317**  
**87375**

**CASE INFORMATION**

**Statistical Closures**

02/09/2023 Judgment Reached (bench trial)  
 11/01/2018 Summary Judgment

Case Type: **Other Business Court Matters**

Case Status: **02/09/2023 Closed**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number A-16-735910-B  
 Court Department 31  
 Date Assigned 09/07/2021  
 Judicial Officer Kishner, Joanna S.

**PARTY INFORMATION**

**Plaintiff**

**Tricarichi, Michael A.**

*Lead Attorneys*

**Hutchison, Mark A**  
*Retained*  
 702-385-2500(W)

**Defendant**

**Cooperatieve Rabobank U A**  
 Removed: 04/11/2022  
 Inactive

**Cooperatieve Rabobank UA**  
 Removed: 02/08/2017  
 Dismissed

**PricewaterhouseCoopers LLP**

**Byrne, Patrick G.**  
*Retained*  
 702-784-5200(W)

**Seyfarth Shaw LLP**  
 Removed: 05/31/2019  
 Inactive

**Taylor, Graham R**  
 Removed: 04/11/2022  
 Inactive

**Utrecht-America Finance Co**  
 Removed: 02/08/2017  
 Dismissed

**Utrecht-America Finance Co**  
 Removed: 04/11/2022  
 Inactive

**DATE**













**EVENTS & ORDERS OF THE COURT**

**INDEX**

**EVENTS**

# CASE SUMMARY

CASE NO. A-16-735910-B

04/29/2016	 Complaint (Business Court) Filed By: Plaintiff Tricarichi, Michael A. <i>[1] Complaint</i>
04/29/2016	Other Tort Case
05/17/2016	 Demand for Jury Trial Filed By: Plaintiff Tricarichi, Michael A. <i>[3] Demand for Jury Trial</i>
05/17/2016	 Notice Filed By: Plaintiff Tricarichi, Michael A. <i>[2] Notice of Acceptance of Service of Defendant Seyfarth Shaw LLP</i>
06/08/2016	 Affidavit of Service Filed By: Plaintiff Tricarichi, Michael A. <i>[4] Summons</i>
06/16/2016	 Motion to Associate Counsel Filed By: Plaintiff Tricarichi, Michael A. <i>[5] Motion To Associate Counsel</i>
06/16/2016	 Motion to Associate Counsel Filed By: Plaintiff Tricarichi, Michael A. <i>[6] Motion To Associate Counsel</i>
07/05/2016	 Motion to Dismiss Filed By: Defendant Seyfarth Shaw LLP <i>[8] Motion to Dismiss for Lack of Jurisdiction on Behalf of Defendant Seyfarth Shaw LLP</i>
07/05/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Seyfarth Shaw LLP <i>[9] Initial Appearance Fee Disclosure</i>
07/05/2016	 Certificate of Mailing Filed By: Plaintiff Tricarichi, Michael A. <i>[7] Certificate of Mailing</i>
07/06/2016	 Notice of Hearing Filed By: Defendant Seyfarth Shaw LLP <i>[10] Notice of Hearing on Motion to Dismiss for Lack of Jurisdiction on Behalf of Defendant Seyfarth Shaw LLP</i>
07/11/2016	 Motion to Dismiss Filed By: Defendant PricewaterhouseCoopers LLP <i>[11] PricewaterhouseCoopers LLP's Motion to Dismiss</i>
07/11/2016	 Request for Judicial Notice Filed By: Defendant PricewaterhouseCoopers LLP <i>[12] Request for Judicial Notice in Support of Defendant PricewaterhouseCoopers LLP's Motion to Dismiss</i>
07/12/2016	 Certificate of Service Filed by: Defendant PricewaterhouseCoopers LLP

**CASE SUMMARY**

**CASE NO. A-16-735910-B**

*[13] Supplemental Certificate of Service*

07/21/2016



Motion to Associate Counsel

Filed By: Defendant PricewaterhouseCoopers LLP

*[16] Motion to Associate Counsel Winston P. Hsiao*

07/21/2016



Motion to Associate Counsel

Filed By: Defendant PricewaterhouseCoopers LLP

*[17] Motion to Associate Counsel Peter B. Morrison*

07/21/2016



Order Admitting to Practice

Filed By: Plaintiff Tricarichi, Michael A.

*[14] Order Admitting to Practice*

07/21/2016



Order Admitting to Practice

Filed By: Plaintiff Tricarichi, Michael A.

*[15] Order Admitting to Practice*

07/22/2016



Notice of Entry of Order

Filed By: Plaintiff Tricarichi, Michael A.

*[18] Notice of Entry of Order Admitting to Practice*

07/22/2016



Notice of Entry of Order

Filed By: Plaintiff Tricarichi, Michael A.

*[19] Notice of Entry of Order Admitting to Practice*

07/28/2016



Acceptance of Service

Filed By: Plaintiff Tricarichi, Michael A.

*[20] Acceptance of Service of Complaint & Summons*

07/29/2016



Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.

*[21] Stipulation and Order to Extend Time for Plaintiff Responses to Motions to Dismiss Filed by PricewaterhouseCoopers, LLP and Seyfarth Shaw LLP, and to Continue Hearing on Both Motions to Dismiss*

07/29/2016



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[22] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff Responses to Motions to Dismiss Filed by PricewaterhouseCoopers, LLP and Seyfarth Shaw LLP, and to Continue Hearing on Both Motions to Dismiss*

08/10/2016



Notice of Non Opposition

Filed By: Defendant PricewaterhouseCoopers LLP

*[23] Notice of Non-Opposition to Motions to Associate Counsel*

08/24/2016



Order Granting Motion

Filed By: Defendant PricewaterhouseCoopers LLP

*[24] Order Granting Motion to Associate Winston P. Hsiao, Esq. as Counsel*

08/24/2016



Order Granting Motion













Filed By: Defendant PricewaterhouseCoopers LLP

*[25] Order Granting Motion to Associate Peter B. Morrison, Esq. as Counsel*

08/25/2016

# CASE SUMMARY

CASE NO. A-16-735910-B

	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[26] Notice of Entry of Order Granting Motion to Associate Peter B. Morrison, Esq. as Counsel</i>
08/25/2016	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[27] Notice of Entry of Order Granting Motion to Associate Winston P. Hsiao, Esq. as Counsel</i>
08/26/2016	 Appendix Filed By: Plaintiff Tricarichi, Michael A. <i>[34] Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant Seyfarth Shaw's Motion to Dismiss for Lack of Jurisdiction</i>
08/26/2016	 Affidavit in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[31] Affidavit of Thomas D. Brooks in Support of Plaintiff's Opposition to Defendant Seyfarth Shaw's Motion to Dismiss for Lack of Jurisdiction</i>
08/26/2016	 Affidavit in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[32] Affidavit of Michael A. Tricarichi in Support of Plaintiff's Opposition to Defendant Seyfarth Shaw's Motion to Dismiss for Lack of Jurisdiction</i>
08/26/2016	 Acceptance of Service Filed By: Plaintiff Tricarichi, Michael A. <i>[28] Acceptance of Service</i>
08/26/2016	 Opposition to Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[30] Plaintiff's Opposition to Defendant Pricewaterhouse Coopers, LLP's Motion to Dismiss</i>
08/26/2016	 Opposition Filed By: Plaintiff Tricarichi, Michael A. <i>[29] Plaintiff's Opposition to Defendant Pricewaterhouse Coopers, LLP's Request for Judicial Notice</i>
08/26/2016	 Opposition to Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[33] Plaintiff's Opposition to Defendant Seyfarth Shaw's Motion to Dismiss for Lack of Jurisdiction</i>
08/30/2016	 Errata Filed By: Plaintiff Tricarichi, Michael A. <i>[35] Errata to Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant Seyfarth Shaw's Motion to Dismiss for Lack of Jurisdiction</i>
09/28/2016	 Reply in Support Filed By: Defendant Seyfarth Shaw LLP <i>[36] Reply in Support of Motion to Dismiss for Lack of Jurisdiction on Behalf of Defendant Seyfarth Shaw LLP</i>
09/28/2016	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP

**CASE SUMMARY**

**CASE NO. A-16-735910-B**

*[37] PWC's Reply in Support of Request for Judicial Notice in Support of Defendant PricewaterhouseCoopers LLP's Motion to Dismiss*

09/28/2016



Reply in Support

Filed By: Defendant PricewaterhouseCoopers LLP

*[38] PricewaterhouseCoopers LLP's Reply in Support of the Motion to Dismiss*

09/29/2016



Stipulation and Order

Filed by: Defendant PricewaterhouseCoopers LLP

*[39] Stipulation and Order to Continue Hearing on Motions to Dismiss*

09/30/2016



Notice of Entry of Stipulation and Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[40] Notice of Entry of Stipulation and Order to Continue Hearing on Motions to Dismiss*

10/19/2016



Motion to Dismiss

Filed By: Defendant Cooperatieve Rabobank UA

*[41] Motion to Dismiss*

10/19/2016



Affidavit

Filed By: Defendant Cooperatieve Rabobank UA

*[42] Affidavit of Geert Christiaan Kortlandt in Support of Cooperatieve Rabobank U.A. and Utrecht-America Finance Co.'s Motion to Dismiss*

10/19/2016



Affidavit

Filed By: Defendant Cooperatieve Rabobank UA

*[43] Affidavit of Dan R. Waite in Support of Cooperatieve Rabobank U.A. and Utrecht-America Finance Co.'s Motion to Dismiss*

10/19/2016



Appendix

Filed By: Defendant Cooperatieve Rabobank UA

*[44] Appendix of Exhibits in Support of Dan R. Waite's Affidavit to Cooperatieve Rabobank U.A. and Utrecht-America Finance co., Seyfarth Shaw LLP's Motion to Dismiss*

10/19/2016



Request for Judicial Notice

Filed By: Defendant Cooperatieve Rabobank UA

*[45] Cooperatieve Rabobank U.A. and Utrecht-America Finance Co.'s Request for Judicial Notice in Support of Motion to Dismiss*

10/20/2016



Initial Appearance Fee Disclosure

Filed By: Defendant Cooperatieve Rabobank UA

*[46] Initial Appearance Fee Disclosure (NRS Chapter 19)*

10/20/2016



Motion to Associate Counsel

Filed By: Defendant Cooperatieve Rabobank UA

*[47] Motion to Associate Counsel (Christopher Paparella, Esq.)*

10/26/2016



Joinder To Motion

Filed By: Defendant Seyfarth Shaw LLP

*[48] Seyfarth Shaw's Joinder in Defendants Cooperative Rabobank U.A. and Utrecht American Finance Company's Motion to Dismiss*

10/26/2016



Joinder To Motion

Filed By: Defendant Seyfarth Shaw LLP

*[49] Seyfarth Shaw's Joinder in Defendant Pricewaterhousecoopers LLP's Motion to Dismiss*



# CASE SUMMARY

CASE NO. A-16-735910-B

11/14/2016



## Opposition

Filed By: Plaintiff Tricarichi, Michael A.

*[50] Plaintiff's Supplemental Opposition to Defendant Pricewaterhouse Coopers, LLP's Motion to Dismiss*

11/17/2016



## Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.

*[51] Stipulation and Order to Extend Time for Plaintiff to Respond to Motion to Dismiss Filed by Cooperatieve Rabobank U.A. and Utrecht-America Finance Co., and to Continue the Hearing Set on the Motion to Dismiss*

11/18/2016



## Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[52] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff to Respond to Motion to Dismiss Filed by Cooperatieve Rabobank U.A. and Utrecht-America Finance Co., and to Continue the Hearing Set on the Motion to Dismiss*

11/28/2016



## Transcript of Proceedings

*[53] Transcript of Proceedings All Pending Motions November 16, 2016*

11/30/2016



## Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.

*[54] Stipulation and Order to Extend Time for Plaintiff to Respond to Motion to Dismiss Filed by Cooperatieve Rabobank U.A. and Utrecht-America Finance Co. (Second Request)*

12/05/2016



## Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[55] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff to Respond to Motion to Dismiss Filed by Cooperatieve Rabobank U.A. and Utrecht-America Finance Co. (Second Request)*

12/05/2016



## Order Granting Motion

Filed By: Defendant Cooperatieve Rabobank UA

*[56] Order Granting Cooperatieve Rabobank, U.A., and Utrecht-America Finance Company's Motion to Associate Counsel (Christopher M. Paparella, Esq.)*

12/06/2016



## Notice of Entry

Filed By: Defendant Cooperatieve Rabobank UA

*[57] Notice of Entry of Order Granting Cooperatieve Rabobank, U.A., and Utrecht-America Finance Company's Motion to Associate Counsel (Christopher M. Paparella, Esq.)*

12/07/2016



## Opposition to Motion to Dismiss

Filed By: Plaintiff Tricarichi, Michael A.

*[60] Plaintiff's (1) Opposition to Defendants Rabobank and Utrecht's Motion to Dismiss, and (2) Counter-Motion for Leave to Take Jurisdictional Discovery*

12/07/2016



## Affidavit in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[58] Affidavit of Thomas D. Brooks in Support of Plaintiff's (1) Opposition to Defendants Rabobank and Utrecht's Motion to Dismiss, and (2) Counter-Motion for Leave to Take Jurisdictional Discovery*

12/07/2016



## Affidavit in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[59] Affidavit of Michael A. Tricarichi in Support of Plaintiff's (1) Opposition to Defendants*

**CASE SUMMARY**

**CASE NO. A-16-735910-B**

*Rabobank and Utrecht's Motion to Dismiss, and (2) Counter-Motion for Leave to Take Jurisdictional Discovery*

12/07/2016



Appendix

Filed By: Plaintiff Tricarichi, Michael A.

*[61] Appendix of Exhibits in Support of Plaintiff's (1) Opposition to Defendants Rabobank and Utrecht's Motion to Dismiss, and (2) Counter-Motion for Leave to Take Jurisdictional Discovery*

12/12/2016



Order Denying Motion

Filed By: Plaintiff Tricarichi, Michael A.

*[62] Order Regarding Defendant Pricewaterhousecoopers LLP's Motion to Dismiss Based on Statute Limitations and Collateral Estoppel*

12/13/2016



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[63] Notice of Entry of Order Regarding Defendant Pricewaterhouse Coopers, LLP's Motion to Dismiss Based on Statute Limitations and Collateral Estoppel*

12/23/2016



Order Granting Motion

Filed By: Defendant Seyfarth Shaw LLP

*[64] Order Granting Motion to Dismiss the Complaint Against Seyfarth Shaw LLP for Lack of Jurisdiction*

12/28/2016



Notice of Entry of Order

Filed By: Defendant Seyfarth Shaw LLP

*[65] Notice of Entry of Order*

01/13/2017



Reply in Support

Filed By: Defendant Cooperatieve Rabobank UA

*[66] Reply in Support of Motion to Dismiss*

01/17/2017



Answer to Complaint

Filed by: Defendant PricewaterhouseCoopers LLP

*[67] PricewaterhouseCoopers LLP's Answer to Complaint*

01/26/2017



Transcript of Proceedings

*[68] Transcript of Proceedings Defendant's Motion to Dismiss; Seyearth Shaw's Joinder in Defendants' Motion to Dismiss January 18, 2017*

01/27/2017



Business Court Order

*[69] Business Court Order*

02/07/2017



Arbitration File

*[70] Arbitration File*

02/08/2017



Order Granting Motion

Filed By: Defendant Cooperatieve Rabobank UA

*[71] Order Granting Motion To Dismiss the Complaint Against Coperatieve Rabobank U.A. and Utrecht-America Finance Co. for Lack of Personal Jurisdiction and Denying Remainder of Motion as Moot*

02/09/2017



Notice of Entry of Order

Filed By: Defendant Cooperatieve Rabobank UA

*[72] Notice of Entry of Order Granting Motion to Dismiss The Complaint Against Coperatieve*

# CASE SUMMARY

CASE NO. A-16-735910-B

*Rabobank U.A. and Utrecht-America Finance Company for Lack of Personal Jurisdiction and Denying Remainder of Motion as Moot*

02/14/2017	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[74] Notice of Entry of Stipulation and Order to Continue Mandatory Rule 16 Conference</i>
02/14/2017	 Stipulation and Order Filed by: Defendant PricewaterhouseCoopers LLP <i>[73] Stipulation and Order to Continue Mandatory Rule 16 Conference</i>
02/27/2017	 Notice of Service Party: Defendant PricewaterhouseCoopers LLP <i>[76] PricewaterhouseCoopers LLP's Notice of Serving NRCP 16.1(a)1 Initial Disclosures</i>
02/27/2017	 Notice Filed By: Plaintiff Tricarichi, Michael A. <i>[75] Plaintiff's Notice of Serving NRCP 16.1(A)(1) Initial Disclosures</i>
03/06/2017	 Motion for Summary Judgment Filed By: Defendant PricewaterhouseCoopers LLP <i>[77] PricewaterhouseCoopers LLP's Motion for Summary Judgment</i>
03/14/2017	 Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[78] Plaintiff's Motion for Rule 54(B) Certification</i>
03/15/2017	 Notice of Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[79] Notice of Motion re: Plaintiff's Motion for Rule 54(B) Certification</i>
03/16/2017	 Stipulation and Order Filed by: Plaintiff Tricarichi, Michael A. <i>[80] Stipulation and Order to Extend Time for Plaintiff's Response to Motion for Summary Judgment Filed by PricewaterhouseCoopers LLP and to Continue Hearing on Motion</i>
03/17/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[81] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff's Response to Motion for Summary Judgment Filed by PricewaterhouseCoopers LLP and to Continue Hearing on Motion</i>
03/20/2017	 Joint Case Conference Report Filed By: Plaintiff Tricarichi, Michael A. <i>[82] Joint Case Conference Report</i>
03/21/2017	 Business Court Order <i>[83] Business Court Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
03/22/2017	 Stipulation and Order Filed by: Defendant PricewaterhouseCoopers LLP <i>[84] Stipulation and Order Governing the Production and Exchange of Confidential Information</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

03/23/2017	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[85] Notice of Entry of Stipulation and Order Governing the Production and Exchange of Confidential Information</i>
03/29/2017	 Opposition to Motion Filed By: Defendant Seyfarth Shaw LLP <i>[86] Opposition to Motion for 54(b) Certification [Seyfarth Shaw LLP]</i>
04/10/2017	 Affidavit Filed By: Plaintiff Tricarichi, Michael A. <i>[88] Affidavit of Michael A. Tricarichi in Support of Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP's Motion for Summary Judgment</i>
04/10/2017	 Affidavit Filed By: Plaintiff Tricarichi, Michael A. <i>[89] Affidavit of Thomas D. Brooks in Support of Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP's Motion for Summary Judgment</i>
04/10/2017	 Opposition Filed By: Plaintiff Tricarichi, Michael A. <i>[90] Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP's Motion for Summary Judgment</i>
04/10/2017	 Appendix Filed By: Plaintiff Tricarichi, Michael A. <i>[87] Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP's Motion for Summary Judgment</i>
04/11/2017	 Reply in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[91] Reply in Support of Plaintiff's Motion for Rule 54(B) Certification</i>
04/14/2017	 Stipulation and Order Filed by: Defendant PricewaterhouseCoopers LLP <i>[92] Stipulation and Order</i>
04/17/2017	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[93] Notice of Entry of Stipulation and Order</i>
04/26/2017	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[94] PricewaterhouseCoopers LLP's Reply in Support of Motion for Summary Judgment</i>
05/01/2017	 Order Filed By: Plaintiff Tricarichi, Michael A. <i>[95] Order Granting Plaintiff's Motion for Rule 54(B) Certification</i>
05/02/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[96] Notice of Entry of Order Granting Plaintiff's Motion for Rule 54(B) Certification</i>
05/25/2017	 Notice of Appeal












# CASE SUMMARY

CASE NO. A-16-735910-B

	<p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[97] Notice of Appeal</i></p>
05/25/2017	<p> Case Appeal Statement            Filed By: Plaintiff Tricarichi, Michael A.  <i>[98] Case Appeal Statement</i></p>
05/30/2017	<p> Notice of Filing Cost Bond            Filed By: Plaintiff Tricarichi, Michael A.  <i>[99] Notice of Filing Cost Bond</i></p>
05/31/2017	<p> Order Denying            Filed By: Plaintiff Tricarichi, Michael A.  <i>[100] Order Regarding Defendant PricewaterhouseCoopers LLP's Motion for Summary Judgment</i></p>
06/05/2017	<p> Notice of Entry of Order            Filed By: Plaintiff Tricarichi, Michael A.  <i>[101] Notice of Entry of Order Regarding Defendant PricewaterhouseCoopers LLP's Motion for Summary Judgment</i></p>
06/09/2017	<p> Notice of Change of Address            Filed By: Defendant Seyfarth Shaw LLP  <i>[102] Notice of Change of Firm Address</i></p>
02/21/2018	<p> Stipulation and Order            Filed by: Plaintiff Tricarichi, Michael A.  <i>[103] Stipulation and Order to Amend Schedule (First Request)</i></p>
02/23/2018	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Tricarichi, Michael A.  <i>[104] Notice of Entry of Stipulation and Order to Amend Schedule</i></p>
03/02/2018	<p> Stipulation and Order            Filed by: Defendant PricewaterhouseCoopers LLP  <i>[105] Stipulation to Move Hearing Date on Motion for Summary Judgment</i></p>
03/02/2018	<p> Notice of Entry            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[106] Notice of Entry of Stipulation to Move Hearing Date on Motion for Summary Judgment</i></p>
06/14/2018	<p> Motion for Summary Judgment            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[107] Pricewaterhouse Coopers LLP's Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i></p>
07/02/2018	<p>Case Reassigned to Department 11  <i>Reassigned From Judge Hardy - Dept 15</i></p>
07/12/2018	<p> Stipulation and Order            Filed by: Plaintiff Tricarichi, Michael A.  <i>[108] Stipulation and Order to Amend Schedule on Renewed Motion for Summary Judgment</i></p>
07/12/2018	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Tricarichi, Michael A.</p>

# CASE SUMMARY

CASE NO. A-16-735910-B

	<i>[109] Notice of Entry of Stipulation and Order to Amend Schedule on Renewed Motion for Summary Judgment</i>
07/30/2018	 Certificate of Mailing Filed By: Plaintiff Tricarichi, Michael A. <i>[110] Certificate of Service Regarding (1) Opposition to Renewed Summary Judgment Motion and (2) Supporting Appendix to Opposition</i>
07/30/2018	 Affidavit Filed By: Plaintiff Tricarichi, Michael A. <i>[111] Affidavit of Thomas D. Brooks in Support of Plaintiff's Opposition to Pricewaterhouse Coopers LLP's Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i>
07/31/2018	 Appendix <i>[112] UNSEALED per Order 11/14/18 Appendix of Exhibits In Support of Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP'S Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i>
08/01/2018	 Opposition <i>[113] UNSEALED per Order 11/14/18 Plaintiff's Opposition to Defendant Pricewaterhouse Coopers LLP's Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i>
08/29/2018	 Reply in Support <i>[114] Pricewaterhousecoopers, LLP's Reply in Support of Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i>
09/21/2018	 Motion for Leave to File <i>[115] (10/1/18 Withdrawn) Motion for Leave to File under Seal (1) Opposition to Renewed Summary Judgment Motion and (2) Supporting Appendix to Opposition</i>
09/26/2018	 Transcript of Proceedings <i>[116] Transcript of Proceedings: Further Hearing on Motion for Summary Judgment</i>
10/01/2018	 Notice of Withdrawal of Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[117] Notice of Withdrawal of Motion for Leave to File Under Seal (1) Opposition to Renewed Summary Judgement Motion and (2) Supporting Appendix to Opposition</i>
10/01/2018	 Affidavit Filed By: Plaintiff Tricarichi, Michael A. <i>[118] Affidavit of Thomas D. Brooks in Support of Plaintiff's Opposition to Defendant PricewaterhouseCoopers LLP's Renewed Motion for Summary Judgment Following Limited Rule 56(f) Discovery</i>
10/24/2018	 Order Granting Summary Judgment Filed By: Defendant PricewaterhouseCoopers LLP <i>[119] Order Granting Summary Judgment</i>
10/24/2018	 Notice of Entry Filed By: Defendant PricewaterhouseCoopers LLP <i>[120] Notice of Entry of Order Granting Summary Judgment</i>
10/31/2018	 Order to Statistically Close Case <i>[121] Civil Order to Statistically Close Case</i>















# CASE SUMMARY

CASE NO. A-16-735910-B

11/01/2018	 Memorandum Filed By: Defendant PricewaterhouseCoopers LLP <i>[122] Pricewaterhousecoopers LLP's Verified Memorandum of Costs</i>
11/01/2018	 Appendix Filed By: Defendant PricewaterhouseCoopers LLP <i>[123] Appendix of Exhibits in Support of Pricewaterhousecoopers LLP's Verified Memorandum of Costs</i>
11/08/2018	 Stipulation and Order Filed by: Defendant PricewaterhouseCoopers LLP <i>[124] Stipulation and Order re: PwC's Memorandum of Costs</i>
11/14/2018	 Stipulation and Order Filed by: Plaintiff Tricarichi, Michael A. <i>[125] Stipulation and Order to Unseal Documents</i>
11/14/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[126] Notice of Entry of Stipulation and Order to Unseal Documents</i>
11/21/2018	 Stipulation and Order Filed by: Plaintiff Tricarichi, Michael A. <i>[127] Stipulation and Order to Extend Time for Plaintiff's Motion for Leave to File Amended Complaint and To Set Briefing Schedule on Motion</i>
11/26/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[128] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff's Motion for Leave to File Amended Complaint, and To Set Briefing Schedule on Motion</i>
12/10/2018	 Motion for Leave to File Party: Plaintiff Tricarichi, Michael A. <i>[129] Motion for Leave to File Amended Complaint</i>
12/28/2018	 Stipulation Filed by: Defendant PricewaterhouseCoopers LLP <i>[130] Stipulation to Move Hearing Date on Motion for Leave to File Amended Complaint and Request for Oral Argument</i>
12/28/2018	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[131] Notice of Entry of Order Granting Stipulation to Move Hearing Date on Motion for Leave to File Amended Complaint and Request for Oral Argument</i>
01/18/2019	 Opposition to Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[132] PricewaterhouseCoopers LLP's Opposition to Plaintiff's Motion for Leave to File Amended Complaint</i>
02/15/2019	 Reply in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[133] Plaintiff's Reply in Support of Motion for Leave to File Amended Complaint</i>

# CASE SUMMARY















CASE NO. A-16-735910-B

02/15/2019	 Affidavit in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[134] Affidavit of Thomas D. Brooks in Support of Plaintiff's Reply in Support of Motion for Leave to File Amended Complaint</i>
02/15/2019	 Appendix Filed By: Plaintiff Tricarichi, Michael A. <i>[135] Appendix of Exhibits in Support of Plaintiff's Reply in Support of Motion for Leave to File Amended Complaint - Volume 1</i>
02/15/2019	 Appendix Filed By: Plaintiff Tricarichi, Michael A. <i>[136] Appendix of Exhibits in Support of Plaintiff's Reply in Support of Motion for Leave to File Amended Complaint - Volume 2</i>
03/22/2019	 Transcript of Proceedings <i>[137] Transcript of Proceedings: Hearing on Motion for Leave to file Amended Complaint</i>
03/26/2019	 Order Filed By: Plaintiff Tricarichi, Michael A. <i>[138] Order Granting Motion for Leave to File Amended Complaint</i>
03/27/2019	 Notice of Entry of Order Filed By: Plaintiff Tricarichi, Michael A. <i>[139] Notice of Entry of Order Granting Motion for Leave to File Amended Complaint</i>
04/01/2019	 Amended Complaint Filed By: Plaintiff Tricarichi, Michael A. <i>[140] Amended Complaint (Jury Demand Stricken per Order 4/27/22)</i>
04/29/2019	 Motion to Dismiss Filed By: Defendant PricewaterhouseCoopers LLP <i>[141] PricewaterhouseCoopers LLP's Motion to Dismiss Amended Complaint</i>
04/29/2019	 Clerk's Notice of Hearing <i>[142] Notice of Hearing</i>
05/29/2019	 Opposition Filed By: Plaintiff Tricarichi, Michael A. <i>[143] Plaintiff's Opposition to Motion to Dismiss Amended Complaint</i>
05/31/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[144] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
06/04/2019	 Exhibits Filed By: Plaintiff Tricarichi, Michael A. <i>[145] Exhibits to Plaintiff's Opposition to Motion to Dismiss Amended Complaint</i>
06/17/2019	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[146] PricewaterhouseCoopers LLP's Reply in Support of Motion to Dismiss Amended Complaint</i>
07/09/2019	 Transcript of Proceedings



# CASE SUMMARY

CASE NO. A-16-735910-B

	<i>[147] Transcript of Proceedings: Hearing on Defendant PWC's Motion to Dismiss Amended Complaint</i>
07/30/2019	 Order Denying Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[148] Order Denying PricewaterhouseCoopers LLP's Motion to Dismiss Amended Complaint</i>
07/30/2019	 Motion to Associate Counsel Filed By: Defendant PricewaterhouseCoopers LLP <i>[149] Motion to Associate Chris Landgraff, Esq. as Counsel</i>
07/30/2019	 Motion to Associate Counsel Filed By: Defendant PricewaterhouseCoopers LLP <i>[150] Motion to Associate Daniel Charles Taylor, Esq. as Counsel</i>
07/30/2019	 Motion to Associate Counsel Filed By: Defendant PricewaterhouseCoopers LLP <i>[151] Motion to Associate Krista Perry, Esq. as Counsel</i>
07/30/2019	 Motion to Associate Counsel Filed By: Defendant PricewaterhouseCoopers LLP <i>[152] Motion to Associate Mark Levine, Esq. as Counsel</i>
07/31/2019	 Clerk's Notice of Hearing <i>[153] Notice of Hearing</i>
07/31/2019	 Clerk's Notice of Hearing <i>[154] Notice of Hearing</i>
07/31/2019	 Clerk's Notice of Hearing <i>[155] Notice of Hearing</i>
07/31/2019	 Clerk's Notice of Hearing <i>[156] Notice of Hearing</i>
07/31/2019	 Notice of Entry of Order Filed By: Plaintiff Tricarichi, Michael A. <i>[157] Notice of Entry of Order Denying Pricewaterhousecoopers LLP's Motion to Dismiss Amended Complaint</i>
08/06/2019	 Notice of Withdrawal of Attorney Filed by: Defendant PricewaterhouseCoopers LLP <i>[158] Notice of Withdrawal of Peter B. Morrison and Winston P. Hsiao as Counsel</i>
08/12/2019	 Answer to Amended Complaint Filed By: Defendant PricewaterhouseCoopers LLP <i>[159] PricewaterhouseCoopers LLP's Answer to Amended Complaint</i>
08/20/2019	 Business Court Order <i>[160] Business Court Order</i>
09/19/2019	 Scheduling and Trial Order <i>[161] Business Court Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

09/19/2019	 Order Granting Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[162] Order Granting Defendant's Motions to Associate Counsel</i>
09/20/2019	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[163] Notice of Entry of Order Granting Defendant's Motions to Associate Counsel</i>
10/23/2019	 Application for Issuance of Commission to Take Deposition <i>[164] Application for Issuance of Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on Anthony Tricarichi</i>
10/23/2019	 Application for Issuance of Commission to Take Deposition <i>[165] Application for Issuance of Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on Carla Tricarichi</i>
10/23/2019	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[166] Application for Issuance of Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on James Tricarichi</i>
10/23/2019	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[167] Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on Carla Tricarichi</i>
10/23/2019	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[168] Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on Anthony Tricarichi</i>
10/23/2019	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[169] Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada on James Tricarichi</i>
11/04/2019	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[170] Application for Issuance of Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada for Records of Levin &amp; Associates Co., L.P.A.</i>
11/04/2019	 Commission to Take Deposition Outside the State of Nevada Filed By: Defendant PricewaterhouseCoopers LLP <i>[171] Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada for Records of Levin &amp; Associates Co., L.P.A.</i>
11/07/2019	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[172] Commission to Serve a Subpoena Duces Tecum Outside the State of Nevada for Records of Levin &amp; Associates Co., L.P.A.</i>
01/13/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[173] Application for Issuance of Commission to Serve a Subpoena Outside the State of</i>

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CASE NO. A-16-735910-B

*Nevada on Michael Desmond*

01/13/2020	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[174] Commission to Serve a Subpoena Outside the State of Nevada on Michael Desmond</i>
02/17/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[175] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Glenn Miller</i>
02/17/2020	 Application for Issuance of Commission to Take Deposition <i>[176] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Carla Tricarichi</i>
02/17/2020	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[178] Commission to Serve a Subpoena Outside the State of Nevada on Glenn Miller</i>
02/17/2020	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[179] Commission to Serve a Subpoena Outside the State of Nevada on Carla Tricarichi</i>
02/18/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[177] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Craig Bell</i>
02/18/2020	 Commission Issued Filed by: Defendant PricewaterhouseCoopers LLP <i>[180] Commission to Serve a Subpoena Outside the State of Nevada on Craig Bell</i>
02/21/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[181] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Andrew Mason</i>
02/21/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[182] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Donald Corb</i>
02/21/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[183] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on James Tricarichi</i>
02/21/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[184] Application for Issuance of Commission to Serve a Subpoena Outside the State of Nevada on Richard Corn</i>
02/21/2020	 Application for Issuance of Commission to Take Deposition Party: Defendant PricewaterhouseCoopers LLP <i>[185] Application for Issuance of Commission to Serve a Subpoena Outside the State of</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

*Nevada on Randy Hart*

02/21/2020



Commission Issued

Filed by: Defendant PricewaterhouseCoopers LLP  
[188] Commission to Serve a Subpoena Outside the State of Nevada on Andrew Mason

02/21/2020



Commission Issued

Filed by: Defendant PricewaterhouseCoopers LLP  
[189] Commission to Serve a Subpoena Outside the State of Nevada on Donald Korb

02/21/2020



Commission Issued

Filed by: Defendant PricewaterhouseCoopers LLP  
[190] Commission to Serve a Subpoena Outside the State of Nevada on James Tricarichi

02/21/2020



Commission Issued

Filed by: Defendant PricewaterhouseCoopers LLP  
[191] Commission to Serve a Subpoena Outside the State of Nevada on Richard Corn

02/21/2020



Commission Issued

Filed by: Defendant PricewaterhouseCoopers LLP  
[192] Commission to Serve a Subpoena Outside the State of Nevada on Randy Hart

02/24/2020



Motion to Compel

Filed By: Defendant PricewaterhouseCoopers LLP  
[186] PricewaterhouseCoopers LLP's Motion to Compel

02/24/2020



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP  
[187] Appendix of Exhibit to PricewaterhouseCoopers LLP's Motion to Compel

02/25/2020



Clerk's Notice of Hearing

[193] Notice of Hearing

03/09/2020



Opposition to Motion

Filed By: Plaintiff Tricarichi, Michael A.  
[194] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion to Compel

03/23/2020



Reply in Support

Filed By: Defendant PricewaterhouseCoopers LLP  
[195] PricewaterhouseCoopers LLP's Reply in Support of its Motion to Compel

03/25/2020



Notice

Filed By: Defendant PricewaterhouseCoopers LLP  
[196] Notice of Telephonic Hearing for PricewaterhouseCoopers, LLP's Motion to Compel

03/26/2020



Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.  
[197] Stipulation and Order Re Application of NRCP 41(e)(2)(B)

03/26/2020














Amended Notice

Filed By: Defendant PricewaterhouseCoopers LLP  
[198] Amended Notice of Telephonic Hearing for PricewaterhouseCoopers, LLP's Motion to Compel











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CASE NO. A-16-735910-B

03/31/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[199] Notice of Entry of Stipulation and Order re Application of NRCP 41(e)(2)(B)</i>
04/04/2020	 Transcript of Proceedings <i>[200] Transcript of Proceedings: Hearing on Motion to Compel</i>
04/08/2020	 Stipulation and Order Filed by: Plaintiff Tricarichi, Michael A. <i>[201] Stipulation and Order Re Revised Scheduling Order</i>
04/08/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tricarichi, Michael A. <i>[202] Notice of Entry of Stipulation and Order re Revised Scheduling Order</i>
04/16/2020	 Status Report Filed By: Defendant PricewaterhouseCoopers LLP <i>[203] Status Report re: PricewaterhouseCoopers LLP's Motion to Compel</i>
04/23/2020	 Motion to Seal/Redact Records Filed By: Defendant PricewaterhouseCoopers LLP <i>[204] Motion to File Under Seal Exhibits 21-24 to PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
04/23/2020	 Motion to Compel Filed By: Defendant PricewaterhouseCoopers LLP <i>[205] PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
04/23/2020	 Appendix <i>[206] Appendix of Exhibits to PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
04/23/2020	 Filed Under Seal Filed By: Defendant PricewaterhouseCoopers LLP <i>[207] SEALED per Order 6/9/20 Sealed Exhibits to PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
04/24/2020	 Clerk's Notice of Hearing <i>[208] Notice of Hearing</i>
04/27/2020	 Clerk's Notice of Nonconforming Document <i>[209] Clerk's Notice of Nonconforming Document</i>
04/27/2020	 Notice of Hearing Filed By: Defendant PricewaterhouseCoopers LLP <i>[210] Notice of Request for Hearing for PricewaterhouseCoopers, LLP's Motion to Compel Production of Financial Information</i>
04/28/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[211] Clerk's Notice of Curative Action</i>
04/28/2020	 Clerk's Notice of Hearing <i>[212] Notice of Hearing</i>














# CASE SUMMARY

CASE NO. A-16-735910-B

04/29/2020	 Filed Under Seal Filed By: Plaintiff Tricarichi, Michael A. <i>[213] SEALED PER MINUTE ORDER 7/17/20 Plaintiff Michael Tricarichi's Motion to Compel</i>
04/29/2020	 Filed Under Seal <i>[214] Plaintiff Michael Tricarichi's De-Designation Motion (UnRedacted Original Document)</i>
04/29/2020	 Redacted Version <i>[243] Redacted version of Plaintiff Michael Tricarichi's De-Designation Motion per Order 8/14/20</i>
04/30/2020	 Clerk's Notice of Hearing <i>[215] Notice of Hearing</i>
05/01/2020	 Clerk's Notice of Hearing <i>[216] Notice of Hearing</i>
05/01/2020	 Clerk's Notice of Hearing <i>[217] Notice of Hearing</i>
05/07/2020	 Opposition to Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[218] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion to Compel Production of Financial Information</i>
05/13/2020	 Opposition to Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[219] PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's De-Designation Motion</i>
05/13/2020	 Opposition to Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[220] PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's Motion to Compel</i>
05/13/2020	 Appendix Filed By: Defendant PricewaterhouseCoopers LLP <i>[221] Appendix of Exhibits to PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's Motion to Compel</i>
05/19/2020	 Errata Filed By: Defendant PricewaterhouseCoopers LLP <i>[222] Errata</i>
05/25/2020	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[223] PricewaterhouseCoopers LLP's Reply in Support of its Motion to Compel Production of Financial Information</i>
05/26/2020	 Reply in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[224] Plaintiff Michael Triarichi's Reply in Support of Motion to De-Designate</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

05/27/2020	 Reply in Support Filed By: Plaintiff Tricarichi, Michael A. <i>[225] Plaintiff Michael Tricarichi's Reply in Support of Motion to Compel</i>
06/01/2020	 Stipulation and Order Filed by: Plaintiff Tricarichi, Michael A. <i>[226] Stipulation and Order Re Revised Scheduling Order (Second Request)</i>
06/09/2020	 Order Granting Motion <i>[227] Order Granting PriceWaterhouseCoopers, LLP's Motion to File Under Seal Exhibits 21-24 to PriceWaterhouseCoopers, LLP's Motion to Compel Production of Financial Information</i>
06/09/2020	 Motion to Associate Counsel Filed By: Plaintiff Tricarichi, Michael A. <i>[228] Motion to Associate Counsel</i>
06/09/2020	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[229] Notice of Entry of Order Granting PricewaterhouseCoopers LLP's Motion to File Under Seal Exhibits 21-24 to PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
06/10/2020	 Motion to Seal/Redact Records Filed By: Defendant PricewaterhouseCoopers LLP <i>[230] Motion to Seal Exhibits O, P and Q to Plaintiff Michael Tricarichi's Motion to Compel and Redact Excerpts of These Documents in the Motion</i>
06/10/2020	 Clerk's Notice of Hearing <i>[231] Notice of Hearing</i>
06/11/2020	 Clerk's Notice of Hearing <i>[232] Notice of Hearing</i>
06/12/2020	 Scheduling and Trial Order <i>[233] 2nd Amended Business Court Scheduling Order and Order Setting Civil Jury Trial, Pretrial Conference, and Calendar Call</i>
06/16/2020	 Order <i>[234] Order (1) Granting In Part and Denying In Part Defendant Pricewaterhousecoopers, LLP's Motion to Compel Production of Financial Information; (2) Granting In Part and Denying In Part Plaintiff Michael Tricarichi's Motion to Compel; and (3) Denying Plaintiff Michael Tricarichi's De-designation Motion</i>
06/19/2020	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[235] Notice of Entry of Order (1) Granting in Part and Denying in Part Defendant PWC s Motion to Compel Production of Financial Information; (2) Granting in Part and Denying in Part Plaintiff s Motion to Compel; and (3) Denying Plaintiff s De-Designation Motion</i>
06/26/2020	 Notice of Withdrawal of Attorney Filed by: Defendant PricewaterhouseCoopers LLP <i>[236] Notice of Withdrawal of Krista J. Perry as Counsel</i>
06/30/2020	 Motion to Seal/Redact Records

# CASE SUMMARY

CASE NO. A-16-735910-B

	<p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[237] Motion to Seal and Redact Exhibit E to Plaintiff Michael Tricarichi's De-Designation Motion</i></p>
07/01/2020	<p> Clerk's Notice of Hearing  <i>[238] Notice of Hearing</i></p>
07/06/2020	<p> Notice  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[239] Notice of Parties' Stipulation Regarding Protocol for Remote Depositions</i></p></p>
07/21/2020	<p> Order Admitting to Practice  <p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[240] Order Admitting to Practice - Sercye</i></p></p>
07/28/2020	<p> Notice of Entry of Order  <p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[241] Notice of Entry of Order Admitting to Practice</i></p></p>
08/14/2020	<p> Order to Seal  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[242] Order Granting Defendant's Motion to Seal and Redact Exhibit E to Plaintiff Michael Tricarichi's De-Designation Motion</i></p></p>
08/14/2020	<p> Notice of Entry of Order  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[244] Notice of Entry of Order Granting Defendant's Motion to Seal and Redact Exhibit E to Plaintiff Michael Tricarichi's De-Designation Motion</i></p></p>
08/25/2020	<p> Stipulation and Order  <p>Filed by: Defendant PricewaterhouseCoopers LLP  <i>[245] Stipulation and Order to Issue Subpoena</i></p></p>
08/25/2020	<p> Stipulation and Order  <p>Filed by: Plaintiff Tricarichi, Michael A.  <i>[246] Stipulation and Order to Issue Deposition Subpoenas</i></p></p>
08/26/2020	<p> Notice of Entry of Stipulation and Order  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[247] Notice of Entry of Stipulation and Order to Issue Subpoena</i></p></p>
08/26/2020	<p> Notice of Entry of Stipulation and Order  <p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[248] Notice of Entry of Stipulation and Order to Issue Deposition Subpoenas</i></p></p>
09/11/2020	<p> Affidavit of Service  <p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[249] Affidavit of Service [Mark Boyer]</i></p></p>
09/15/2020	<p> Affidavit of Service  <p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[250] Affidavit of Service [Rochelle Hodes]</i></p></p>
10/02/2020	<p> Motion to Associate Counsel</p>



# CASE SUMMARY

CASE NO. A-16-735910-B

	<p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[251] Motion to Associate Katharine Roin, Esq. as Counsel</i></p>
10/05/2020	<p> Clerk's Notice of Hearing  <i>[252] Notice of Hearing</i></p>
11/07/2020	<p> Order  <i>[253] Order Granting Defendant s Motion to Associate Counsel</i></p>
11/09/2020	<p> Notice of Entry of Order  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[254] Notice of Entry of Order Granting Defendant's Motion to Associate Counsel</i></p> </p>
11/13/2020	<p> Motion in Limine  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[255] PricewaterhouseCoopers LLP's Motion in Limine No. 1 to Exclude Certain Opinions of Plaintiff's Expert Craig Greene</i></p> </p>
11/13/2020	<p> Motion in Limine  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[256] PricewaterhouseCoopers LLP's Motion in Limine No. 2 to Exclude Testimony Related to PWC's 2003 Advice</i></p> </p>
11/13/2020	<p> Motion in Limine  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[257] PricewaterhouseCoopers LLP's Motion in Limine No. 3 to Exclude Testimony Regarding PWC's Alleged Conflict of Interest</i></p> </p>
11/13/2020	<p> Motion in Limine  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[258] PricewaterhouseCoopers LLP's Motion in Limine No. 4 to Exclude Testimony Related to PWC's Advice to Other Clients</i></p> </p>
11/13/2020	<p> Appendix  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[259] Appendix of Exhibits in Support of PricewaterhouseCoopers LLP's Motions in Limine Nos. 1-4</i></p> </p>
11/13/2020	<p> Motion for Summary Judgment  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[260] PricewaterhouseCoopers LLP's Motion for Summary Judgment and Motion to Strike Jury Demand</i></p> </p>
11/13/2020	<p> Appendix  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[261] Appendix of Exhibits in Support of PricewaterhouseCoopers LLPs Motion for Summary Judgment and Motion to Strike Jury Demand (Volume 1 of 4)</i></p> </p>
11/13/2020	<p> Appendix  <p>Filed By: Defendant PricewaterhouseCoopers LLP  <i>[262] Appendix of Exhibits in Support of PricewaterhouseCoopers LLPs Motion for Summary Judgment and Motion to Strike Jury Demand (Volume 2 of 4)</i></p> </p>
11/13/2020	<p> Appendix  <p>Filed By: Defendant PricewaterhouseCoopers LLP</p> </p>

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CASE NO. A-16-735910-B

[263] Appendix of Exhibits in Support of PricewaterhouseCoopers LLPs Motion for Summary Judgment and Motion to Strike Jury Demand (Volume 3 of 4)

11/13/2020



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

[264] Appendix of Exhibits in Support of PricewaterhouseCoopers LLPs Motion for Summary Judgment and Motion to Strike Jury Demand (Volume 4 of 4)

11/13/2020



Motion in Limine

Filed By: Plaintiff Tricarichi, Michael A.

[265] Plaintiff Michael Tricarichi's Motion in Limine No. 1 to Bar References to the Prior Convictions of James Tricarichi

11/13/2020



Motion in Limine

Filed By: Plaintiff Tricarichi, Michael A.

[266] Plaintiff Michael Tricarichi's Motion in Limine No. 2 to Exclude the Opinions of Kenneth Harris

11/13/2020



Motion in Limine

Filed By: Plaintiff Tricarichi, Michael A.

[267] Plaintiff Michael Tricarichi's Motion in Limine No. 3 to Bar Purported Mitigation Evidence

11/16/2020



Clerk's Notice of Hearing

[268] Notice of Hearing

11/16/2020



Clerk's Notice of Hearing

[269] Notice of Hearing

11/16/2020



Clerk's Notice of Hearing

[270] Notice of Hearing

11/24/2020



Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.

[271] Stipulation and Order to Extend Time for Plaintiff to Respond to Pricewaterhousecoopers LLP s Motion for Summary Judgment and Motion to Strike Jury Demand

11/24/2020



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

[272] Notice of Entry of Stipulation and Order to Extend Time for Plaintiff to Respond to Pricewaterhousecoopers LLP's Motion for Summary Judgment and Motion to Strike Jury Demand

11/30/2020



Opposition to Motion in Limine

Filed By: Plaintiff Tricarichi, Michael A.

[273] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion in Limine No. 1 Related to Plaintiff's Expert Greene

11/30/2020



Opposition to Motion in Limine

Filed By: Plaintiff Tricarichi, Michael A.

[274] Plaintiff Michael Tricarichi's Opposition to Defendant's Motions in Limine Nos. 2, 3, 4

11/30/2020



Opposition to Motion in Limine

Filed By: Defendant PricewaterhouseCoopers LLP

# CASE SUMMARY

CASE NO. A-16-735910-B

*[275] PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's Motion in Limine No. 1 to Bar References to the Prior Convictions of James Tricarichi*

11/30/2020



Opposition to Motion in Limine

Filed By: Defendant PricewaterhouseCoopers LLP

*[276] PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's Motion in Limine No. 2 to Exclude the Opinions of Kenneth Harris*

11/30/2020



Opposition to Motion in Limine

Filed By: Defendant PricewaterhouseCoopers LLP

*[277] PricewaterhouseCoopers LLP's Opposition to Plaintiff Michael Tricarichi's Motion in Limine No. 3 to Exclude Mitigation Evidence*

11/30/2020



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

*[278] Appendix of Exhibits in Support of PricewaterhouseCoopers LLP's Oppositions to Plaintiff Michael Tricarichi's Motions in Limine Nos. 1-3*

12/04/2020



Opposition to Motion

Filed By: Plaintiff Tricarichi, Michael A.

*[279] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion for Summary Judgment*

12/04/2020



Appendix

Filed By: Plaintiff Tricarichi, Michael A.

*[280] Appendix of Exhibits in Support of Plaintiff Michael Tricarichi's Opposition to Defendant's Motion for Summary Judgment*

12/04/2020



Mandatory Pretrial Disclosure

Party: Defendant PricewaterhouseCoopers LLP

*[281] PricewaterhouseCoopers LLP's Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)*

12/04/2020



Joint Pre-Trial Memorandum

Filed By: Plaintiff Tricarichi, Michael A.

*[282] Joint Pretrial Memorandum*

12/08/2020



Scheduling and Trial Order

*[283] 3rd Amended Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference*

12/11/2020



Reply in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[284] Plaintiff Michael Tricarichi's Reply in Support of Motion in Limine No. 1 to Bar References to the Prior Convictions of James Tricarichi*

12/11/2020



Reply in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[285] Plaintiff Michael Tricarichi's Reply in Support of Motion in Limine No. 3 to Bar Purported Mitigation Evidence*

12/11/2020



Reply in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[286] Plaintiff Michael Tricarichi's Reply in Support of Motion in Limine No. 2 to Exclude the Opinions of Kenneth Harris*

12/14/2020



Reply in Support

*[287] PricewaterhouseCoopers LLP's Reply in Further Support of its Motion in Limine No. 1*

# CASE SUMMARY

CASE NO. A-16-735910-B

*to Exclude Certain Opinions of Plaintiff's Expert Craig Greene*

12/14/2020	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[288] PricewaterhouseCoopers LLP's Reply in Further Support of its Motions in Limine Nos. 2, 3, and 4 to Exclude Evidence Relating to Dismissed Claims</i>
12/14/2020	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[289] Defendant PricewaterhouseCoopers LLP's Reply in Support of its Motion for Summary Judgment</i>
12/14/2020	 Appendix Filed By: Defendant PricewaterhouseCoopers LLP <i>[290] Supplemental Appendix of Exhibits in Support of Defendant PricewaterhouseCoopers LLP's Reply in Support of its Motion for Summary Judgment</i>
12/30/2020	 Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[291] Order Regarding Motions in Limine</i>
12/30/2020	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[292] Notice of Entry of Order Regarding Motions in Limine</i>
01/23/2021	 Order Shortening Time Filed By: Defendant PricewaterhouseCoopers LLP <i>[295] Pricewaterhousecoopers LLP s Motion to Stay Trial Pending Writ Review on an Order Shortening Time</i>
01/27/2021	 Opposition to Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[296] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion to Stay Trial Pending Writ Review</i>
01/28/2021	 Reply in Support Filed By: Defendant PricewaterhouseCoopers LLP <i>[297] PricewaterhouseCoopers LLP's Reply in Support of Motion to Stay Trial Pending Writ Review on an Order Shortening Time</i>
02/06/2021	 Order Filed By: Plaintiff Tricarichi, Michael A. <i>[298] Order Denying Without Prejudice Defendant Pricewaterhousecoopers LLP'S Motion to Stay Trial Pending Writ Review</i>
02/09/2021	 Notice of Entry of Order Filed By: Plaintiff Tricarichi, Michael A. <i>[299] Notice of Entry of Order Denying Without Prejudice Defendant PricewaterhouseCoopers LLP's Motion to Stay Trial Pending Writ Review</i>
02/09/2021	 Notice of Appearance Party: Plaintiff Tricarichi, Michael A. <i>[300] Notice of Appearance</i>
02/12/2021	 Joint Pre-Trial Memorandum

# CASE SUMMARY

CASE NO. A-16-735910-B

	<p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[301] Joint Pretrial Memorandum</i></p>
02/23/2021	<p> Scheduling and Trial Order  <i>[302] 4th Amended Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference 06-28-21</i></p>
03/16/2021	<p> Notice            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[303] Notice of Nevada Supreme Court's Order Directing Answer and Granting Stay</i></p>
05/05/2021	<p> Motion to Continue Trial            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[304] Pricewaterhousecoopers LLP's Motion to Vacate or Continue Trial on an Order Shortening Time</i></p>
05/11/2021	<p> Order            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[305] Order Granting PricewaterhouseCooper LLP's Motion to Vacate or Continue Trial on an Order Shortening Time</i></p>
05/11/2021	<p> Notice of Entry of Order            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[306] Notice of Entry of Order Granting PricewaterhouseCooper LLP's Motion to Vacate or Continue Trial on an Order Shortening Time</i></p>
06/21/2021	<p> Status Report            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[307] Joint Status Report re: PricewaterhouseCoopers LLP's Petition for Writ of Mandamus</i></p>
09/07/2021	<p>Case Reassigned to Department 31  <i>From Judge Elizabeth Gonzalez to Judge Joanna Kishner</i></p>
09/22/2021	<p> Status Report            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[308] Joint Status Report re: PricewaterhouseCoopers LLP's Petition for Writ of Mandamus</i></p>
11/18/2021	<p> Status Report            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[309] Joint Status Report Re: PricewaterhouseCoopers LLP's Petition for Writ of Mandamus</i></p>
11/18/2021	<p> Errata            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[310] Errata to Joint Status Report Re: PricewaterhouseCoopers LLP's Petition for Writ of Mandamus</i></p>
11/19/2021	<p> Notice of Hearing  <i>[311] Notice of Hearing Regarding Trial Setting</i></p>
12/06/2021	<p> Memorandum  <i>[312] Court's Memo RE: Remote Appearance Information for DECEMBER 9, 2021, Hearing            **PLEASE REVIEW IN ITS ENTIRETY**</i></p>
12/14/2021	<p> Notice            Filed By: Defendant PricewaterhouseCoopers LLP</p>

# CASE SUMMARY

CASE NO. A-16-735910-B

*[313] Joint Notice of Availability for Evidentiary Hearing*

12/27/2021



Recorders Transcript of Hearing

*[314] Transcript of Proceedings: Hearing Re Trial Setting: Notice of Lieu of Remittitur of the Supreme Court's Decision and Order was Filed on October 21, 2021 -- 12-9-21*

03/16/2022



Order Shortening Time

*[315] PriceWaterHouseCoopers, LLP's Motion to Quash Subpoena on Order Shortening Time*

03/17/2022



Temporary Seal Pending Court Approval

Filed By: Defendant PricewaterhouseCoopers LLP

*[316] Exhibit 3 to PricewaterhouseCoopers LLP's Motion to Quash Subpoena on an Order Shortening Time*

03/21/2022



Opposition to Motion

Filed By: Plaintiff Tricarichi, Michael A.

*[317] Plaintiff Tricarichi's Opposition to Pricewaterhouse Coopers' Motion to Quash Subpoena*

03/22/2022



Memorandum

*[318] Court's Memo RE: Remote Appearance Information for MARCH 24, 2022, Hearing  
\*\*PLEASE REVIEW IN ITS ENTIRETY\*\**

03/22/2022



Reply in Support

Filed By: Defendant PricewaterhouseCoopers LLP

*[319] PricewaterhouseCoopers LLP's Reply in Support of its Motion to Quash Subpoena on an Order Shortening Tme*

03/23/2022



Brief

Filed By: Plaintiff Tricarichi, Michael A.

*[320] Plaintiff Michael Tricarichi's Evidentiary Hearing Memorandum*

03/23/2022



Brief

Filed By: Defendant PricewaterhouseCoopers LLP

*[321] Defendant PricewaterhouseCoopers LLP's Pre-Hearing Brief*

03/24/2022



Errata

Filed By: Defendant PricewaterhouseCoopers LLP

*[322] Errata to Defendant PricewaterhouseCoopers LLP's Pre-Hearing Brief*

03/24/2022



Amended

Filed By: Plaintiff Tricarichi, Michael A.

*[323] Plaintiff Michael Tricarichi's Amended Evidentiary Hearing Memorandum*

03/25/2022



Recorders Transcript of Hearing

*[324] Transcript of Proceedings: PricewaterhouseCoopers, LLP's Motion to Quash Subpoena on Order Shortening Time -- 3-24-22*

03/28/2022



Memorandum

*[325] Court's Memo RE: Remote Appearance Information for MARCH 30, 2022, Hearing  
\*\*PLEASE REVIEW IN ITS ENTIRETY\*\**

03/28/2022



Order Shortening Time

*[326] Defendant Pricewaterhousecoopers, LLP's Motion to Strike Plaintiff Michael Tricarichi's New Argument that the Contract is Unenforceable on Order Shortening Time*

# CASE SUMMARY

CASE NO. A-16-735910-B

03/28/2022



Notice of Entry of Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[327] Notice of Entry of Order Shortening Time Regarding Defendant*

*PricewaterhouseCoopers LLP's Motion to Strike Plaintiff Michael Tricarichi's New Argument that the Contract is Unenforceable*

03/29/2022



Opposition to Motion

Filed By: Plaintiff Tricarichi, Michael A.

*[328] Plaintiff Michael Tricarichi's Opposition to Defendant PricewaterhouseCoopers, LLP's Motion to Strike*

03/31/2022



Transcript of Proceedings

*[329] Transcript of Proceedings: Evidentiary Hearing; Defendant PricewaterhouseCoopers, LLP's Motion to Strike Plaintiff Michael Tricarichi's New Argument That the Contract is Unenforceable on Order Shortening Time -- 3-30-22*

04/06/2022



Order Granting Motion

*[330] Order Granting PriceWaterHouseCoopers, LLP's Motion to Quash Subpoena on Order Shortening Time*

04/07/2022



Notice of Entry of Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[331] Notice of Entry of Order Granting PricewaterhouseCoopers LLP's Motion to Quash Subpoena on an Order Shortening Time*

04/11/2022



Stipulation and Order

Filed by: Plaintiff Tricarichi, Michael A.

*[332] Stipulation and Order to Amend Case Caption*

04/11/2022



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[333] Notice of Entry of Stipulation and Order to Amend Case Caption*

04/14/2022



Order Denying

Filed By: Defendant PricewaterhouseCoopers LLP

*[334] Order Denying Defendant PricewaterhouseCoopers LLP's Motion for Summary Judgment and Motion to Limit Damages*

04/14/2022



Notice of Entry of Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[335] Notice of Entry of Order Denying Defendant PricewaterhouseCoopers LLP's Motion for Summary Judgment and Motion to Limit Damages*

04/27/2022



Findings of Fact, Conclusions of Law and Order

*[336] Findings of Fact, Conclusions of Law, and Order Granting PWC's Motion to Strike Jury Demand*

04/28/2022



Motion for Partial Summary Judgment

Filed By: Defendant PricewaterhouseCoopers LLP

*[337] PricewaterhouseCoopers LLP's Renewed Motion for Partial Summary Judgment*

04/28/2022



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

*[338] Appendix of Exhibits in Support of PricewaterhouseCoopers LLP's Renewed Motion for*

# CASE SUMMARY

CASE NO. A-16-735910-B

*Partial Summary Judgment (Volume 1 of 3)*

04/28/2022



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

*[339] Appendix of Exhibits in Support of PricewaterhouseCoopers LLP's Renewed Motion for Partial Summary Judgment (Volume 2 of 3)*

04/28/2022



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

*[340] Appendix of Exhibits in Support of PricewaterhouseCoopers LLP's Renewed Motion for Partial Summary Judgment (Volume 3 of 3)*

04/29/2022



Notice of Entry of Stipulation and Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[341] Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting PWC's Motion to Strike Jury Demand*

05/06/2022



Amended Order Setting Civil Non-Jury Trial

*[342] AMENDED ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL/TRIAL SETTING CONFERENCE, and CALENDAR CALL/FINAL PRE-TRIAL CONFERENCE*

05/09/2022



Amended Order Setting Civil Non-Jury Trial

*[343] AMENDED ORDER SETTING CIVIL NON-JURY TRIAL, PRE-TRIAL/TRIAL SETTING CONFERENCE, and CALENDAR CALL/FINAL PRE-TRIAL CONFERENCE*

05/12/2022



Stipulation and Order

*[344] Stipulation and Order to Extend Briefing Schedule Deadlines for Defendant PWC's Motion for Partial Summary Judgment*

05/12/2022



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Tricarichi, Michael A.

*[345] NOTICE OF ENTRY OF ORDER*

05/19/2022



Opposition to Motion

Filed By: Plaintiff Tricarichi, Michael A.

*[346] PLAINTIFF MICHAEL TRICARICHIS OPPOSITION TO PWCS29 RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT*

05/19/2022



Appendix

Filed By: Plaintiff Tricarichi, Michael A.

*[347] APPENDIX OF EXHIBITS TO PLAINTIFF MICHAEL TRICARICHIS OPPOSITION TO PWCS RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT [VOLUME 1]*

05/19/2022



Appendix

Filed By: Plaintiff Tricarichi, Michael A.

*[348] APPENDIX OF EXHIBITS TO PLAINTIFF MICHAEL TRICARICHIS OPPOSITION TO PWCS RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT [VOLUME 2]*

06/01/2022



Audiovisual Transmission Equipment Appearance Request

Party: Defendant PricewaterhouseCoopers LLP

*[349] Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment*

06/02/2022



Reply in Support

Filed By: Defendant PricewaterhouseCoopers LLP

*[350] PricewaterhouseCoopers LLP's Reply in Support of its Renewed Motion for Partial*



# CASE SUMMARY

CASE NO. A-16-735910-B

## Summary Judgment

06/07/2022	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff Tricarichi, Michael A. <i>[351] Notice of Intent to Appear By Simultaneous Audiovisual Transmission Equipment</i>
06/07/2022	 Memorandum <i>[352] Court's Memo RE: Remote Appearance Information for JUNE 9, 2022, Hearing</i> <b>**PLEASE REVIEW IN ITS ENTIRETY**</b>
06/13/2022	 Court Recorders Invoice for Transcript <i>[353]</i>
06/13/2022	 Recorders Transcript of Hearing <i>[354] Transcript Re: Pricewaterhousecoopers. LLP's Renewed Motion for Partial Summary Judgment, June 9, 2022</i>
06/13/2022	 Notice of Withdrawal of Attorney Filed by: Plaintiff Tricarichi, Michael A. <i>[355] Notice of Withdrawal of Counsel</i>
06/16/2022	 Order Denying Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[356] Order Denying Defendant PriceWaterhouseCoopers LLP's Renewed Motion for Partial Summary Judgement</i>
06/16/2022	 Notice of Entry of Order Filed By: Plaintiff Tricarichi, Michael A. <i>[357] Notice of Entry of Order Denying Defendant PricewaterhouseCoopers LLP's Renewed Motion for Partial Summary Judgement</i>
08/30/2022	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff Tricarichi, Michael A. <i>[358] Notice of Intent to Appear By Simultaneous Audiovisual Transmission Equipment</i>
08/31/2022	 Notice of Intent Filed By: Defendant PricewaterhouseCoopers LLP <i>[359] Defendant's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
09/07/2022	 Memorandum <i>[360] Court's Memo RE: Remote Appearance Information for SEPTEMBER 8, 2022, Pre-Trial Conference</i> <b>**PLEASE REVIEW IN ITS ENTIRETY**</b>
09/30/2022	 Mandatory Pretrial Disclosure Party: Defendant PricewaterhouseCoopers LLP <i>[361] PricewaterhouseCoopers LLP's Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
09/30/2022	 Mandatory Pretrial Disclosure Party: Plaintiff Tricarichi, Michael A. <i>[362] Plaintiff Michael A. Tricarichi's Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
10/14/2022	 Joint Pre-Trial Memorandum Filed By: Plaintiff Tricarichi, Michael A.

# CASE SUMMARY

CASE NO. A-16-735910-B

*[363] Joint Pre-Trial Memorandum*

10/19/2022



Audiovisual Transmission Equipment Appearance Request

Party: Defendant PricewaterhouseCoopers LLP

*[364] Defendant's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment*

10/24/2022



Objection

Filed By: Defendant PricewaterhouseCoopers LLP

*[366] Michael Tricarichi's and PricewaterhouseCoopers LLP's Revised Exhibit Objections*

10/24/2022



Court Recorders Invoice for Transcript

*[367] Transcript/Recording Fee 9/8/22 & 10/21/22*

10/24/2022



Recorders Transcript of Hearing

*[368] Transcript of Hearing Re: Pre Trial Conference*

10/24/2022



Recorders Transcript of Hearing

*[369] Transcript of Hearing Re: Calendar Call*

10/24/2022



Motion for Leave to File

*[370] PLAINTIFFS MOTION FOR LEAVE TO FILE UNDER SEAL PLAINTIFFS MOTION FOR DISCOVERY SANCTIONS ON ORDER SHORTENING TIME*

10/26/2022



Supplement

Filed by: Defendant PricewaterhouseCoopers LLP

*[371] PricewaterhouseCoopers LLP's Supplement to Joint Pre-Trial Memorandum*

10/26/2022



Opposition to Motion

Filed By: Defendant PricewaterhouseCoopers LLP

*[372] PricewaterhouseCoopers LLP's Opposition to Michael Tricarichis Motion for Discovery Sanctions*

10/27/2022



Trial Brief

Filed By: Defendant PricewaterhouseCoopers LLP

*[373] PricewaterhouseCoopers LLP's Trial Brief*

10/27/2022



Motion to Associate Counsel

Filed By: Defendant PricewaterhouseCoopers LLP

*[374] Motion to Associate Alexandra Genord, Esq. as Counsel*

10/27/2022



Motion to Associate Counsel

Filed By: Defendant PricewaterhouseCoopers LLP

*[375] Motion to Associate Sundeep Addy, Esq. as Counsel*

10/27/2022



Clerk's Notice of Hearing

*[376] Clerk's Notice of Hearing*

10/28/2022



Motion to Strike

Filed By: Defendant PricewaterhouseCoopers LLP

*[377] PricewaterhouseCoopers LLP's Motion to Strike on Order Shortening Time*

10/31/2022
















Stipulation and Order

*[378] Michael Tricarichi's And Pricewaterhousecoopers LLP's Revised Joint Trial Stipulation*

# CASE SUMMARY

CASE NO. A-16-735910-B

















*And Order*

10/31/2022	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[379] Notice of Entry of Michael Tricarichi's and PricewaterhouseCoopers LLP's Revised Joint Trial Stipulation and Order</i>
10/31/2022	 Clerk's Notice of Hearing <i>[380] Notice of Hearing</i>
10/31/2022	 Clerk's Notice of Hearing <i>[381] Notice of Hearing</i>
10/31/2022	Motion <i>[382] Plaintiff's Motion for Discovery Sanctions on an Order Shortening Time Filed Under Seal Hearing Requested</i>
10/31/2022	 Redacted Version <i>[414] Redacted version of Motion to remove and seal Exhibit 11 per Order 12/8/22</i>
10/31/2022	 Filed Under Seal <i>[415] Sealed Exhibit 11</i>
11/01/2022	 Order Granting Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[383] Order Granting Motion to Associate Alexandra Genord Esq. as Counsel</i>
11/01/2022	 Order Granting Motion Filed By: Defendant PricewaterhouseCoopers LLP <i>[384] Order Granting Motion to Associate Sundeep Addy, Esq as Counsel</i>
11/01/2022	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[385] Notice of Entry of Order Granting Motion to Associate Alexandra Genord, Esq. as Counsel</i>
11/01/2022	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[386] Notice of Entry of Order Granting Motion to Associate Sundeep Addy, Esq. as Counsel</i>
11/01/2022	 Opposition to Motion Filed By: Plaintiff Tricarichi, Michael A. <i>[387] Plaintiff Michael Tricarichi's Opposition to Defendant's Motion to Strike</i>
11/01/2022	 Errata Filed By: Plaintiff Tricarichi, Michael A. <i>[388] Errata to Plaintiff Michael Tricarichi's Opposition to Defendant's Motion to Strike</i>
11/02/2022	 Order Shortening Time <i>[389] PriceWaterHouseCoopers, LLP's Motion to Strike on Order Shortening Time</i>
11/02/2022	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[390] Notice of Entry of Order Shortening Time re: PricewaterhouseCoopers LLPs Motion to</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

*Strike on Order Shortening Time*

11/09/2022	 Stipulation and Order <i>[391] Stipulation and Order RE: Deposition Designations of Randy Hart and Donald Korb</i>
11/09/2022	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[392] Notice of Entry of Stipulation and Order re: Deposition Designations of Randy Hart and Donald Korb</i>
11/14/2022	 Court Recorders Invoice for Transcript <i>[393] Trial Recording Fees - Johnson</i>
11/14/2022	 Court Recorders Invoice for Transcript <i>[394] Trial Recording Fees - Austin</i>
11/16/2022	 Clerk's Notice of Nonconforming Document <i>[395] Clerk's Notice of Nonconforming Document</i>
11/18/2022	 Recorders Transcript of Hearing <i>[396] Recorder's Transcript of Bench Trial - Day 1 -- 10-31-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[397] Recorder's Transcript of Bench Trial - Day 2 -- 11-1-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[398] Recorder's Transcript of Bench Trial - Day 3 -- 11-2-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[399] Recorder's Transcript of Bench Trial - Day 4 -- 11-3-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[400] Recorder's Transcript of Bench Trial - Day 5 -- 11-4-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[401] Recorder's Transcript of Bench Trial - Day 6 -- 11-7-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[402] Recorder's Transcript of Bench Trial - Day 7 -- 11-8-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[403] Recorder's Transcript of Bench Trial - Day 8 - Volume 1 -- 11-9-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[404] Recorder's Transcript of Bench Trial - Day 8 - Video Deposition Excerpts for Donald Korb and Randy Hart - Volume 2 -- 11-9-22</i>
11/18/2022	 Recorders Transcript of Hearing <i>[405] Recorder's Transcript of Bench Trial - Day 9 -- 11-10-22</i>
11/21/2022	 Clerk's Notice of Nonconforming Document and Curative Action <i>[406] Clerk's Notice of Curative Action</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

11/21/2022	 Order Granting Motion <i>[407] Order Granting PWC's Motion to Strike Michael Tricarichi's Updated Damages Computation on Order Shortening Time</i>
11/21/2022	 Audiovisual Transmission Equipment Appearance Request Party: Defendant PricewaterhouseCoopers LLP <i>[408] Defendant's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
11/21/2022	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[409] Notice of Entry of Order Granting PwC's Motion to Strike Michael Tricarichi's Updated Damages Computation on Order Shortening Time</i>
11/21/2022	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff Tricarichi, Michael A. <i>[410] Notice Of Intent To Appear By Simultaneous Audiovisual Transmission Equipment</i>
11/23/2022	 Memorandum <i>[411] Court's Memo RE: Remote Appearance Information for NOVEMBER 29, 2022, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
12/08/2022	 Order Granting Motion <i>[412] Order Granting In Part Plaintiff Michael Tricarichi's Motion for Discovery Sanctions and Mmotion for Leave to File Under Seal</i>
12/08/2022	 Notice of Entry of Order Filed By: Plaintiff Tricarichi, Michael A. <i>[413] Notice Of Entry Of Order Granting In Part Plaintiff Michael Tricarichis Motion For Discovery Sanctions And Motion For Leave To File Under Seal</i>
02/09/2023	 Findings of Fact, Conclusions of Law and Judgment <i>[416] Findings Of Fact And Conclusions Of Law And Judgment</i>
02/14/2023	 Memorandum of Costs and Disbursements Filed By: Defendant PricewaterhouseCoopers LLP <i>[417] PricewaterhouseCoopers LLP's Verified Memorandum of Costs</i>
02/14/2023	 Appendix Filed By: Defendant PricewaterhouseCoopers LLP <i>[418] Appendix of Exhibits to PricewaterhouseCoopers LLP's Verified Memorandum of Costs</i>
02/15/2023	 Stipulation and Order Filed by: Defendant PricewaterhouseCoopers LLP <i>[419] Stipulation and Order to Extend Time to File a Memorandum of Costs and a Motion to Retax (First Request)</i>
02/22/2023	 Notice of Entry of Judgment Filed By: Defendant PricewaterhouseCoopers LLP <i>[420] Notice of Entry of Findings of Fact and Conclusions of Law and Judgment</i>
02/22/2023	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[421] Notice of Entry of Stipulation and Order to Extend Time to File Memorandum of Costs</i>

# CASE SUMMARY

CASE NO. A-16-735910-B

and Motion to Retax

02/24/2023



Memorandum of Costs and Disbursements

Filed By: Defendant PricewaterhouseCoopers LLP

[422] PricewaterhouseCoopers LLP's Amended Verified Memorandum of Costs

02/24/2023



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

[423] Appendix of Exhibits to PricewaterhouseCoopers LLP's Amended Verified Memorandum of Costs

03/10/2023



Motion to Retax

Filed By: Plaintiff Tricarichi, Michael A.

[424] Tricarichis Motion To Retax And Settle Pwcs Amended Verified Memorandum Of Costs

03/12/2023



Clerk's Notice of Hearing

[425] Notice of Hearing

03/15/2023



Motion to Seal/Redact Records

Filed By: Defendant PricewaterhouseCoopers LLP

[426] PricewaterhouseCoopers LLP's Motion to Seal Exhibits 5 and 6 to Motion for Attorneys' Fees and Costs

03/15/2023



Motion for Attorney Fees and Costs

Filed By: Defendant PricewaterhouseCoopers LLP

[427] PricewaterhouseCoopers LLP's Motion for Attorneys' Fees and Costs

03/15/2023



Appendix

Filed By: Defendant PricewaterhouseCoopers LLP

[428] Appendix of Exhibits to PricewaterhouseCoopers LLP's Motion for Attorneys' Fees and Costs

03/15/2023



Temporary Seal Pending Court Approval

Filed By: Defendant PricewaterhouseCoopers LLP

[429] Exhibits 5 and 6 to PricewaterhouseCoopers LLP's Motion for Attorneys' Fees and Costs

03/16/2023



Clerk's Notice of Hearing

Party: Defendant PricewaterhouseCoopers LLP

[430] Notice of Hearing

03/16/2023



Clerk's Notice of Hearing

Party: Defendant PricewaterhouseCoopers LLP

[431] Notice of Hearing

03/21/2023



Stipulation and Order

Filed by: Defendant PricewaterhouseCoopers LLP

[432] Stipulation and Order to Consolidate Hearings and Extend Briefing (First Request)

03/21/2023



Notice of Entry of Stipulation and Order

Filed By: Defendant PricewaterhouseCoopers LLP

[433] Notice of Entry of Stipulation and Order to Consolidate Hearings and Extend Briefing














03/23/2023



Notice of Appeal














# CASE SUMMARY

CASE NO. A-16-735910-B

	<p>Filed By: Plaintiff Tricarichi, Michael A.  <i>[434] Plaintiff's Notice of Appeal</i></p>
03/23/2023	<p> Case Appeal Statement            Filed By: Plaintiff Tricarichi, Michael A.  <i>[435] Plaintiff's Case Appeal Statement</i></p>
03/24/2023	<p> Amended Notice of Appeal            Party: Plaintiff Tricarichi, Michael A.  <i>[436] Plaintiff's Amended Notice of Appeal</i></p>
03/24/2023	<p> Amended Case Appeal Statement            Party: Plaintiff Tricarichi, Michael A.  <i>[437] Plaintiff's Amended Case Appeal Statement</i></p>
03/24/2023	<p> Errata            Filed By: Plaintiff Tricarichi, Michael A.  <i>[438] Errata to Plaintiff's Amended Case Appeal Statement</i></p>
03/28/2023	<p> Notice of Filing Cost Bond            Filed By: Plaintiff Tricarichi, Michael A.  <i>[439] Notice of Filing Cost Bond</i></p>
03/31/2023	<p> Opposition to Motion            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[440] PricewaterhouseCoopers LLP's Opposition to Plaintiff's Motion to Retax Costs</i></p>
04/06/2023	<p> Stipulation and Order  <i>[441] Stipulation and Order to (1) Continue Consolidated Hearing (First Request) and (2) Extend Briefing (Second Request)</i></p>
04/11/2023	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Tricarichi, Michael A.  <i>[442] Notice of Entry of Stipulation and Order to (1) Continue Consolidated Hearing (First Request) and (2) Extend Briefing (Second Request)</i></p>
04/14/2023	<p> Notice of Appearance            Party: Plaintiff Tricarichi, Michael A.  <i>[443] Notice of Appearance</i></p>
04/14/2023	<p> Opposition  <i>[444] Opposition to PWC's Motion for Attorneys' Fees and Costs</i></p>
05/23/2023	<p> Reply in Support            Filed By: Defendant PricewaterhouseCoopers LLP  <i>[445] PricewaterhouseCoopers LLP's Reply in Support of Motion for Attorneys' Fees and Costs</i></p>
05/26/2023	<p> Memorandum  <i>[446] Court's Memo RE: Remote Appearance Information for MAY 30, 2023, Hearing</i>  <b>**PLEASE READ MEMO IN ITS ENTIRETY**</b></p>
06/01/2023	<p> Court Recorders Invoice for Transcript  <i>[447]</i></p>

# CASE SUMMARY

CASE NO. A-16-735910-B

06/01/2023	 <b>Recorders Transcript of Hearing</b> <i>[448] Recorder's Transcript of Hearing: All Pending Motions, May 30, 2023</i>
06/14/2023	 <b>Notice of Withdrawal</b> Filed by: Plaintiff Tricarichi, Michael A. <i>[449] Notice of Withdrawal of Blake Sercye as Counsel</i>
08/01/2023	 <b>Notice of Voluntary Dismissal Without Prejudice</b> Filed by: Plaintiff Tricarichi, Michael A. <i>[450] Notice of Voluntary Dismissal of Defendant Graham R. Taylor Without Prejudice</i>
08/21/2023	 <b>Motion to Reconsider</b> Filed By: Plaintiff Tricarichi, Michael A. <i>[451] Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) Based on Newly Discovered Evidence</i>
08/22/2023	 <b>Clerk's Notice of Hearing</b> <i>[452] Clerk's Notice of Hearing</i>
08/25/2023	 <b>Order</b> <i>[453] Order Granting In Part and Denying In Part Defendant Pricewaterhouse Coopers LLP's Motion for Attorney's Fees and Costs and Order Granting In Part and Denying In Part Plaintiff Tricarichi's Motion to Retax and Settle PWC's Amended Verified Memorandum of Costs</i>
08/28/2023	 <b>Notice of Entry of Order</b> Filed By: Defendant PricewaterhouseCoopers LLP <i>[454] Notice of Entry of Order Granting in Part and Denying in Part Defendant PricewaterhouseCoopers LLPs Motion for Attorneys Fees and Costs and Order Granting in Part and Denying in Part Plaintiff Tricarichis Motion to Retax and Settle PWCs Amended Verified Memorandum of Costs</i>
08/30/2023	 <b>Stipulation and Order</b> <i>[455] Stipulation and Order (First Request)</i>
08/31/2023	 <b>Notice of Entry of Stipulation and Order</b> Filed By: Defendant PricewaterhouseCoopers LLP <i>[456] Notice of Entry of Stipulation and Order</i>
09/19/2023	 <b>Memorandum</b> <i>[457] Court's Memo RE: Remote Appearance Information for SEPTEMBER 21, 2023, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
09/19/2023	 <b>Opposition to Motion</b> Filed By: Defendant PricewaterhouseCoopers LLP <i>[458] PricewaterhouseCoopers LLP's Opposition to Plaintiff's NRCP 60(b) Motion for Reconsideration</i>
09/26/2023	 <b>Notice of Appeal</b> Filed By: Plaintiff Tricarichi, Michael A. <i>[459] Plaintiff's Notice of Appeal</i>
09/26/2023	 <b>Case Appeal Statement</b> Filed By: Plaintiff Tricarichi, Michael A.



# CASE SUMMARY

CASE NO. A-16-735910-B

*[460] Plaintiff's Case Appeal Statement*

10/05/2023



Notice of Filing Cost Bond

*[461] Notice of Filing Cost Bond*

10/12/2023



Motion for Stay of Execution

Filed By: Plaintiff Tricarichi, Michael A.

*[462] Plaintiff's Motion for Stay of Execution without Supersedeas Bond*

10/12/2023



Clerk's Notice of Hearing

*[463] Clerk's Notice of Hearing*

10/25/2023



Reply

Filed by: Plaintiff Tricarichi, Michael A.

*[464] Plaintiff's Reply in Support of His Motion to Reconsider Pursuant to NRCP 60(b) Based on Newly Discovered Evidence*

10/26/2023



Opposition to Motion

Filed By: Defendant PricewaterhouseCoopers LLP

*[465] PricewaterhouseCoopers LLP's Opposition to Plaintiff's Motion for Stay of Execution without Supersedeas Bond*

11/01/2023



Court Recorders Invoice for Transcript

*[466]*

11/02/2023



Recorders Transcript of Hearing

*[467] Recorder's Transcript of Plaintiff's Motion to Reconsider Pursuant to NRCP 60(B) Based on Newly Discovered Evidence -- 11-1-23*

11/07/2023



Reply in Support

Filed By: Plaintiff Tricarichi, Michael A.

*[468] Plaintiff's Reply In Support of His Motion for Stay of Execution Without Supersedeas Bond*

11/07/2023



Audiovisual Transmission Equipment Appearance Request

Party: Plaintiff Tricarichi, Michael A.

*[469] Notice of Intent to Appear By Simultaneous Audiovisual Transmission Equipment*

11/14/2023



Court Recorders Invoice for Transcript

*[470]*

11/15/2023



Recorders Transcript of Hearing

*[471] Transcript of Proceedings: Plaintiff's Motion for Stay of Execution Without Supersedeas Bond, November 14, 2023*

11/16/2023



Stipulation and Order

*[472] Stipulation and Order to Extend Deadline to Submit Proposed Order Denying Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) Based on Newly-Discovered Evidence*

11/17/2023



Notice of Entry of Stipulation and Order

Filed By: Defendant PricewaterhouseCoopers LLP

*[473] Notice of Entry of Stipulation and Order to Extend Deadline to Submit Proposed Order Denying Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) Based on Newly Discovered Evidence*





# CASE SUMMARY

CASE NO. A-16-735910-B

11/28/2023	 Order Denying <i>[474] Order Denying Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence</i>
11/28/2023	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[475] Notice of Entry of Order Denying Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence</i>
11/28/2023	 Stipulation and Order <i>[476] Stipulation And Order To Extend Deadline To Submit Proposed Order Denying In Part And Deferring In Part Plaintiff's Motion For Stay Of Execution Without Supersedeas Bond</i>
11/29/2023	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[477] Notice of Entry of Stipulation and Order to Extend Deadline to Submit Proposed Order Denying in Part and Deferring in Part Plaintiff's Motion for Stay of Execution Without Supersedeas Bond</i>
12/04/2023	 Order <i>[478] Order Denying In Part And Deferring In Part Plaintiff's Motion For Stay Of Execution Without Supersedeas Bond</i>
12/04/2023	 Notice of Entry of Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[479] Notice of Entry of Order Denying in Part and Deferring in Part Plaintiff's Motion for Stay of Execution Without Supersedeas Bond</i>
12/08/2023	 Stipulation and Order <i>[480] Stipulation and Order</i>
12/11/2023	 Notice of Entry of Stipulation and Order Filed By: Defendant PricewaterhouseCoopers LLP <i>[481] Notice of Entry of Stipulation and Order</i>
12/22/2023	 Notice of Appeal Filed By: Plaintiff Tricarichi, Michael A. <i>[482] Plaintiff's Notice of Appeal</i>
	<b><u>DISPOSITIONS</u></b>
12/23/2016	<b>Order of Dismissal</b> (Judicial Officer: Hardy, Joe) Debtors: Michael A. Tricarichi (Plaintiff) Creditors: Seyfarth Shaw LLP (Defendant) Judgment: 12/23/2016, Docketed: 12/30/2016
02/08/2017	<b>Order of Dismissal Without Prejudice</b> (Judicial Officer: Hardy, Joe) Debtors: Michael A. Tricarichi (Plaintiff) Creditors: Cooperatieve Rabobank UA (Defendant), Utrechit-America Finance Co (Defendant) Judgment: 02/08/2017, Docketed: 02/15/2017
10/24/2018	<b>Summary Judgment</b> (Judicial Officer: Gonzalez, Elizabeth) Debtors: Michael A. Tricarichi (Plaintiff) Creditors: PricewaterhouseCoopers LLP (Defendant) Judgment: 10/24/2018, Docketed: 10/24/2018 Comment: Certain Claims

# CASE SUMMARY

CASE NO. A-16-735910-B

05/31/2019	<p><b>Clerk's Certificate</b> (Judicial Officer: Gonzalez, Elizabeth)  Debtors: Michael A. Tricarichi (Plaintiff)  Creditors: Seyfarth Shaw LLP (Defendant), Cooperatieve Rabobank U A (Defendant), Utrecht-America Finance Co (Defendant)  Judgment: 05/31/2019, Docketed: 06/07/2019  Comment: Supreme Court No. 73175 Appeal Affirmed</p>
02/09/2023	<p><b>Judgment</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Michael A. Tricarichi (Plaintiff)  Creditors: PricewaterhouseCoopers LLP (Defendant)  Judgment: 02/09/2023, Docketed: 02/10/2023</p>
	<p><b>HEARINGS</b></p>
07/18/2016	<p> <b>Motion to Associate Counsel</b> (3:00 AM) (Judicial Officer: Hardy, Joe)  <i>Plaintiff's Motion to Associate Counsel</i>  Minute Order - No Hearing Held;</p>
07/18/2016	<p> <b>Motion to Associate Counsel</b> (3:00 AM) (Judicial Officer: Hardy, Joe)  <i>Plaintiff's Motion to Associate Counsel</i>  Minute Order - No Hearing Held;  Journal Entry Details:  <i>COURT ORDERED, Plaintiff's Motion to Associate Counsel for Scott F. Hessell, Esq. is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules. CLERK'S NOTE: A copy of this minute order was e-mailed to: Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd Prall, Esq. [tprall@hutchlegal.com], Scott Hessell, Esq. [shessell@sperling-law.com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], and Steve L. Morris, Esq. [sm@morrislawgroup.com]. (KD 7/18/16);</i></p>
08/22/2016	<p> <b>Motion to Associate Counsel</b> (3:00 AM) (Judicial Officer: Hardy, Joe)  <i>Defendant, PricewaterhouseCoopers, LLP's Motion to Associate Counsel Winston P. Hsiao</i>  Minute Order - No Hearing Held;  Journal Entry Details:  <i>COURT ORDERED, Defendant Pricewaterhousecoopers, LLP s Motion to Associate Counsel Winston P. Hsiao is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules. CLERK'S NOTE: A copy of this minute order was e-mailed to: Patrick Byrne, Esq. [pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq. [peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W. Prall, Esq. [tprall@hutchlegel.com], Scott F. Hessell, Esq. [shessell@sperling-law..com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Steve Morris, Esq. [sm@morrislawgroup.com], and Tyan M. Lower, Esq. [rml@morrislawgroup.com]. (KD 8/22/16);</i></p>
08/22/2016	<p> <b>Motion to Associate Counsel</b> (3:00 AM) (Judicial Officer: Hardy, Joe)  <i>Defendant, PricewaterhouseCoopers, LLP's Motion to Associate Counsel Peter B. Morrison</i>  Minute Order - No Hearing Held;  Journal Entry Details:  <i>COURT ORDERED, Defendant Pricewaterhousecoopers, LLP s Motion to Associate Counsel Peter B. Morrison is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules. CLERK'S NOTE: A copy of this minute order was e-mailed to: Patrick Byrne, Esq. [pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq. [peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W. Prall, Esq. [tprall@hutchlegel.com], Scott F. Hessell, Esq. [shessell@sperling-law..com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Steve Morris, Esq. [sm@morrislawgroup.com], and Ryan M. Lower, Esq. [rml@morrislawgroup.com]. (KD 8/22/16);</i></p>

# CASE SUMMARY

CASE NO. A-16-735910-B

11/16/2016	<p><b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><i>Motion to Dismiss for Lack of Jurisdiction on Behalf of Defendant Seyfarth Shaw LLP</i></p> <p>Motion Granted;</p>
11/16/2016	<p><b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><i>PricewaterhouseCoopers LLP's Motion to Dismiss</i></p> <p>Motion Denied;</p>
11/16/2016	<p><b>CANCELED Joinder</b> (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><i>Vacated - Duplicate Entry</i></p> <p><i>Seyfarth Shaw's Joinder in Defendants Cooperative Rabobank U.A. and Utrecht American Finance Company's Motion to Dismiss</i></p>
11/16/2016	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Hardy, Joe)</p> <p><b>MINUTES</b></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>MOTION TO DISMISS FOR LACK OF JURISDICTION ON BEHALF OF DEFENDANT SEYFARTH SHAW LLP</i> Mr. Morris argued in support of the Motion, stating that Defendant Seyfarth was not a resident of Nevada, and did not conduct systematic or continuous business in Nevada; therefore, this Court could not have general jurisdiction over Defendant Seyfarth. As to specific jurisdiction, Mr. Morris argued that Defendant Seyfarth had not purposefully availed itself of Nevada law, nor had its director acted or undertaken acts in this jurisdiction; therefore, specific jurisdiction could not be conferred on Defendant Seyfarth. Mr. Hutchison argued in opposition, stating that conspirators outside of Nevada that caused injury in Nevada, must answer for those injuries within the state. Additionally, Mr. Hutchison argued that Seyfarth had appeared in Nevada, and the totality of those contacts demonstrated general jurisdiction. <b>COURT ORDERED Motion GRANTED, FINDING</b> the following: (1) Plaintiff had not made a prima facie showing of personal jurisdiction as it related to Defendant Seyfarth Shaw; (2) the alleged contacts contained within Plaintiff's Affidavits and Declarations were insufficient, and did not confer specific jurisdiction, nor did they confer general jurisdiction on Defendant Seyfarth; (3) to the extent that the Davis case remained good law (which was questionable), the facts in the instant case were distinguishable from the limited facts in said case, and the facts in the Davis case would not apply to the circumstances alleged in the instant case, even under the prima facie standard; (4) the Walden v. Fiore case, the Daimler AG v. Bauman, and the Viega GmbH v. Eighth Judicial District Court case were controlling and instructive, as set forth in Defendant Seyfarth's briefs; (5) the Court agreed with Defendant Seyfarth's arguments on page 6 of the Motion, that Plaintiff had not set forth enough facts to establish personal jurisdiction over Seyfarth; (6) the Court agreed with Defendant Seyfarth's arguments contained in section B of the Motion, that Defendant Seyfarth was a non-resident of Nevada; therefore, Defendant Seyfarth was not subject to general jurisdiction, even under the prima facie standard; (7) the Court agreed with the arguments contained in subsection B of the Reply to the instant Motion; (8) the Court agreed with the arguments contained on page 9 of the Reply, wherein it was argued that Defendant Seyfarth's only connection to this litigation was an opinion letter he sent to Millennium Recovery Fund, which did not confer specific or general jurisdiction on Defendant Seyfarth; and (9) given the lack of satisfaction of the prima facie requirement, any alternative requests for relief were hereby <b>DENIED</b> for the reasons set forth in the Viega case. Mr. Morris to prepare the Order and forward it to opposing counsel for approval as to form and content. <b>PRICEWATERHOUSECOOPERS LLP'S MOTION TO DISMISS</b> Mr. Morrison argued in support of the Motion, stating that the claims against PricewaterhouseCoopers had fatal flaws and were time barred. Additionally, Mr. Morrison argued that there was no question New York law applied, and that the contract had been entered into in bad faith. Mr. Hessell argued in opposition, stating that Plaintiff's allegations had been pled sufficiently in order to put Defendant on notice of the misrepresentations that occurred in 2003, and between 2005 and 2011. Alternatively, if the Court did not find Plaintiff's claims had been sufficiently pled, Mr. Hessell requested leave to file amended pleadings. <b>COURT ORDERED Motion DENIED WITHOUT PREJUDICE, FINDING</b> the following: (1) under the Motion to Dismiss standard, it was not appropriate to dismiss the claims at this time; and (2) the claims had been sufficiently stated under Nevada law. Mr. Hessell to prepare the Order and forward it to opposing counsel for approval as to form and content. <b>SEYFARTH SHAW'S JOINDER IN DEFENDANTS COOPERATIVE RABOBANK U.A. AND UTRECHT AMERICAN FINANCE COMPANY'S MOTION TO DISMISS COURT</b></p>

# CASE SUMMARY

CASE NO. A-16-735910-B

ORDERED Joinder VACATED, as it was already set for hearing on January 18, 2017, at 9:00 AM.;

11/21/2016



**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Hardy, Joe)

*Defendants, Utrecht-America Finance Co and Cooperatieve Rabobank, UA's Motion to Associate Counsel (Christopher Paparella, Esq.)*

Minute Order - No Hearing Held;

Journal Entry Details:

*COURT ORDERED, Defendants, Utrecht-America Finance Co. and Cooperative Rabobank, UA s Motion to Associate Counsel (Christopher Paparella, Esq.) is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules. CLERK'S NOTE: A copy of this minute order was e-mailed to: Dan R. Waite, Esq. [dwaite@lrrc.com], Chris Paparella, Esq.*

*[chris.paparella@hugheshubbard.com], Mark A. Hutchison, Esq.*

*[mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W.*

*Prall, Esq. [tprall@hutchlegal.com], Scott F. Hessel, Esq. [shessel@sperling-law.com],*

*Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Patrick Byrne, Esq.*

*[pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq.*

*[peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Steve*

*Morris, Esq. [sm@morrisslawgroup.com], and Ryan M. Lower, Esq.*

*[rml@morrisslawgroup.com]. (KD 11/22/16);*

01/18/2017

**Motion to Dismiss** (9:00 AM) (Judicial Officer: Hardy, Joe)

Events: 10/19/2016 Motion to Dismiss

*Defendants' Motion to Dismiss*

Granted in Part;

01/18/2017

**Joinder** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Seyfarth Shaw's Joinder in Defendants Cooperative Rabobank U.A. and Utrecht American Finance Company's Motion to Dismiss*

Granted in Part;

01/18/2017



**All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)

## MINUTES

Matter Heard;

Journal Entry Details:

*DEFENDANTS' MOTION TO DISMISS...SEYFARTH SHAW'S JOINDER IN DEFENDANTS COOPERATIVE RABOBANK U.A. AND UTRECHT AMERICAN FINANCE COMPANY'S MOTION TO DISMISS Mr. Paparella argued in support of the Motions, stating that none of the contacts between Mr. Tricarichi, Rabobank, and Utrecht took place in Nevada; therefore, personal jurisdiction could not be established over those Defendants. Additionally, Mr.*

*Paparella argued that Plaintiff should not be permitted to conduct jurisdictional discovery, as they had not made a prima facie case of jurisdiction over Utrecht and Rabobank. Mr. Brooks argued in opposition, stating that Defendants Utrecht and Rabobank purposefully availed themselves of Nevada law, and citing the three elements for determining specific personal jurisdiction, as set forth in the Fulbright Jaworski v. Eighth Judicial District Court case.*

*COURT ORDERED Defendant's Motion to Dismiss and Seyfarth Shaw's Joinder were hereby GRANTED IN PART as to the lack of personal jurisdiction over the movants, for all of the reasons set forth in the Motion and Reply; Motion and Joinder DENIED IN PART WITHOUT PREJUDICE AS MOOT as to the remainder of the requested relief, given the lack of personal jurisdiction. The Court noted that it had considered all of the exhibits in making its determination, including granting a request for judicial notice, the COURT FOUND the following: (1) under the Fulbright & Jaworski v. Eighth Jud. Dist. Ct. case, as well as the Affinity Network case, Plaintiff had not made a prima facie showing of personal jurisdiction over the moving defendants in Nevada; (2) due to the lack of a prima facie showing of personal jurisdiction, Plaintiff's request for jurisdictional discovery, there was no basis to grant Plaintiff's request for jurisdictional discovery; (3) the mere fact that Plaintiff was a Nevada resident, and that the moving Defendants were aware that Plaintiff was a Nevada resident, was not enough to establish personal jurisdiction over the moving Defendants; (4) the moving Defendants had not purposefully availed themselves of Nevada law, and the causes of action did not arise out of the movants Nevada related activities; and (5) exercise of personal jurisdiction over the moving Defendants would not be reasonable in the instant case. Mr. Prall to prepare the Order and forward it to opposing counsel for approval as to form and content.;*

# CASE SUMMARY

CASE NO. A-16-735910-B

03/06/2017



**Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer: Hardy, Joe)

02/27/2017

*Continued to 03/06/2017 - At the Request of Counsel - Tricarichi, Michael A.; PricewaterhouseCoopers LLP*

Matter Heard;

Journal Entry Details:

*Upon Court's inquiry, Mr. Brooks advised that the parties had done their initial disclosures, including identifying witnesses, and describing the documents to be produced. Regarding discovery deadlines, Mr. Brooks represented that the parties had discussed allowing twelve (12) months for factual discovery, and an additional four (4) months for experts. Mr. Morrison affirmed Mr. Brooks' representations, noting that the parties disagreed on when the initial twelve (12) months should begin to run; it was Defendant's position that the twelve months should not begin to run until such time as a decision was made on PricewaterhouseCoopers' Motion for Summary Judgment. Mr. Brooks represented that it was Plaintiff's position that discovery should begin immediately. COURT ORDERED that the time period for discovery would begin immediately, despite the pending Motion for Summary Judgment, and SET the following DISCOVERY DEADLINES: (1) the close of factual discovery would be March 6, 2018; (2) the close of expert discovery would be July 6, 2018; and (3) the Joint Case Conference Report (JCCR) would be DUE by March 20, 2018, including details on the four months of expert discovery. Mr. Brooks to prepare the first draft of the JCCR, and forward it to all counsel for review. The Court noted that it would resolve any disputes regarding the JCCR. COURT FURTHER ORDERED a trial date was hereby SET. A Trial Order would issue. Upon Court's inquiry, Mr. Brooks stated that Plaintiff had filed a Jury Demand. In the event that a Jury Demand had not been properly filed, and if any party wished to do so, COURT ORDERED that the deadline for filing said demand would be March 13, 2017. Regarding a settlement conference, both parties felt it was too early in the case to participate in settlement discussions. Counsel indicated that they did not require ESI protocols, nor did they require the appointment of a Special Master. Mr. Morrison stated that there were issues with jurisdiction that needed to be resolved, and Defendant was unaware of Plaintiff's intentions. Mr. Brooks advised that Plaintiff would likely be seeking 54(b) Certification as to the two dismissals, which should not affect the remainder of the case. The COURT DIRECTED the parties to move forward with the case, noting that it would deal with the 54(b) Certification issue when it arose. Mr. Morrison stated that the instant case arose from a decision made by the Tax Court, which found that Plaintiff was liable; that decision was now on appeal with the 9th Circuit, and if the decision was overturned, the instant case would be moot. Based upon the decisions made in similar cases, Mr. Brooks argued that the instant case should not be stayed pending a decision by the 9th Circuit. Upon Court's inquiry, Mr. Brooks stated that he did not believe the instant case would be entirely moot, in the event that the Tax Court's decision was reversed. The COURT ADVISED counsel to submit the appropriate written briefing, if it wished for the Court to consider a stay. 9/17/18 8:30 AM PRE TRIAL CONFERENCE 10/3/18 8:30 AM CALENDAR CALL 10/8/18 10:30 AM JURY TRIAL ;*

04/18/2017



**Motion** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Plaintiff's Motion for Rule 54(B) Certification*

Motion Granted;

Journal Entry Details:

*Also present: J.P. Hendricks, Esq. on behalf of dismissed Defendant Seyfarth Shaw; Daniel Waite, Esq. on behalf of dismissed Defendants Cooperatieve Rabobank and Utrecht-America Finance Co. Mr. Wall argued in support of the Motion, stating that the Opposition was frivolous, and there was no time limit on bringing a Motion for 54(b) Certification. Additionally, Mr. Wall argued that the matter was certifiable, and the Court had discretion as to whether or not certification was appropriate. Mr. Hendricks argued in opposition, stating that a Motion to certify an appeal must be filed within thirty days, and Plaintiff failed to meet that deadline. Upon Court's inquiry, Mr. Hendricks stated that his client was dismissed, and he wished for the dismissal to be final. COURT ORDERED the instant Motion was hereby GRANTED in its entirety for all of the reasons set forth in the Motion and Reply, FINDING the following: (1) Defendant Seyfarth Shaw had been dismissed, and they wished for the dismissal to be final; (2) the only way to ensure final dismissal was through Rule 54(b) Certification; (3) the untimeliness issue raised by Seyfarth Shaw was not accurate under Nevada law; (4) alternatively, even if Seyfarth Shaw's timeliness argument were accurate, the instant Motion was timely given the circumstances. Mr. Wall to prepare the Order and forward it to opposing counsel for approval as to form and content.;*

05/10/2017

# CASE SUMMARY

CASE NO. A-16-735910-B



**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Hardy, Joe)

*PricewaterhouseCoopers LLP's Motion for Summary Judgment*

04/06/2017 Continued to 05/03/2017 - Stipulation and Order - Tricarichi, Michael A.; PricewaterhouseCoopers LLP; Taylor, Graham R

05/03/2017 Continued to 05/10/2017 - Stipulation and Order - Tricarichi, Michael A.; PricewaterhouseCoopers LLP

## MINUTES

Denied Without Prejudice;

Journal Entry Details:

*Upon Court's inquiry regarding what had changed since its denial of the Motion to Dismiss in November of 2016, Mr. Morrison advised that the parties exchanged initial disclosures, and Plaintiff had done full discovery in connection with the taxes issue. Regarding the instant Motion, Mr. Morrison argued that the advice was given in August of 2003; therefore, the claims were time barred by August of 2006 under New York law. Additionally, Mr. Morrison argued that there was no dispute that New York law applied in the instant case, as all three of the factors set forth in the Mardian v. Greenberg Family Trust case had been satisfied. Mr. Hessell argued in opposition, stating that, although some discovery had been conducted, there had not been any direct discovery with the Defendants. Furthermore, Mr. Hessell argued there was nothing to show that the parties had negotiated for a New York choice of law, and the provision in the agreement did not contain the New York statute of limitations. Based upon the request for NRCP 56(f) relief, COURT ORDERED the instant Motion was hereby DENIED WITHOUT PREJUDICE, FINDING the following: (1) the record currently before the Court did not allow it to determine whether genuine issues of material fact existed, or not. The COURT FURTHER ORDERED that the request for NRCP 56(f) relief was hereby GRANTED, FINDING that such relief was appropriate as set forth in paragraph 10 of Michael Tricarichi's Affidavit, filed on April 10, 2017. In the even of any discovery disputes, the parties would first be REQUIRED to meet and confer in good faith, prior to raising the issue before the Court. Mr. Hessell to prepare the Order and forward to opposing counsel for approval as to form and content.;*

08/13/2018 **CANCELED Status Check** (9:30 AM) (Judicial Officer: Hardy, Joe)  
Vacated - per Stipulation and Order

09/17/2018 **CANCELED Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)  
Vacated - per Stipulation and Order

09/21/2018 **Minute Order** (2:38 PM) (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order Re: Review of Par 17 of the Order Governing Production and Exchange of Confidential Information Filed on March 22, 2017*

Minute Order - No Hearing Held; Minute Order Re: Review of Par 17 of the Order Governing Production and Exchange of Confidential Information Filed on March 22, 2017

Journal Entry Details:

*The Court has reviewed par 17 of the Order Governing Production and Exchange of Confidential Information filed 3/22/17. That Order, in the Court's view, does not permit the parties to file motions under seal without compliance with SRCR 3. Accordingly the Plaintiff is ordered to Immediately file a motion in compliance with SRCR 3 to seal the opposition filed 8/1/18 and the Appendix filed 7/31/18. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw;*

09/24/2018 **Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Further Hearing: Motion for Summary Judgment*

08/22/2018 Continued to 09/06/2018 - Stipulation and Order - Tricarichi, Michael A.; PricewaterhouseCoopers LLP

S&O filed 7/12/18





Matter Heard; Further Hearing: Motion for Summary Judgment

Journal Entry Details:

*Also present, Peter Morrison, Esq., co-counsel, for Defendants and Jeffrey L. Eskin, general counsel of Pricewater. Mr. Byrne argued in support of motion and stated this case has to do with a dispute over tax advice that was given over 30 years ago. Mr. Hessell addressed the sealing of the brief pursuant to a confidentiality stipulation. There being no opposition, Mr. Hessell advised he would file it by the end of the day. Court so noted. Following arguments by*

# CASE SUMMARY

CASE NO. A-16-735910-B

	<p><i>counsel in support of their respective positions, COURT ORDERED, Motion for Summary Judgment GRANTED IN PART. COURT ADVISED, regardless of what law applies, given the IRS investigation and statutory interpretation the period is two years after discovery ended. Therefore, the statute of limitations expired prior to the January 2011 execution of the tolling agreement. However, if counsel believes he has a subsequent retention that may have a different statute of limitations, counsel may amend pleading. Mr. Byrne to prepare Order. ;</i></p>
10/03/2018	<p><b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Stipulation and Order</i></p>
10/08/2018	<p><b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Stipulation and Order</i></p>
10/29/2018	<p><b>CANCELED Motion to Seal/Redact Records</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i> <i>Motion for Leave to File Under Seal (1) Opposition to Renewed Summary Judgment Motion and (2) Supporting Appendix to Opposition</i></p>
03/18/2019	<p> <b>Motion for Leave</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion for Leave to File Amended Complaint</i> Granted; amendment to be filed in 5 days. Journal Entry Details: <i>APPEARANCES CONTINUED: Attorney Zachary Faigen of the Law Firm of Skadden, Arps, Slate, Meagher &amp; Flom for the Defendant Pricewaterhouse Coopers, LLP. Mr. Brooks argued in support of the motion, noting rule 15 and rule 16, that disputes should be decided on the merits, especially since new facts have arisen and that if the motion is denied the prejudice to Mr. Tricarichi will be severe. Mr. Byrne argued the proposed amendment fails on the threshold requirement of new retention, fails to clear the procedural hurdles of 16(b) and 16 (a), and fails on substance; the failure to disclose does not create a separate claim; the new claims are time barred for the same reason the old claims were. Following further argument by Mr. Brooks, COURT ORDERED, while the Court certainly understands Defendant's issues related to futility the Court is loath to deny Plaintiff's motion to amend and without giving them the opportunity to face the motion to dismiss. Plaintiff to FILE amendment within 5 days. All of this will be addressed in the motion to dismiss stage.;</i></p>
07/08/2019	<p> <b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion to Dismiss Amended Complaint</i></p> <p><b>MINUTES</b> Denied; Journal Entry Details: <i>Following arguments by Mr. Byrne and Mr. Hassell regarding omission claim, COURT ORDERED, motion DENIED. There is a properly alleged breach of duty by failing to disclose new information from the IRS that impacts the prior tax advice; whether on a factual basis counsel can support that claim is a different issue. Counsel may renew the factual issue at some point in time. Upon Court's inquiry, Mr. Byrne stated Defendant will answer within 10 days but the tricky part is that the amended complaint includes all prior allegations and dismissed claims. Mr. Byrne asked if they can have 3 weeks to answer as they need time to confer with Plaintiff's counsel. COURT stated he can, and ORDERED, matter SET for status check on the chambers calendar in 2 weeks. 7-26-19 CHAMBERS STATUS CHECK: ANSWER;</i></p> <p><b>SCHEDULED HEARINGS</b>  <b>Status Check</b> (07/26/2019 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>07/26/2019, 08/02/2019, 08/16/2019</b> <i>Status Check: Answer</i></p>
07/26/2019	<p> <b>Status Check</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>07/26/2019, 08/02/2019, 08/16/2019</b> <i>Status Check: Answer</i> Matter Continued; Matter Continued;</p>



# CASE SUMMARY

CASE NO. A-16-735910-B

Minute Order - No Hearing Held; Supplemental Rule 16 conference to be set.

Journal Entry Details:

*Court notes answer filed August 12, 2019. Judicial Executive Assistant to SET Supplemental Rule 16 conference. 9-6-19 CHAMBERS MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-19-19;*

Matter Continued;

Matter Continued;

Minute Order - No Hearing Held; Supplemental Rule 16 conference to be set.

Journal Entry Details:

*COURT NOTED no answer filed, and ORDERED, matter CONTINUED for 2 weeks. 8-16-19 CHAMBERS STATUS CHECK: ANSWER 9-6-19 CHAMBERS MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-5-19 ;*

Matter Continued;

Matter Continued;

Minute Order - No Hearing Held; Supplemental Rule 16 conference to be set.

Journal Entry Details:

*COURT NOTED, no answer filed, ORDERED, matter CONTINUED for one week. 8-2-19 CHAMBERS STATUS CHECK: ANSWER CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-26-19;*

09/06/2019

**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 07/30/2019 Motion to Associate Counsel

*Motion to Associate Chris Landgraff, Esq. as Counsel*

Granted;

09/06/2019

**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 07/30/2019 Motion to Associate Counsel

*Motion to Associate Krista Perry, Esq. as Counsel*

Granted;

09/06/2019

**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 07/30/2019 Motion to Associate Counsel

*Motion to Associate Mark Levine, Esq. as Counsel*

Granted;

09/06/2019

**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Motion to Associate Daniel Charles Taylor Esq*

Granted;

09/06/2019



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

Minute Order - No Hearing Held;

Journal Entry Details:

*MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL... ..MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate (Taylor, Levine, Landgraf, and Perry) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 9-9-19 9:00 AM MANDATORY RULE 16 CONFERENCE CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-6-19;*

# CASE SUMMARY

CASE NO. A-16-735910-B

09/09/2019



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

Trial Date Set; written stipulation under 41(e) to be submitted

Journal Entry Details:

*APPEARANCES CONTINUED: Attorney Daniel Taylor and Attorney Chris Landgraff, Pro Hac Vice Admitted, for the Defendant. COURT ORDERED, today is the parties' Joint Case Conference and the filing of the Joint Case Conference Report (JCCR) WAIVED. Mr. Prall advised the parties have conferred and would request through April 1, 2020 for fact discovery and May 1st for experts. Mr. Byrne stated the Defense is in agreement with the schedule, including motions being due by July 1st. Court noted this case would be 5 years old before getting a trial set. Upon Court's inquiry, Mr. Byrne advised the parties have not entered into a stipulation under 41(e). COURT TRAILED the matter for the parties to negotiate a stipulation and put it on the record. Matter RECALLED. Mr. Byrne stated that to the extent the schedule they agreed on exceeds the 5-year rule, which would be after April 29, 2021, they would STIPULATE to waive the 5-year rule; they do not think it will, but it depends on what the Court sets; also, one of the issues here is whether this will be a jury trial or bench trial; they believe this should be a bench trial although the Plaintiffs do not. COURT DIRECTED the parties to do a written stipulation that includes the 41(e) stipulation; the stipulation must specifically delineate any periods of stay during which the parties were unable to bring the case to trial and if they are generally extending for a period of time. Because of the historical nature of the motion to dismiss practice and prior visit to the Supreme Court, the Court APPROVES the parties' proposed schedule with reservations and GRANTS fact discovery through the end of March: Motions to amend pleadings or add parties TO BE FILED within 30 days; Initial expert disclosures where a party bears the burden of proof DUE by April 17, 2020; Rebuttal expert disclosures where a party does not bear the burden of proof DUE by May 22, 2020; Discovery cut-off SET for June 26, 2020; Dispositive motions and motions in limine TO BE FILED by July 17, 2020; Matter SET for trial on the stack beginning on September 8, 2020. Jury DEMANDED. Trial Setting Order will ISSUE. Counsel advised they do not need an ESI Protocol or Protective Order. Both sides further advised they do not have any issues with the Rule on 10 depositions per side, not including custodians of records, the 7-hour limit per deposition, and no issues with the locations.;*

03/24/2020



**Minute Order** (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order Continuing PricewaterhouseCoopers LLP's Motion to Compel for Telephonic Hearing*

Minute Order - No Hearing Held;

Journal Entry Details:

*COURT ORDERED, PricewaterhouseCoopers LLP's Motion to Compel scheduled for Monday, March 30, 2020 is CONTINUED for telephonic hearing on Tuesday, March 31, 2020 at 9:00 am. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-25-20;*

03/31/2020



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

*PricewaterhouseCoopers LLP's Motion to Compel*

## MINUTES

Granted;

Journal Entry Details:

*APPEARANCES CONTINUED: Attorney Blake Sercye, Pro Hac Vice pending, for the Plaintiff. All parties appeared by telephone. Following arguments by counsel, COURT ORDERED, the course of litigation or discovery has been focusing on Plaintiff's knowledge, and the Court is not imputing counsel's knowledge to the Plaintiff unless it was otherwise disclosed to the Plaintiff; the lawyers are not required to provide their opinion work product unless it was disclosed to the Plaintiff either in writing or orally; however, the description provided on the privilege log of legal strategy and legal analysis does not assist the Court in resolving the issue as to whether something falls within the issue of the at issue waiver and limited waiver that exists here; discussions of issues contained in the limited waiver NEED TO ALL BE PRODUCED; the privilege log needs to be supplemented with regards to the subject matter regarding legal strategy and legal analysis, and the Court needs to do an in camera review of the approximately 22 documents to the Plaintiff from counsel that have been withheld because counsel do not think they are part of the limited waiver. Colloquy regarding providing documents to be reviewed in camera via an FTP site. Court noted it has previously had issues with FTP sites and the matter will be discussed. With regards to the supplemental privilege log, Mr. Hessell advised they can get it done in the next week. COURT ORDERED, matter SET for status check on the chambers calendar in 2 weeks (April 17, 2020). Mr. Byrne*

# CASE SUMMARY

CASE NO. A-16-735910-B

to FILE a status report after getting the privilege log to see if he thinks the Court needs to do an in camera review. Mr. Hessell further advised the parties have a request to adjust expert disclosures. Court directed the parties to do a stipulation. Mr. Hessell stated they will do one via email and submit it. 4-17-20 CHAMBERS STATUS CHECK: SUPPLEMENTAL PRIVILEGE LOG 6-29-20 9:00 AM STATUS CHECK: TRIAL READINESS 8-13-20 9:15 AM PRE TRIAL CONFERENCE 9-1-20 9:30 AM CALENDAR CALL 9-8-20 1:30 PM JURY TRIAL;

## SCHEDULED HEARINGS



**Status Check** (04/17/2020 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Supplemental Privilege Log

04/17/2020



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

Status Check: Supplemental Privilege Log

Minute Order - No Hearing Held; in camera review to be conducted

Journal Entry Details:

Court reviewed status report filed April 16, 2020. The Court will conduct an in camera review of the 19 identified documents. Plaintiff to SUBMIT the supplemental privilege logs in Excel or Word, a players list, and the documents (redacted and unredacted version) on a thumb drive by mail. The Court will conduct the in camera review, rule by minute order and place the thumb drive in the vault as a sealed exhibit. 6-29-20 9:00 AM STATUS CHECK: TRIAL READINESS 8-13-20 9:15 AM PRE TRIAL CONFERENCE 9-1-20 9:30 AM CALENDAR CALL 9-8-20 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via electronic mail. / dr 4-20-20;

05/06/2020



**Minute Order** (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order: In Camera Review

Minute Order - No Hearing Held;

Journal Entry Details:

The Court has MARKED the communication from Counsel as Court's Exhibit 1 and the USB drive with the documents reviewed in camera as Court's Exhibit 2. Court's Exhibit 2 is SEALED as it contains privileged information. The Court notes the documents submitted do not match the paper copy of the privilege log submitted. Based upon the Court's review of the in camera documents, the objections are SUSTAINED to the only items included on the USB drive: REL 16833, REL 16833.0001, REL 16828, REL 16863, REL 16857, REL 16849, REL 16849.0001, REL 16843, REL 16843.0001, REL 16769, REL 16769.0001, The remainder of the items listed on the privilege log were not included for review. If further documents are intended to be reviewed, counsel to resubmit. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-6-20;

05/15/2020



**Minute Order** (8:52 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order: Communications to the Court

Minute Order - No Hearing Held;

Journal Entry Details:

Counsel is reminded not to communicate to the Court by letter. If additional information needs to be supplied, a conference call or status report is appropriate. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-15-20;

05/29/2020



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

Motion to File Under Seal Exhibits 21-24 to PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information

Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e), the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive financial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 6-1-20 9:00 AM PLAINTIFF MICHAEL TRICARICHI'S DE-DESIGNATION MOTION ...PRICEWATERHOUSECOOPERS LLP'S MOTION TO COMPEL PRODUCTION OF FINANCIAL INFORMATION... ...PLAINTIFF MICHAEL TRICARICHI'S MOTION TO

# CASE SUMMARY

CASE NO. A-16-735910-B

COMPEL 6-29-20 9:00 AM STATUS CHECK: TRIAL READINESS 8-13-20 9:15 AM PRE TRIAL CONFERENCE 9-1-20 9:30 AM CALENDAR CALL 9-8-20 1:30 PM JURY TRIAL  
CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-29-20;

06/01/2020	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i> Granted in Part;
06/01/2020	<b>CANCELED Motion to Compel</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - On in Error</i> <i>PricewaterhouseCoopers LLP's Motion to Compel Production of Financial Information</i>
06/01/2020	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff Michael Tricarichi's Motion to Compel</i> Granted in Part;
06/01/2020	<b>Motion</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 04/29/2020 Filed Under Seal <i>Plaintiff Michael Tricarichi's De-Designation Motion</i> Denied;
06/01/2020	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. PRICEWATERHOUSECOOPERS LLP'S MOTION TO COMPEL PRODUCTION OF FINANCIAL INFORMATION: The Court, having reviewed PricewaterhouseCoopers' Motion to Compel and the related briefing and being fully informed, GRANTS the motion IN PART. Tricarichi to PRODUCE information related to the disposition of funds from the transaction as well as the settlement agreement. As the asset summaries do not exist, Tricarichi is not required to create them. This information should be produced in response to supplemental answers to interrogatories 13 and 14. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. PLAINTIFF MICHAEL TRICARICHI'S MOTION TO COMPEL: The Court, having reviewed Tricarichi's Motion to compel and the related briefing and being fully informed, GRANTS the motion IN PART. PricewaterhouseCoopers is to CERTIFY that it has produced a substantially similar document to version 8. The remaining portions of the motion are denied. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. PLAINTIFF MICHAEL TRICARICHI'S DE-DESIGNATION MOTION: The Court, having reviewed Tricarichi's Dedesignation Motion and the related briefing and being fully informed, DENIES the motion. Initially the Court notes that Tricarichi failed to file a motion to file under seal and the documents filed April 29, 2020 were inappropriately sealed by the Clerk. Given the nature of the documents the temporary seal currently in place is EXTENDED until June 12, 2020. PricewaterhouseCoopers to FILE a motion to redact the motion and/or file exhibits under seal if it deems appropriate by June 11, 2020. The information sought to be dedesignated relate to other transactions and clients for which the designation is appropriate. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-1-20;</i>
06/15/2020	

# CASE SUMMARY

CASE NO. A-16-735910-B



**Minute Order** (8:31 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order Unsealing Motion*

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court, having not received any motion to redact or file under seal from Price WaterhouseCoopers as directed in the June 1, 2020 minute order, UNSEALS the dedesignation motion filed April 29, 2020. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-17-20 ;*

06/29/2020



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

Matter Heard;

Journal Entry Details:

*Counsel advised this status check was in place prior to the scheduling order which extended their schedule. Court so noted, and bid the parties goodbye and wished them well. Mr. Austin added that there was a motion to seal filed June 10, and, as part of the Court's ruling, the Court requested that they file a motion, which they did, and it was unopposed; the Court then issued the June 16 minute order; he spoke with the Clerk about the minute order perhaps having been issued in error. Court explained it was not. Mr. Austin stated he believes they did attach a proposed version. Court noted it was not clear to the Court what was being asked; if counsel wishes to file a motion to de-designate the Court will be happy to work with the Clerk's Office to temporarily seal the document. 7-10-20 CHAMBERS PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL 7-17-20 CHAMBERS DEFENDANT'S MOTION TO SEAL EXHIBITS O, P, AND Q TO PLAINTIFF MICHAEL TRICARICHI'S MOTION TO COMPEL AND REDACT EXCERPTS OF THESE DOCUMENTS IN THE MOTION 10-5-20 9:00 AM STATUS CHECK: TRIAL READINESS 12-10-20 9:15 AM PRE TRIAL CONFERENCE 12-22-20 9:30 AM CALENDAR CALL 1-4-21 1:30 PM JURY TRIAL;*

07/10/2020



**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Plaintiff's Motion to Associate Counsel*

Granted;

Journal Entry Details:

*Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Associate (Sercye) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-13-20;*

07/17/2020



**Motion to Seal/Redact Records** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Defendant's Motion to Seal Exhibits O, P and Q to Plaintiff Michael Tricarichi's Motion to Compel and Redact Excerpts of These Documents in the Motion*

Granted;

Journal Entry Details:

*Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e), the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. The proposed redacted motion to compel is approved and may be filed. The original motion to compel filed April 29, 2020 will remain sealed along with Exhibits O, P & Q of the motions. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-17-20;*

08/03/2020



**Motion to Seal/Redact Records** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Defendant's Motion to Seal and Redact Exhibit E to Plaintiff Michael Tricarichi's De-Designation Motion*

Granted;

Journal Entry Details:

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

# CASE SUMMARY


CASE NO. A-16-735910-B


oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the motion to seal Exhibit E to the Tricarchi declaration in support of the de-designation motion is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial and confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days, submit the proposed redacted versions to the Clerk's Office and distribute a filed copy to all parties involved in this matter. 10-5-20 9:00 AM STATUS CHECK TRIAL READINESS 12-10-20 9:15 AM PRE TRIAL CONFERENCE 12-22-20 9:30 AM CALENDAR CALL 1-4-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-3-20;


08/13/2020 **CANCELED Pre Trial Conference (9:15 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
*Vacated - per Judge*

09/01/2020 **CANCELED Calendar Call (9:30 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
*Vacated - per Judge*

09/08/2020 **CANCELED Jury Trial (1:30 PM)** (Judicial Officer: Gonzalez, Elizabeth)  
*Vacated - per Judge*

10/05/2020  **Status Check: Trial Readiness (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
Matter Heard;  
Journal Entry Details:  
*Parties appeared by telephone. Mr. Hessel advised that over the last several months the parties completed all but one of the depositions; that last one is supposed to happen this Friday, so he would say they are doing pretty well and all discovery matters will be resolved; dispositive motions and motions in limine are forthcoming. Upon Court's inquiry, Mr. Hessel stated that assuming all the motions are denied trial will take 5 to 7 days, at least from the Plaintiff's perspective. Mr. Byrne advised that a motion to determine whether this matter is subject to a jury will also be forthcoming, but right now it is currently scheduled as a jury trial. Mr. Byrne further noted that he knows this matter is set on the January 4th trial stack, but it is his understanding that the courts are currently prioritizing criminal trials. COURT NOTED that it appears that criminal trials are also reaching resolutions. 12-10-20 9:15 AM PRE TRIAL CONFERENCE 12-22-20 9:30 AM CALENDAR CALL 1-4-21 1:30 PM JURY TRIAL;*

11/05/2020  **Motion to Associate Counsel (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
*Motion to Associate Katharine Roin, Esq. as Counsel*  
Granted;  
Journal Entry Details:  
*Matter advanced from November 6, 2020. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Roin) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 12-10-20 9:15 AM PRE TRIAL CONFERENCE 12-22-20 9:30 AM CALENDAR CALL 1-4-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve and via electronic mail. / dr 11-5-20;*

12/07/2020  **Minute Order (8:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
*Minute Order Vacating December 10, 2020 Pre-Trial Conference*  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*COURT ORDERED, based upon the current public health emergency, the jury trial on January 4, 2021 stack is moved to the stack beginning on March 15, 2021. New trial setting order with dates for Pre Trial Conference, Calendar Call and Trial will ISSUE. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-7-20;*

# CASE SUMMARY

CASE NO. A-16-735910-B

12/10/2020	<b>CANCELED Pre Trial Conference</b> (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion in Limine No. 1 to Exclude Certain Opinions of Plaintiff's Expert Craig Greene</i> Denied;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion in Limine No. 2 to Exclude Testimony Related to PWC's 2003 Advice</i> Denied;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion in Limine No. 3 to Exclude Testimony Regarding PWC's Alleged Conflict of Interest</i> Denied;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion in Limine No. 4 to Exclude Testimony Related to PWC's Advice to Other Clients</i> Denied;
12/21/2020	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>PricewaterhouseCoopers LLP's Motion for Summary Judgment and Motion to Strike Jury Demand</i> Denied;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff Michael Tricarichi's Motion in Limine No. 1 to Bar References to the Prior Convictions of James Tricarichi</i> Granted in Part;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff Michael Tricarichi's Motion in Limine No. 2 to Exclude the Opinions of Kenneth Harris</i> Denied;
12/21/2020	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff Michael Tricarichi's Motion in Limine No. 3 to Bar Purported Mitigation Evidence</i> Denied;
12/21/2020	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details:  <i>Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. PRICEWATERHOUSECOOPERS LLP'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO STRIKE JURY DEMAND: The Court, having reviewed the motion for summary judgement / motion to strike jury demand and the related briefing and being fully informed, DENIES the motion. Genuine issues of material fact preclude the requested relief. As there is no rider that is signed or initialed by Plaintiff waiving the jury trial or agreeing to the limitation of damages, the Court declines to grant relief on those issues. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court, having reviewed the following motions in limine and the related briefing and being fully informed: PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 1 TO EXCLUDE CERTAIN OPINIONS OF PLAINTIFF S EXPERT CRAIG GREENE is DENIED. The issues go to the weight to be given his testimony by the fact finder. PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 2 TO EXCLUDE</i>


# CASE SUMMARY


CASE NO. A-16-735910-B

TESTIMONY RELATED TO PWC S 2003 ADVICE is DENIED. The original advice is central to a determination of the remaining claims. PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 3 TO EXCLUDE TESTIMONY REGARDING PWC S ALLEGED CONFLICT OF INTEREST is DENIED. The receipt of the referral fee is relevant to the remaining claims. PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY RELATED TO PWC S ADVICE TO OTHER CLIENTS is DENIED. The advice given is relevant and unlikely to confuse the jury. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 1 TO BAR REFERENCES TO THE PRIOR CONVICTIONS OF JAMES TRICARICHI is GRANTED IN PART. As the DUI conviction is a misdemeanor, it is excluded. The other convictions may be used for impeachment during cross-examination of the witness James Tricarichi only. PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 2 TO EXCLUDE THE OPINIONS OF KENNETH HARRIS is denied. The issues go to the weight to be given his testimony by the fact finder. PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 3 TO BAR PURPORTED MITIGATION EVIDENCE is denied. The issues go to the weight to be given his testimony by the fact finder. Counsel for Defendant tis directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. Parties may agree to submit a single order for all motions in limine. Counsel are required to notify any witnesses of these rulings. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20;

12/22/2020 **CANCELED Calendar Call (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
Vacated - per Judge

01/04/2021 **CANCELED Jury Trial (1:30 PM)** (Judicial Officer: Gonzalez, Elizabeth)  
Vacated - per Judge

01/29/2021  **Motion to Stay (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
Pricewaterhousecoopers LLP s Motion to Stay Trial Pending Writ Review on an Order Shortening Time  
Denied Without Prejudice;  
Journal Entry Details:  
The Court, having reviewed the Motion to Stay and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE. The petition was filed January 23, 2021; the Nevada Supreme Court has not ordered a response to the petition. There does not appear at this time to be a likelihood of success or that the matter will be mooted if not decided. Issues related to trial scheduling will be addressed at the Pre Trial Conference on February 18, 2021. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-1-21;

02/18/2021  **Pre Trial Conference (9:15 AM)** (Judicial Officer: Gonzalez, Elizabeth)  
Matter Heard;  
Journal Entry Details:



Parties appeared by telephone. Mr. Byrne advised that given their witnesses and experts he does not think they can be done in less than 8 days, best case scenario. Court noted that the age of this case would qualify for trial at the Convention Center but not the length of the trial. Court further noted a pending motion to stay. Mr. Byrne advised they are ready but simply need guidance from the Nevada Supreme Court on their writ. Court inquired whether the Nevada Supreme Court has ordered a response. Mr. Byrne stated they have not, and, upon further inquiry, advised that a June trial date would work for the Defendants. Mr. Hessell



# CASE SUMMARY




CASE NO. A-16-735910-B

stated the Plaintiffs would prefer April if 8 days can be accommodated then. Court stated it does not think it can be. Mr. Byrne advised they would like a real date because they have got all out-of-state witnesses, which would involve scheduling hotels and travel; he is not really interested in an aggressive April setting. Court noted that if this case is placed on the June stack it would be the oldest case on that stack. Mr. Hessell noted they would also be the oldest case in May. Court stated that they would not be, as there is one case in May that is older. COURT ORDERED, jury trial VACATED and RESET on the stack beginning on June 28, 2021, because the Court cannot accommodate a trial of this length at the Convention Center; new trial setting order will ISSUE, which will only have the dates for Calendar Call and the Pre Trial Conference. 6-3-21 9:15 AM PRE TRIAL CONFERENCE 6-22-21 9:30 AM CALENDAR CALL 6-28-21 1:30 PM JURY TRIAL;

03/09/2021	<b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
03/15/2021	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
05/10/2021	 <b>Motion to Vacate</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Princewaterhousecoopers LLP's Motion to Vacate or Continue Trial on an Order Shortening Time</i> Granted; Journal Entry Details: <i>Court Noted, the current issue with picking a jury and the limited amount of juries that can be picked each week. Court Further Noted, priority is being given to the cases with 5- year rule problems and this case does not have an issue despite the age of the case. Following argument and statements by counsel, COURT ORDERED motion GRANTED, matter set for Status Check on June 18th; parties to submit a Status Report the day before the hearing to indicate if they have heard anything further from the Supreme Court. COURT FURTHER ORDERED, the case will be reset on the next stack once the Supreme Court Rules one way or the other. 6/18/21 (CHAMBERS) Status Check;</i>
05/10/2021	<b>CANCELED Motion to Continue</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - On in Error</i> <i>Pricewaterhousecoopers LLP s Motion to Vacate or Continue Trial on an Order Shortening Time</i>
06/03/2021	<b>CANCELED Pre Trial Conference</b> (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Stipulation and Order</i>
06/18/2021	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <b>06/18/2021, 07/02/2021, 09/24/2021</b> <i>Status Check Re. Stay</i> Matter Continued; Matter Continued; Minute Order - No Hearing Held; Pursuant to the Joint Status Report filed and Notice of Hearing being issued Journal Entry Details: <i>On July 2, 2021, the Court reviewed the status and stay, reviewed the Status Report from June 21, 2021, and requested a Status Report on the stay by September 24, 2021. On September 24, 2021, the Court reviewed the Joint Status Report. A status check is set for November 19, 2021 on the Court s Chamber s calendar. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File &amp; Serve and/or served via facsimile. ndo10/07/21;</i> Matter Continued; Matter Continued; Minute Order - No Hearing Held; Pursuant to the Joint Status Report filed and Notice of Hearing being issued Journal Entry Details: <i>Court reviewed 6/21/21 status report; Court ORDERED, Status Check regarding Stay in 12 weeks. STATUS CHECK: Stay 09/24/2021 Chambers CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg//7/2/21;</i>

# CASE SUMMARY

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	<p>Matter Continued;</p> <p>Matter Continued;</p> <p>Minute Order - No Hearing Held;</p> <p>Pursuant to the Joint Status Report filed and Notice of Hearing being issued</p> <p>Journal Entry Details:</p> <p><i>Court found, no status report provided by counsel; matter CONTINUED two weeks. STATUS CHECK Re. STAY: 07/02/2021 Chambers CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/6/18/21;</i></p>
06/22/2021	<p><b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Vacated - per Stipulation and Order</i></p>
06/28/2021	<p><b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Vacated - per Stipulation and Order</i></p>
12/09/2021	<p> <b>Hearing</b> (8:30 AM) (Judicial Officer: Kishner, Joanna S.)</p> <p><i>Hearing Re Trial Setting: Notice of Lieu of Remittitur of the Supreme Court s Decision and Order was filed on October 26, 2021</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Court noted in this case it shows there are other parties, but no attorneys. Mr. Hessell stated the only remaining parties were plaintiff and PricewaterhouseCoopers. Court advised counsel to correct the caption so it reflects correctly in Odyssey. Colloquy regarding procedural history. Mr. Byrne believes the more efficient way to proceed was to refile both the Motion for Summary Judgment regarding the limitation of liability and then the Motion to Strike the jury trial waive. Court referenced and reviewed the January 5, 2021 order denying PriewaterhouseCoopers s Motion for Summary Judgment and Motion to Strike the jury demand. Arguments by counsel whether Tricarichi knowingly and voluntarily agreed to the jury trial waiver and whether to conduct an evidentiary hearing. COURT ORDERED, Order dated January 5, 2021, document 293, is STRICKEN pursuant to the Writ issued by the Nevada Supreme Court, dated September 30, 2021, as well as Order dated October 26. COURT FURTHER ORDERED, Notice of Entry of order, DATED 1/20/212, Document 294, STRICKEN. COURT ORDERED, matter SET for hearing; hearing estimated to last one hour, 30 minutes each side. Counsel to submit a joint letter to the Court with four proposed dates by December 16 at 4:30 p.m. ;</i></p>
02/25/2022	<p> <b>Status Check</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Upon Court's inquiry, Counsel requested a one (1) hour Evidentiary hearing on either March 29th or 30th. Colloquy regarding scheduling and briefing. Court ORDERED, Evidentiary Hearing SET and Briefs DUE by end of business on March 23, 2022. 3/30/22 8:30 AM EVIDENTIARY HEARING ;</i></p>
03/24/2022	<p> <b>Motion to Quash</b> (8:30 AM) (Judicial Officer: Kishner, Joanna S.)</p> <p><i>[315] PriceWaterHouseCoopers, LLP's Motion to Quash Subpoena on Order Shortening Time</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Upon Court's inquiry, Mr. Hessell stated Defendants Seyfarth, Taylor, Cooperatieve Rabobank UA and Utrecht-America Finance Co. have been dismissed. Court stated its inclination and noted the Court set the Evidentiary Hearing as a result of the Writ granted from the Supreme Court. Court questioned what the parties were intending to present at the Evidentiary Hearing if no witnesses were to attend. Mr. Taylor asserted Defendant did not intend to bring witnesses to the Evidentiary hearing. Furthermore, the subpoena had several defects and should be quashed. Mr. Taylor stated he does not believe there are any PWC employees within the Court's subpoena range who have any knowledge relevant to the case considering the engagement was based in Ohio. Therefore, compelling a witness would be burdensome on the Court and PWC. Colloquy regarding Rule 45 subpoena, failure to include mileage fees in the subpoena and two (2) additional defective subpoenas. Mr. Hessell stated PWC does not want the Court to have the benefit of a live witness to testify on the subjects for which the Supreme Court remanded the case to the Court. Furthermore, a subsequent subpoena was served to correct the defect regarding fees and Mr. Tricarichi would be present at the Evidentiary</i></p>


# CASE SUMMARY


CASE NO. A-16-735910-B

*Hearing. Colloquy regarding 30 (b)(6) witness and violation of EDCR 2.27 as to the briefs. Court stated its Findings and ORDERED motion GRANTED; subpoena QUASHED as a result of unpaid fees. The Court to evaluate at the Evidentiary Hearing whether parties have complied with the mandated, Court Ordered Evidentiary Hearing requirements. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. ;*

03/30/2022 **Evidentiary Hearing (8:30 AM)** (Judicial Officer: Kishner, Joanna S.)  
Matter Heard;

03/30/2022 **Motion to Strike (8:30 AM)** (Judicial Officer: Kishner, Joanna S.)  
*Defendant Pricewaterhousecoopers, LLP's Motion to Strike Plaintiff Michael Tricarichi's New Argument that the Contract is Unenforceable on Order Shortening Time*

03/30/2022  **All Pending Motions (8:30 AM)** (Judicial Officer: Kishner, Joanna S.)  
Matter Heard;  
Journal Entry Details:  
*Also present Kelly Dove, Richard Stovsky, Michael Kennedy and Geoff Ezgar. Court cites recent NV Sup Ct decision from 3/24/22 Canarelli v. Eighth Jud Dist Ct, 138 Nev Adv Op (2022) and returns the box of exhibits delivered to the Court marked confidential. Upon Court's inquiry, Mr. Byrne stated the documents provided to the Court were inadvertently marked privileged and confidential. Colloquy regarding non-compliance with EDCR 2.27, Defendant's Errata to Brief DOC 322 and Plaintiff's Amended Brief DOC 323. Counsel confirmed compliance with the Court's rules would be followed and requested the Court consider the briefs and address sanctions after the hearing. Neither party waived the burden proof, however, they agreed to call Mr. Stovsky and Mr. Tricarichi. Testimony and Exhibits presented (see worksheets). Colloquy regarding Lowe factors, Engagement Letter, Rider and Jury Waiver. Court stated its inclination and gave a tentative ruling noting the Motion to Strike was not necessary considering the Court had a specific Order granting Petition for Writ of Mandamus which directed the Court to narrow the scope of outstanding issue(s). Court gave alternative bases for its ruling and FOUND Plaintiff did not demonstrate the waiver was not entered into knowingly, voluntarily and intentionally and therefore, the jury waiver was enforceable. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Mr. Austin requested and the Court GRANTED an extension for thirty (30) days to submit the Order. Court noted the Writ required the Court to strike the portion of the Summary Judgment Order addressing the jury trial and therefore a carve-out was required. Court DIRECTED Counsel to submit to the JEA proposed dates for trial with three (3) different months and to copy all parties. Upon Court's inquiry, Mr. Bryne requested to make a voluntary donation to a 501(c)(3) organization and to attend a CLE in lieu of sanctions for noncompliance with EDCR 2.27. Court DIRECTED parties to provide a letter to Court requesting either an evidentiary hearing or to make a voluntary donation and attend a CLE.;*

06/09/2022  **Motion for Partial Summary Judgment (8:30 AM)** (Judicial Officer: Kishner, Joanna S.)  
*Pricewaterhousecoopers LLP's Renewed Motion for Partial Summary Judgment*  
Pursuant to correspondence from counsel requesting continuance  
Denied Without Prejudice;  
Journal Entry Details:

*Upon Court's inquiry, Mr. Levine addressed if the limitation of liability provision applied to Tricarichi's claim. Mr. Levine stated Mr. Tricarichi said during summary judgment briefing the claim arose from services originally performed by PWC. That admission was evidence the claim being made now, about not updating, related to those services. Colloquy regarding gross negligence. Mr. Levine stated gross negligence was pled in the earlier claim that was dismissed on statute of limitation grounds, however, when the new claim was raised, it did not plead gross negligence. Furthermore, the only pending claim left (Count 3) was just for negligence as to PWC. Mr. Tricarichi had plenty of time to amend his complaint to raise gross negligence, however, the time to amend passed. Additionally, there was no reason to spend a lot of court time and attention when there was no evidence to what a reasonable factfinder could find for gross negligence. Mr. Hessell outlined the procedural history that led to Count 3. Mr. Hessell stated Count 3 referenced the alternative allegation of either gross negligence or negligence and provided a brief history of the case. Colloquy regarding limitation clause, recoverable damages, procedural attack and engagement agreement. Mr. Hessell further*

**CASE SUMMARY****CASE NO. A-16-735910-B**

*stated there are issues of fact and the bench trial in a few months would remain the same whether the damage limitation clause was put in or not. Defendant failed to articulate any way in which they would be prejudiced or that the case would have proceeded differently if gross was added before the negligence count in Count 3. Counsel confirmed the operative complaint was the Amended Complaint filed on 4/1/19 and Nevada procedures govern the case, however, substantively it should be New York. Colloquy regarding language in Amended Complaint and contract provision. Court stated its Findings and ORDERED Motion DENIED WITHOUT PREJUDICE; movant had not met initial burden. COURT DIRECTED Mr. Hessel to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;*

09/08/2022

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

Trial Date Set;

Journal Entry Details:

*Michael English and Geoff Ezgar observed. Upon Court's inquiry, Counsel agreed the bench trial should take approximately eight (8) days rather than the previously requested ten (10). In regards to an October 31, 2022 trial date, Mr. Landgraff stated Defendant was ready for trial, however five (5) out of their six (6) witnesses were out of state and might need to be called out of order. Mr. Hessel did not object to calling witnesses out of order if need be and requested consecutive days for trial rather than splitting them up. Mr. Hessel further stated the exhibits should not exceed 1,000 pages are were all in PDF format. Mr. Landgraff also requested consecutive trial days and concurred exhibits should not exceed 1,000 pages. Court ORDERED trial date SET. 10/21/22 8:30 A.M. CALENDAR CALL 10/31/22 to 12/10/22 BENCH TRIAL (with the caveat 11/04/22 would be dark or a partial day);*

09/27/2022

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

10/10/2022

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

10/21/2022

**Calendar Call** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

*Colloquy regarding objections to deposition designations and trial exhibits. Court referenced instructions pursuant to the trial order and non-compliance. Court RECESSED and RECALLED the matter for the parties to try and come to an agreement. Counsel stipulated pursuant to EDCR 7.50 to withdrawal all objections to deposition designation and all objections to trial exhibits with the exception of five (5) for each party. Counsel to provide Findings and Fact Conclusions of Law (two days before trial) and a revised exhibit list setting forth the exhibits objected to. Court NOTED it could not rule on what it had not seen and did not require the parties to waive objections. Colloquy regarding Order Shortening Time on Motion for Sanctions, Motion for Sanctions filed on 10/20/22 and confidential documents. Mr. Austen provided the Court with original deposition transcripts and noted he would provide the Court with a list of depositions no later than 4:00 p.m. today. Mr. Landgraff stated Defendant would submit a Joint Trial Stipulation with changes and confirmed the one filed could be returned. Counsel requested the Court strike the Motion for Sanctions filed on 10/20/22 in order to ensure exhibits were filed under seal. Court ORDERED Motion for Sanctions STRICKEN (DOC 365), however, Defense Counsel's opposition still due. Court NOTED the Order Shortening Time would be returned and Counsel would need to resubmit under temporary seal. Defendant requested to use Real Time. Court ORDERED Real Time request DENIED. Counsel agreed to 40 minute opening statements each side and noted demonstrative exhibits would be utilized. CLERK'S NOTE: Court inadvertently referenced 10/10/22 as the filing date for the Motion for Sanctions instead of 10/20/22. ;*

10/31/2022

**Motion to Associate Counsel** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Events: 10/27/2022 Motion to Associate Counsel

*Defendant PricewaterhouseCoopers LLP's Motion to Associate Alexandra Genord, Esq. as Counsel*

Granted;

10/31/2022

**Motion to Associate Counsel** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

# CASE SUMMARY

CASE NO. A-16-735910-B

Events: 10/27/2022 Motion to Associate Counsel  
*Defendant PricewaterhouseCoopers LLP's Motion to Associate Sundeep Addy, Esq. as Counsel*  
 Granted;

10/31/2022



**Bench Trial - FIRM** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

**10/31/2022-11/04/2022, 11/07/2022-11/10/2022**

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Upon Court's inquiry, Hessell requested to update the Findings of Fact and Conclusions of Law based on the evidence discovered during trial and Landgraff requested to have the Court rule today. Court ORDERED request to update the Findings of Fact and Conclusions ("FFCL") GRANTED. Counsel to discuss and try to reach an agreement. Testimony and exhibits presented (see worksheets). Defendant RESTED its case and chief and Plaintiff its rebuttal. Closing arguments by counsel. Counsel confirmed there was not a fraud claim and the only claim that remained was count three (3) from the Amended Complaint. Colloquy regarding scope and breath of the Amended FFCL. Counsel requested 30 days to submit the FFCL. Court ORDERED FFCL due by 4:00 p.m. pacific time on 12/09/22 via word version to Department 31's JEA and copy opposing counsel.;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Colloquy regarding timeframe and discussion of damages with witness Craig Greene. Court RECESSED and RECALLED the matter for Counsel to discuss a possible resolution. Counsel agreed to withdraw the objection and only ask Greene one (1) question on damages. Testimony and exhibits presented (see worksheets). Deposition of Timothy Craig Greene was PUBLISHED and FILED IN OPEN COURT. Counsel read exhibits to be admitted pertaining to Greene's testimony, Korb and Hart's video depositions not played in Court, however, added to the transcript and exhibits not referenced yet but seeking preadmission. Colloquy regarding Plaintiff's request to pre-admit exhibits 43, 56 and 83 not referenced yet in testimony. Hessell stated he would withdraw his request for the pre-admission of these three (3) exhibits considering the exhibits would be introduced with the next witnesses. Plaintiff RESTED its case in chief. Colloquy regarding Defendant's demonstrative exhibits. Hessell stated the slide-show highlighted material not appropriate for the expert and was the subject matter for the Court's decision. Levine state the slide-show was a summary and Harris was Defendant's initial and expert witness. Court stated its Findings and ORDERED objection OVERRULED WITH CAVEAT. Court NOTED foundation to be laid and Nevada Rules for demonstrative exhibits followed. Furthermore, the Court would look at the slide-show as to the designation of the witness in a rebuttal expert witness context. Testimony and exhibits presented (see worksheets). Colloquy regarding Findings of Facts Conclusion of Law. Landgraff stated Defendant would like a ruling from the bench and Hessell stated he would like to confer with his client. Court to address the matter tomorrow. Per the Stipulation and Order Re: Disposition Designations of Randy Hart and Donald Korb filed on November 9, 2022 (Doc 391) and Notice of Entry thereof also filed on November 9, 2022 (Doc392) the depositions would be entered into the trial transcript on November 9, 2022 as if they had been played in open Court. 11/10/22 9:30 A.M. CONTINUED: BENCH TRIAL;*

Trial Continues;

Trial Continues;

Trial Continues;

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Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Upon Court's inquiry, Counsel stipulated that the video deposition of Jim Tricarichi, Michael Desmond, and Michael Boyer played in open Court on November 7, 2022 would be typed into the record and noted the parties designations were deciphered by blue and red ink. Counsel to address future video depositions at a later time and provided word versions of the deposition designations to the Court Recorder. Landgraff stated a new colleague might observe via blue jeans tomorrow and/or Thursday. Levine stated Dellinger would be called by Defendant out of order. Hessell noted Plaintiff kept the case open even though witnesses were called out of order. Testimony and exhibits presented (see worksheets). Colloquy regarding Plaintiff's slide presentation. Sercye stated Plaintiff worked to resolve objections to the slides, however, disagreed with the objection on timing of displaying the slides. Levine stated the slides were being displayed in a leading fashion. Court SUSTAINED Defendant's objection and referenced Nevada's rules on demonstrative exhibits. Testimony and exhibits presented (see worksheets). Colloquy regarding joint depositions designation transcripts. Counsel stipulated pursuant to EDCR 7.50 that Donald Korb and Randy Hart's joint deposition designation transcripts would be incorporated into the trial transcript as if they were read at the end of the day. Levine noted Korb's deposition would fall under Plaintiff's case in chief and Hart's under Defendant. Roin listed exhibits referenced in Miller's deposition and cross referenced them with trial exhibits noting a Court's Exhibit listing cross references would be provided. Video deposition of Glenn Miller played. Genord stated pursuant to EDCR 7.50, the parties reached an agreement whereby the two (2) awards granted in Plaintiff's Motion for Sanctions [382] and Defendant's Motion to Strike [377] would offset one another and Counsel withdrew their requests for fees and costs. Court DIRECTED Counsel to memorialize the stipulations in writing. 11/09/22 8:30 A.M. CONTINUED: BENCH TRIAL;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Per the agreement of the parties at the prior hearing, Landgraff proceeded to conduct a voir dire on Stovsky and presented objections to the admission of Exhibit 72. Hessell provided a response and argued for the admission of Exhibit 72. Court stated its Findings and ORDERED the admission of Exhibit 72 DENIED due to authenticity, hearsay and relevancy. Court did not address the late disclosure objection. Testimony and exhibits presented (see worksheets). Levine stated due to medical issues, Dellinger needed to be called out of order, would likely be called tomorrow morning and an additional break might be needed. Hessell did not object. Court addressed the exclusionary rule as to the new individuals in the courtroom and Counsel confirmed individuals were subject to the parties previous stipulation. Colloquy regarding Exhibit 100 and handwriting on page three (3) of the Exhibit. Following arguments by Counsel, Court ORDERED Exhibit 100 admitted for limited purpose. Court to consider Stovsky's statements, beliefs and position as to what was said as to Plaintiff in light of different testimony received by Plaintiff. Court taking weight into account. Video deposition designation of Michael Boyer played. Admitted exhibits read into the record. Colloquy regarding Plaintiff's demonstrative exhibits. Levine stated the demonstrative exhibits were produced last night and Defendant objected to 13 out of the 24 slides; 3 of which included undisclosed expert opinions. Mr. Sercye stated the purpose of the demonstrative exhibits were to act as an aid in Greene's testimony. Slide five (5) to Plaintiff's demonstrative exhibit presented to the Court for review. Mr. Levine stated the slide shown would aid in leading the witness's testimony. Court stated its Findings and ORDERED objection to Plaintiff's demonstrative exhibit SUSTAINED. After discussing the matter with opposing counsel, Hessell stated Plaintiff would work out issues with the presentation tonight. Levine concurred. Video deposition designations of Jim Tricarichi and Michael Desmond played. Colloquy regarding the three (3) video depositions played in lieu of live testimony today and whether or not the testimony would be transcribed in the trial transcripts. Counsel to discuss tonight and address the issue tomorrow as well as closing arguments and whether or not future video depositions should be submitted as court*

**CASE SUMMARY**

**CASE NO. A-16-735910-B**

*exhibits and not played.;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Testimony and exhibits presented (see worksheets). Colloquy regarding exhibits referenced in Stovsky's deposition which were not trial exhibits. Counsel agreed to argue objections to the admission of Exhibit 72 on Monday, November 7, 2022. 11/07/22 9:00 A.M. CONTINUED:*

**BENCH TRIAL;**

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Testimony and exhibits presented (see worksheets). Colloquy regarding Exhibit 183. Court NOTED it may limit contents, however, granted its admission and reserved a carveout for statements. Colloquy regarding Exhibit 100 (with or without handwriting). Court did not modify its previous ruling on 10/31/22 admitting Exhibit 100 with caveat. As to the Motion to Strike on OST, Pro Hac Vice Counsel Addy stated Plaintiff attempted to include damages five (5) days before trial and included two (2) new damage categories (Statutory Interest on Law Firm Fees and Additional Interest Through Trial). Addy further stated Plaintiff's conduct was a violation of NRCP 16.1(a)(2), 26(e) and 16.1(a)(3), disclosures must be at least 30 days before trial and Plaintiff requested an additional \$8 million dollars in interest on Tricarichi's underlying tax and penalty assessment. Furthermore, Defendant would be the only prejudiced party, the time to take depositions was over and Defendant's expert did not have an opportunity to review and make similar calculations. Colloquy regarding expert reports, dates of submittal and NRCP 37(c). Mr. Sercye stated Defendant was not prejudiced, the additional 10 million dollars in damages related to damages previously disclosed and Defendant was entitled to prejudgment interest under NY law. Mr. Sercye further stated there was good cause for the late disclosure of damages and if the Court did find prejudice, there were other remedies, including taking the deposition of Greene. Court referenced Pizzaro-Ortega, stated its Findings and ORDERED Motion to Strike GRANTED noting non-compliance with the rules, the matter could have been addressed earlier, was first disclosed in less than 30 days and Greene's deposition during trial was not a reasonable or feasible alternative. Court did not find a sanction component. Testimony and exhibits presented (see worksheets). Deposition of Richard Stovsky was PUBLISHED and FILED IN OPEN COURT. 11/4/22 1:15 P.M.*

**CONTINUED: BENCH TRIAL;**

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

*Testimony and exhibits presented (see worksheets). Mr. Hessell confirmed Exhibit 30 and 136 were identical with the exception of notations on Exhibit 136. Mr. Hessell stated the parties stipulated that Plaintiff's Counsel would not elaborate on the engagement agreement issues so long as Defendant agreed to not waive Plaintiff's challenges as to those issues. Mr. Landgraff agreed the parties did not need to re-litigate the Court's decisions. Court DIRECTED Counsel to discuss the matter after/during the lunch break and provide a written stipulation pursuant to*

# CASE SUMMARY

CASE NO. A-16-735910-B

EDCR 7.50. Said stipulation was read and placed on the record. Court notified the parties a recent submittal would be returned and need to be resubmitted without a file stamp. Testimony and exhibits presented (see worksheets). Deposition of Michael A. Tricarichi was PUBLISHED and FILED IN OPEN COURT. Colloquy regarding Exhibit 103. Counsel agreed to admit the first 30 pages of Exhibit 103 (1-134) as Exhibit 103A (103.0 - 103.30) in paper format over the hearsay objection for which Plaintiff preserved its right. Counsel requested to have the Motion to Strike heard tomorrow after lunch. 11/03/22 9:45 A.M. CONTINUED: BENCH TRIAL 11/03/22 MOTION TO STRIKE;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

Mr. Hessell provided paper copies of Exhibits 84-89 with the revised Exhibit List to the Court Clerk. Opening statements by counsel. Testimony and exhibits presented (see worksheets). Deposition of Timothy John Lohnes was PUBLISHED and FILED IN OPEN COURT. Counsel stipulated pursuant to EDCR 7.50 that exhibits referenced during witness testimony would be admitted at the end of that witness's testimony. 11/02/22 8:30 A.M. CONTINUED: BENCH TRIAL;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Decision Pending;

Journal Entry Details:

Representative from Bartlit Beck also present. Colloquy regarding Motions to Associate Counsel filed on 10/27/22 without a judicial day's notice and chronology of issues for the Court to address. Mr. Landgraft stated proposed Pro Hac Vice counsel would not be arguing this morning, however, might be arguing later in the week. Mr. Hessell stated the Defendant produced client forms and documents that were linked in client form materials. Colloquy regarding Defendant's Motion to Strike on OST. Mr. Hessell stated the matter pertained to testimony given by the damages expert. Mr. Levine stated they anticipated the damages expert would testify on Thursday whereby proposed Pro Hac Vice Counsel might be called to argue. Mr. Hessell requested to argue the motion orally. Court ORDERED Plaintiff's nonobligatory response due by 4:00 p.m. on November 1, 2022 with courtesy copy to the Court. Motion to be heard on November 3, 2022. Colloquy regarding Stipulation and final Orders for the Court's signature. Upon Court's inquiry, Mr. Hessell stated PricewaterhouseCoopers, LLP (PWC) recently uncovered client engagement and client acceptance forms and policy links thereto which should have been produced in the Tax Court case or early in this case. Mr. Hessell requested a corporate rep declaration ensuring all documents were produced. Colloquy regarding chronology of the case, prejudice and relief seeking. Ms. Roin stated PWC and the parties agreed to search terms long ago and documents were produced according to the agreement. The paper documents scanned in 2003 contained handwritten information and for that reason, the current technology in 2017 missed the documents. The documents were discovered on October 19, 2022 and Plaintiff was immediately alerted. Defendant's counsel reviewed all 544 documents in the folder to ensure nothing else was missed. Ms. Roin stated Defendant did not object to add documents as Exhibits 84-89. Colloquy regarding JCCR, 16.1 and scope of documents. Ms. Roin asserted Defendant agreed the documents should have been produced in 2017, however, their omission was an unintentional mistake without willful intent and immediately remedied. Counsel agreed to admit Exhibits 84-89 via paper format although untimely. Mr. Hessell agreed to add Exhibit 84-89 to the Exhibit List. Court ORDERED Plaintiff's Motion for Sanctions GRANTED as to monetary sanctions. Counsel agreed to meet and confer as to an agreed upon amount. Court DEFERRED and would revisit issue if harm materialized. Deposition left open for the Court to revisit noting no sufficient basis at this time. Colloquy regarding objected to exhibits. Court ORDERED Exhibit 57 not admitted, Exhibit 100 admitted (Court not taking position if true or not) and deferred as to the remaining.



# CASE SUMMARY

CASE NO. A-16-735910-B

	<p><i>Counsel did not agree to use tax court transcripts and exhibits for any purpose. Opening statements by counsel. Testimony and exhibits presented (see worksheets). Counsel requested to advance and grant the Motions to Associate Counsel. COURT ORDERED, Motions ADVANCED and GRANTED as unopposed pursuant to EDCR 2.20 and 2.23. 11/01/22 10:15 A.M. CONTINUED: BENCH TRIAL 11/03/22 10:00 A.M. DEFENDANT'S MOTION TO STRIKE ON ORDER SHORTENING TIME ;</i></p>
11/03/2022	<p><b>Motion to Strike</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.)  Events: 10/28/2022 Motion to Strike  <i>PricewaterhouseCoopers LLP's Motion to Strike on Order Shortening Time</i></p>
12/01/2022	<p><b>CANCELED Motion for Leave</b> (8:30 AM) (Judicial Officer: Kishner, Joanna S.)  <i>Vacated - per Attorney or Pro Per</i>  <i>Plaintiff's Motion for Leave to File Under Seal Plaintiff's Motion for Discovery Sanctions on Order Shortening Time</i></p>
05/30/2023	<p><b>Motion to Retax</b> (11:00 AM) (Judicial Officer: Kishner, Joanna S.)  <b>05/30/2023, 07/21/2023</b>  <i>Tricarichis Motion To Retax And Settle Pwcs Amended Verified Memorandum Of Costs</i>  Per Order filed 3/21/23  Deferred Ruling;</p>
05/30/2023	<p><b>Motion to Seal/Redact Records</b> (11:00 AM) (Judicial Officer: Kishner, Joanna S.)  Events: 03/15/2023 Motion to Seal/Redact Records  <i>PricewaterhouseCoopers LLP's Motion to Seal Exhibits 5 and 6 to Motion for Attorneys' Fees and Costs</i>  Per Order filed 3/21/23  Granted;</p>
05/30/2023	<p><b>Motion for Attorney Fees and Costs</b> (11:00 AM) (Judicial Officer: Kishner, Joanna S.)  <b>05/30/2023, 07/21/2023</b>  Events: 03/15/2023 Motion for Attorney Fees and Costs  <i>PricewaterhouseCoopers LLP's Motion for Attorneys' Fees and Costs</i>  Per Order filed 3/21/23  Deferred Ruling;</p>
05/30/2023	<p> <b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Kishner, Joanna S.)  Matter Heard;  Journal Entry Details:  <i>PRICEWATERHOUSECOOPERS, LLP'S MOTION TO SEAL EXHIBITS 5 AND 6 TO MOTION FOR ATTORNEYS' FEES AND COSTS... TRICARICHI'S MOTION TO RETAX AND SETTLE PWCS AMENDED VERIFIED MEMORANDUM OF COSTS...</i>  <i>PRICEWATERHOUSECOOPERS LLP'S MOTION FOR ATTORNEY FEES AND COSTS</i>  <i>COURT ORDERED, Pricewaterhousecoopers, LLP Motion to Seal GRANTED as unopposed pursuant to EDCR 2.20 and pursuant to Supreme Court Rule 3. Colloquy regarding combining Motions to hear them together, order of oral argument and issues pending in the appellate processes. Court NOTED it would move forward today considering the Nevada Supreme Court stated fees and costs were a separate appealable order. Mr. Bryne referred the Court to Defendant's brief while providing further argument on the imbalance between the fee request and the offer of judgment. Mr. Bryne argued case law did not relate costs of defense to the amount of the offer and Pricewaterhouse spent millions of dollars defending a \$50,000 case to protect its most valuable asset; its reputation. Colloquy regarding 2019 and 2021 Offers of Judgment, costs associated with meals during travel, choice of lawyer, reasonableness of fees and flat fee arrangement. Mr. Hessel cited to NRS 18.005 and Frazier vs. Drake and argued PWC's Motion sought 600 times the statutory amount and failed to satisfy the requirements and/or meet its burden of proof. Mr. Hessel argued PWC offer of \$50,000 was unreasonable and Plaintiff's rejection thereto was in good faith. Mr. Hessel stated PWC's \$50,000 offer did not include attorneys' fees and costs or pre-judgment interest. Mr. Bryne provided argument as to why Plaintiff's rejection of PWC offer was in bad faith. Court set forth its reasoning on the record as to the 2019 and 2021 Offers and FINDS PWC Plaintiff's decision to reject the 2021 offer and proceed to trial was grossly unreasonable and in bad faith. Court further NOTED there needed to be significant reductions to fees sought and DEFERRED the matter for Counsel to work together to try and reach a resolution using the Lodestar method. Court</i></p>

## CASE SUMMARY

CASE NO. A-16-735910-B

further DEFERRED the cost component for the parties to try and reach an agreement and provide the Court with a memorandum. Court NOTED meals, hotel costs and first class plane fair would not be included, however, expert fees more than \$1,500.00 would be. Court DIRECTED Counsel to provide a joint letter by Friday, June 2, 2023 with requested deadlines. 7/14/23 CHAMBER'S CALENDAR: ATTORNEYS' FEES & COSTS;

11/01/2023



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

*Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) Based on Newly Discovered Evidence*

Pursuant to correspondence from counsel

Denied;

Journal Entry Details:

*Following arguments by Counsel, Court set forth its Findings on the record and ORDERED Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) based on Newly Discovered Evidence DENIED and REAFFIRMED the 2018 Summary Judgment Order and February 9, 2023 Findings of Fact and Conclusions of Law. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;*

11/14/2023



**Motion for Stay of Execution** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Events: 10/12/2023 Motion for Stay of Execution

*Plaintiff's Motion for Stay of Execution without Supersedeas Bond*

Matter Continued;

Journal Entry Details:

*Upon Court's inquiry, Mr. Hessell stated Mr. Tricarichi has an IRS judgment against him in excess of \$35 million and a notice of tax lien against all his assets. As a result, when Mr. Tricarichi attempted to obtain a bond to stay execution of judgment, he was unable to due to insufficient assets or a letter of credit. Mr. Hessell referred to Nelson v. Heer, argued Mr. Tricarichi satisfied the precarious financial situation factor and the status quo would be maintained regardless of the bond considering Defendant would be no worse off today than during the pendency of the appeal. Mr. Hessell requested the Court stay execution on the judgment pending the appeal. Mr. Byrne argued Plaintiff had the burden to show why the Court should stay collection efforts and failed by not showing why Defendant would not be prejudiced. Mr. Byrne noted Plaintiff provided no specifics regarding what efforts the IRS had taken or evidence Mr. Tricarichi assets would be preserved during the appeal. Colloquy regarding judgment debtor exam. Mr. Hessell argued there was no reason to suggest Mr. Tricarichi dissipated assets. Court stated its Findings and ORDERED Plaintiff's Motion for Stay of Execution Without Supersedeas Bond DENIED IN PART; noting Plaintiff had not met its initial burden and DEFERRED IN PART to allow a judgment debtor exam to take place within the next 30 days and to continue the matter for argument. COURT DIRECTED Mr. Byrne to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders AND include date of judgment debtor exam and requested hearing date. Counsel concurred they would provide a Stipulation on the briefing schedule. ;*

02/29/2024

**Motion for Stay of Execution** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

## DATE

## FINANCIAL INFORMATION

**Defendant** Cooperatieve Rabobank UA

Total Charges

1,525.00

Total Payments and Credits

1,525.00

**Balance Due as of 12/26/2023**

**0.00**

**Defendant** Seyfarth Shaw LLP

Total Charges

1,483.00

Total Payments and Credits

1,483.00

**Balance Due as of 12/26/2023**

**0.00**

**Defendant** Utrecht-America Finance Co

Total Charges

30.00

Total Payments and Credits

30.00

**Balance Due as of 12/26/2023**

**0.00**

# CASE SUMMARY

CASE NO. A-16-735910-B

**Defendant** PricewaterhouseCoopers LLP

Total Charges	3,586.00
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Total Payments and Credits	3,586.00
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<b>Balance Due as of 12/26/2023</b>	<b>0.00</b>
-------------------------------------	-------------

**Plaintiff** Tricarichi, Michael A.

Total Charges	2,616.50
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Total Payments and Credits	2,616.50
----------------------------	----------

<b>Balance Due as of 12/26/2023</b>	<b>0.00</b>
-------------------------------------	-------------

**Plaintiff** Tricarichi, Michael A.

Appeal Bond Balance as of 12/26/2023	<b>500.00</b>
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**Plaintiff** Tricarichi, Michael A.

Appeal Bond Balance as of 12/26/2023	<b>500.00</b>
--------------------------------------	---------------

**Plaintiff** Tricarichi, Michael A.

Appeal Bond Balance as of 12/26/2023	<b>500.00</b>
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# BUSINESS COURT CIVIL COVER SHEET A-16-735910-B

Clark County, Nevada

XV

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

MICHAEL A. TRICARICHI

Defendant(s) (name/address/phone):

PRICEWATERHOUSE COOPERS, LLP, et al.

Attorney (name/address/phone):

Mark A. Hutchison, Esq., Todd L. Moody, Todd W. Prall  
Hutchison & Steffen, LLC, 10080 W. Alta Drive, Suite 200,

Las Vegas, NV 89145, Tel: 702-385-2500

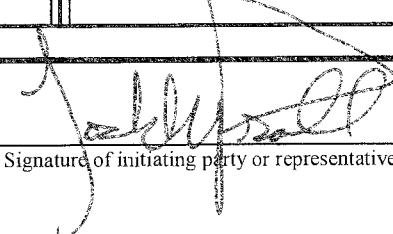
Attorney (name/address/phone):

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

☐ Arbitration Requested

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

29<sup>th</sup> Apr 2016  
Date

  
Signature of initiating party or representative

*Heather S. Smith*

CLERK OF THE COURT

**ORDR**

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*PricewaterhouseCoopers LLP*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL A. TRICARICHI,  
  
Plaintiff,

vs.

PRICEWATERHOUSECOOPERS LLP,  
  
Defendant.

CASE NO.: A-16-735910-B  
DEPT. NO.: XXXI

**ORDER DENYING PLAINTIFF'S MOTION  
FOR RECONSIDERATION PURSUANT TO  
NRCP 60(b) BASED ON NEWLY  
DISCOVERED EVIDENCE**

On November 1, 2023, the Court conducted a hearing on Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence ("Motion"). Patrick Byrne, Esq. and Bradley Austin, Esq. of Snell & Wilmer L.L.P, and Mark Levine, Esq. and Chris Landgraff, Esq. of Bartlit Beck, L.L.P., appeared on behalf of Defendant PricewaterhouseCoopers LLP ("PwC"). Scott Hessel of Sperling & Slater, LLC and Ariel Johnson of Hutchinson & Steffen, LLC appeared on behalf of Plaintiff Michael Tricarichi. The Court, having reviewed the record, the briefs submitted in support of and in opposition to the Motion, the Court's order granting Plaintiff Tricarichi's motion for Rule 56(f) discovery, the parties' respective briefs submitted in support of and in opposition to PwC's 2018 motion for summary judgment, the transcript from the September 24, 2018 summary judgment hearing, and transcripts from the parties' October and November 2022 bench trial, and the oral arguments of counsel, hereby DENIES the Motion and makes the following findings of fact, conclusions of law, and order:

### **FINDINGS OF FACT**

1. Plaintiff Michael Tricarichi filed his complaint in this case on April 29, 2016, alleging claims of gross negligence, negligent misrepresentation and simple negligence as to PwC.

2. In 2017, PwC moved for summary judgment on Tricarichi's original claims regarding PwC's 2003 advice on the ground that they were barred under the applicable statute of limitations.

3. On May 31, 2017, the Court denied summary judgment, ordering Rule 56(f) discovery as requested by Plaintiff Tricarichi's affidavit submitted as part of the summary judgment briefing. Dkt. 100, Order. PwC produced over 2,000 documents in response but did not produce the "newly discovered" evidence identified by Plaintiff as the subject of this motion. For the purpose of its analysis of this motion, the Court assumes, without deciding, that such evidence should have been produced.

4. PwC renewed its motion for summary judgment on June 14, 2018. *See* Dkt. 107, PwC's Renewed Mot. Summ. J. As part of his response in opposition, Plaintiff argued that he

1 “was entitled to know [at the time of the transaction] and certainly before litigation with the IRS  
2 that PwC advised at least one other taxpayer to avoid the very transaction that PwC was advising  
3 Plaintiff to proceed with,” and that PwC’s failure to disclose to him this advice on the Marshall  
4 transaction amounted to fraudulent concealment that tolled the statute of limitations. Dkt. 113,  
5 Pl.’s Resp. Opp’n at 20, 30.

6 5. After considering the parties’ briefing and hearing oral argument on the motion,  
7 the Court granted summary judgment, concluding that “regardless of whether New York’s or  
8 Nevada’s statute of limitations applies, Plaintiff’s claims are time-barred” because “[i]n the best-  
9 case scenario for Plaintiff . . . Plaintiff discovered, or as a matter of law, should have discovered  
10 the alleged act, error or omission no later than when he received the IDR [Information Document  
11 Request] from the IRS” to which he responded on February 21, 2008. Dkt. 119, Order at ¶¶ 17–  
12 18. The Court entered summary judgment “in favor of PwC regarding any and all claims arising  
13 from the services PwC provided Plaintiff in 2003.” *Id.* at 3.

14 6. Plaintiff filed an amended complaint on April 1, 2019, which included a negligence  
15 claim against PwC based on its alleged failure in “advising Plaintiff regarding [IRS] Notice 2008-  
16 111 and its impact on the tax position Plaintiff had taken with respect to the Fortrend transaction.”  
17 Dkt. 140, Am. Compl. at ¶ 117.

18 7. The Court held a nine-day bench trial on Plaintiff Tricarichi’s repleaded claim  
19 beginning on October 31, 2022. Over the course of the bench trial, this Court heard testimony  
20 from 14 different witnesses and received 112 exhibits into evidence.

21 8. The Court entered its Findings of Fact and Conclusions of Law entering judgment  
22 for PwC on Plaintiff’s negligence claim on February 9, 2023. Dkt. 416. The Court concluded that  
23 PwC did not breach a duty it owed to Plaintiff Tricarichi to render its advice in writing or to  
24 disclose earlier transactions to him, that Plaintiff’s claim failed on causation, and also that  
25 Plaintiff’s claim was untimely based on the evidence in the trial record. *Id.* at ¶¶ 104, 110–11,  
26 114–15, 137, 139–140, 161. Written notice of entry of the Court’s Findings of Fact and  
27 Conclusions of Law and Judgment was served on February 22, 2023. Dkt. 420.  
28

12. Both documents were used publicly at a jury trial of the Marshall plaintiffs' claims that began on July 31, 2023. After that point, counsel's use of the documents was not restricted by the Marshall litigation protective order.

15. Plaintiff's motion relies on the concepts set out in NRCP 60(b)(2) and (b)(3), but the Court finds it appropriate to analyze Plaintiff Tricarichi's motion under NRCP 60(b)(6), the



1 catchall provision for “any other reason that justifies relief.” NRCP 60(b)(6) is fitting because of  
2 the unique circumstances here: a protective order in the Marshall litigation that, absent leave of  
3 the Oregon court, prevented Plaintiff Tricarichi’s counsel from sharing the newly discovered  
4 evidence with his client in this case, and which in turn prevented Plaintiff Tricarichi from  
5 authorizing any Rule 60(b) motion to be submitted to this Court. A motion brought under NRCP  
6 60(b)(6) is not subject to the six-month time limit in NRCP 60(c)(1), so the Court concludes  
7 Plaintiff Tricarichi’s motion is timely.

8 16. While there is relatively little Nevada caselaw interpreting the substantive  
9 requirements for relief under NRCP 60(b)(2), Nevada courts look to how federal courts interpret  
10 FRCP 60(b)(2), which is nearly identical. *See Foster v. Dingwall*, 126 Nev. 49, 54, 228 P.3d 453  
11 (2010) (explaining that “federal decisions involving the Federal Rules of Civil Procedure provide  
12 persuasive authority when this court examines its rules,” and in particular following federal  
13 decisions regarding FRCP 60(b) because “NRCP 60(b) largely replicates Fed. R. Civ. P. 60(b)”)  
14 (citation omitted); *see also* NRCP 60, Adv. Cmte. Notes to 2019 Amendment (explaining that the  
15 “amendments generally conform Rule 60 to FRCP 60”); *Bonnell v. Lawrence*, 128 Nev. 394, 398  
16 282 P.3d 712, 714 (2012) (“Rule 60(b) of the Nevada Rules of Civil Procedure is modeled on  
17 Rule 60(b) of the Federal Rules of Civil Procedure”).

18 17. To obtain relief under FRCP 60(b)(2), the Ninth Circuit requires that “(1) the  
19 moving party [] show that the evidence relied on in fact constitutes ‘newly discovered evidence’  
20 within the meaning of Rule 60(b); (2) the moving party exercised due diligence to discover this  
21 evidence; and (3) the new evidence must be ‘of such magnitude that it would have been likely to  
22 change the disposition of the case.’” *Feature Realty, Inc. v. City of Spokane*, 331 F.3d 1082, 1093  
23 (9th Cir. 2003) (citation omitted). The moving party is required to satisfy all three elements. *See*  
24 *id.*

25 18. Plaintiff Tricarichi’s Rule 60(b) motion asks for two different forms of relief: (1)  
26 relief from the 2018 summary judgment order entered for PwC on Plaintiff Tricarichi’s claim that  
27 PwC negligently rendered its advice in 2003; and (2) relief from the Court’s 2023 Findings of Fact  
28 and Conclusions of Law entering judgment for PwC on Plaintiff Tricarichi’s claim that PwC was

1 negligent in 2008 for failing to revise its earlier advice after the IRS issued Notice 2008-111. This  
2 Order and the corresponding analysis takes into consideration how the newly discovered evidence  
3 relates to the claims brought by Tricarichi.

#### 4 2003 Negligence Claim

5 19. In evaluating Plaintiff Tricarichi's Rule 60(b) claim for relief as to his 2003  
6 negligence claim, the Court must evaluate what evidence was available and in the summary  
7 judgment record in 2018 and determine whether the February 14, 2003 email and the PwC policy  
8 booklet would have changed the Court's decision to enter summary judgment for PwC on Plaintiff  
9 Tricarichi's 2003 claim on statute of limitations grounds.

10 20. In reviewing the pleadings and transcript of the parties' 2018 summary judgment  
11 hearing, the Court determines that it considered, in 2018, whether the statute of limitations should  
12 be tolled because of fraudulent concealment, and further that it heard argument from the parties  
13 on the impact that fraudulent concealment would have on the statute of limitations argument. *See,*  
14 *e.g.*, Sept. 24, 2018 Hearing Tr. 6:7–8:8; 12:1–14:7; 15–17.

15 21. The Court concluded in 2018 that regardless of whether New York or Nevada law  
16 applied—a point of contention between the parties—Plaintiff had two years after discovery of his  
17 claim to file suit, which “under the best case scenario for Plaintiff[]” would be the date that  
18 Plaintiff Tricarichi responded to an information document request from the IRS, or February 21,  
19 2008. Therefore, the Court concluded, the statute of limitations expired more than two years before  
20 execution of the parties' January 2011 tolling agreement. Dkt. 119 ¶¶ 18–19 (“Plaintiff's claims  
21 were time-barred no later than February 21, 2010 under NRS § 11.2075(1)(a), nearly a year before  
22 the parties entered into a tolling agreement in January 2011.”).

23 22. Neither the email nor the PwC policy booklet addresses the timing of when Plaintiff  
24 was on notice and when he needed to file his claim for purposes of the statute of limitations. And,  
25 in entering summary judgment for PwC in 2018, the Court concluded that even if there were  
26 fraudulent concealment, the IRS put Plaintiff on notice, and it rejected Plaintiff's arguments that  
27 the IRS information document request only put him on notice that there might be corporate  
28 liability, rather than personal liability for him as a transferee.

23. As a result, even assuming the Court had had the benefit of the email and the policy, it would not have changed the Court's timeliness analysis. There is therefore no basis for Rule 60(b) relief from the Court's 2018 summary judgment order on Plaintiff Tricarichi's 2003 negligence claim.

### **2008 Negligence Claim**

24. Turning to Plaintiff Tricarichi's 2008 claim, the Court first concludes that Plaintiff has not met his burden under Rule 60(b) of demonstrating that the nature and scope of his 2008 negligence claim would have been different if Plaintiff had received the email at the time of the 2018 summary judgment briefing. Plaintiff Tricarichi already knew about the Marshall transaction and PwC's differing advice to its clients in that different transaction at the time of the 2018 summary judgment briefing and as he considered what claims, if any, to pursue after the Court's entry of summary judgment in 2018. The Court therefore has not been presented with sufficient evidence under the high standard of NRCP 60(b) that Plaintiff Tricarichi is entitled to relief on the basis that the parties' 2022 bench trial did not adequately incorporate all of the negligence claims against PwC that were before it – the trial did incorporate all the claims that were before it.

25. Plaintiff Tricarichi also moved for relief from the Court's 2023 Findings of Fact and Conclusions of Law following the 2022 bench trial of Plaintiff's 2008 negligence claim, arguing that he would have presented different evidence and examined (or cross-examined) witnesses differently with the benefit of the February 14, 2003 email. Dkt. 451, Mot. at 7, 11–12. But even if the email and the PwC policy booklet are “newly discovered evidence” under NRCP 60(b)(2)—which the Court will assume for the sake of its analysis—the Court concludes that Plaintiff Tricarichi has not met his burden under NRCP 60(b) on his 2008 negligence claim, either.

26. At the 2022 bench trial, the Court permitted Plaintiff Tricarichi to ask some questions of PwC witnesses, including Washington National Office tax professional Tim Lohnes, regarding their awareness of PwC's work for the Marshalls. Lohnes testified in response to this line of inquiry that he had “no firsthand experience” with PwC's concerns regarding the Marshall transaction, that he did not know who worked on the analysis with PwC Quality & Risk Management partner Dan Mendelson, nor “how they reached their conclusion or what was

1 otherwise considered.” Dkt. 397, Trial Tr. Day 2, 66:3–67:12. Given the witness’s lack of  
2 knowledge regarding PwC’s work on the Marshall transaction, the Court concludes that counsel’s  
3 cross-examination would not have been materially different with the benefit of an additional  
4 document that the witness did not contemporaneously receive.

5 27. Considering the Court’s Findings of Fact and Conclusions of Law, the testimony  
6 in the trial transcript, and the parties’ briefing on Plaintiff Tricarichi’s Rule 60(b) motion, the  
7 Court further finds no direct nexus between the newly discovered evidence and the case that went  
8 to trial in October 2022.

9 28. Based on the evidence at trial, the Court found as a matter of law that PwC did not  
10 breach a duty to Plaintiff Tricarichi to document its advice in writing or to maintain that  
11 documentation. The Court also made a specific finding that PwC’s failure to disclose its prior  
12 involvement in the Enbridge and Marshall transactions was not a breach of any duty PwC owed  
13 Plaintiff Tricarichi. *See* Dkt. 416, FOFCOL, ¶¶ 102–104, 117–130, 135. The Court concluded that  
14 there were “numerous differences between the Marshall matter” and Tricarichi’s case, and that  
15 “[g]iven the differences in the matters, Tricarichi did not meet his burden to show that PwC has  
16 liability to him for failing to disclose or take into account the advice given in that transaction.” *Id.*  
17 ¶¶ 39, 135, 137.

18 29. The Court cannot conclude that the email or PwC policy booklet would have  
19 changed the Court’s judgment on Plaintiff’s 2008 negligence claim as reflected in its February 9,  
20 2023 Findings of Fact and Conclusions of Law. The Court therefore denies Plaintiff Tricarichi’s  
21 Rule 60(b) motion for relief from its 2023 judgment. *See Renteria v. Canepa*, No. 3:11CV-00534-  
22 RCJ, 2013 WL 837127, at \*3 (D. Nev. Mar. 5, 2013) (denying Rule 60(b)(2) motion because  
23 “[t]he allegedly new evidence does not support a finding that the Court would have decided  
24 otherwise had that evidence been before the Court prior to the judgment”); *Abet Just., L.L.C. v.*  
25 *Am. First Credit Union*, No. 2:13-CV-02082-MMD-PAL, 2015 WL 4110800, at \*2 (D. Nev. July  
26 7, 2015) (stating that “the Court would still deny Plaintiffs’ [Rule 60(b)(2)] Motion even if it were  
27 timely because the newly discovered evidence would not have changed the outcome of the case”)  
28 (citation omitted).

**ORDER**

The Court having made the foregoing findings of fact and conclusions of law, and good cause appearing,

**IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence is **DENIED**.

Dated this 28th day of November, 2023



**050 FCE 23B4 B04E  
Joanna S. Kishner  
District Court Judge**

**Submitted by:**

**Approved as to form and content:**

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**Sent:** Monday, November 20, 2023 3:39 PM  
**To:** Austin, Bradley  
**Cc:** Ariel C. Johnson; Mark Levine; Chris Landgraff; Kate Roin; Alexandra Genord; Byrne, Pat  
**Subject:** Re: Tricarichi/PwC Proposed Order re Rule 60(b) Mot

**[EXTERNAL]** [shessell@sperling-law.com](mailto:shessell@sperling-law.com)

---

Confirmed

On Nov 20, 2023, at 5:23 PM, Austin, Bradley <[baustin@swlaw.com](mailto:baustin@swlaw.com)> wrote:

Hi Scott and Ariel,

Following up on our prior correspondence, please confirm that I have authorization to affix your e-signature to the attached order and submit.

Thank you,

Brad

**Bradley Austin**

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<Tricarichi v PwC Proposed Order Denying Rule 60(b) Mot .pdf>

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Michael Tricarichi, Plaintiff(s)

CASE NO: A-16-735910-B

7 vs.

DEPT. NO. Department 31

8 PricewaterhouseCoopers LLP,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/28/2023

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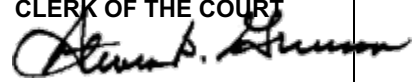
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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL A. TRICARICHI,  
  
Plaintiff,

vs.

PRICEWATERHOUSECOOPERS LLP,  
  
Defendant.

CASE NO.: A-16-735910-B  
DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION PURSUANT TO  
NRCP 60(B) BASED ON NEWLY  
DISCOVERED EVIDENCE**

1 PLEASE TAKE NOTICE that an *Order Denying Plaintiff's Motion for Reconsideration*  
2 *Pursuant to NRCP 60(b) Based on Newly Discovered Evidence* was entered in the above-  
3 captioned matter on November 28, 2023, a copy of which is attached hereto.

4 Dated: November 28, 2023

SNELL & WILMER L.L.P.

6 By: /s/ Bradley Austin

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On November 28, 2023, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION PURSUANT TO NRCP 60(B) BASED ON NEWLY DISCOVERED EVIDENCE** upon the following by the method indicated:

☐

**BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.

☐

**BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

☐

**BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐

**BY PERSONAL DELIVERY:** by causing personal delivery via messenger service of the document(s) listed above to the person(s) at the address(es) set forth below.

☒

**BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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*Heather S. Smith*

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL A. TRICARICHI,  
  
Plaintiff,

vs.

PRICEWATERHOUSECOOPERS LLP,  
  
Defendant.

CASE NO.: A-16-735910-B  
DEPT. NO.: XXXI

**ORDER DENYING PLAINTIFF'S MOTION  
FOR RECONSIDERATION PURSUANT TO  
NRCP 60(b) BASED ON NEWLY  
DISCOVERED EVIDENCE**

On November 1, 2023, the Court conducted a hearing on Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence ("Motion"). Patrick Byrne, Esq. and Bradley Austin, Esq. of Snell & Wilmer L.L.P, and Mark Levine, Esq. and Chris Landgraff, Esq. of Bartlit Beck, L.L.P., appeared on behalf of Defendant PricewaterhouseCoopers LLP ("PwC"). Scott Hessel of Sperling & Slater, LLC and Ariel Johnson of Hutchinson & Steffen, LLC appeared on behalf of Plaintiff Michael Tricarichi. The Court, having reviewed the record, the briefs submitted in support of and in opposition to the Motion, the Court's order granting Plaintiff Tricarichi's motion for Rule 56(f) discovery, the parties' respective briefs submitted in support of and in opposition to PwC's 2018 motion for summary judgment, the transcript from the September 24, 2018 summary judgment hearing, and transcripts from the parties' October and November 2022 bench trial, and the oral arguments of counsel, hereby DENIES the Motion and makes the following findings of fact, conclusions of law, and order:

### **FINDINGS OF FACT**

1. Plaintiff Michael Tricarichi filed his complaint in this case on April 29, 2016, alleging claims of gross negligence, negligent misrepresentation and simple negligence as to PwC.

2. In 2017, PwC moved for summary judgment on Tricarichi's original claims regarding PwC's 2003 advice on the ground that they were barred under the applicable statute of limitations.

3. On May 31, 2017, the Court denied summary judgment, ordering Rule 56(f) discovery as requested by Plaintiff Tricarichi's affidavit submitted as part of the summary judgment briefing. Dkt. 100, Order. PwC produced over 2,000 documents in response but did not produce the "newly discovered" evidence identified by Plaintiff as the subject of this motion. For the purpose of its analysis of this motion, the Court assumes, without deciding, that such evidence should have been produced.

4. PwC renewed its motion for summary judgment on June 14, 2018. *See* Dkt. 107, PwC's Renewed Mot. Summ. J. As part of his response in opposition, Plaintiff argued that he

1 “was entitled to know [at the time of the transaction] and certainly before litigation with the IRS  
2 that PwC advised at least one other taxpayer to avoid the very transaction that PwC was advising  
3 Plaintiff to proceed with,” and that PwC’s failure to disclose to him this advice on the Marshall  
4 transaction amounted to fraudulent concealment that tolled the statute of limitations. Dkt. 113,  
5 Pl.’s Resp. Opp’n at 20, 30.

6 5. After considering the parties’ briefing and hearing oral argument on the motion,  
7 the Court granted summary judgment, concluding that “regardless of whether New York’s or  
8 Nevada’s statute of limitations applies, Plaintiff’s claims are time-barred” because “[i]n the best-  
9 case scenario for Plaintiff . . . Plaintiff discovered, or as a matter of law, should have discovered  
10 the alleged act, error or omission no later than when he received the IDR [Information Document  
11 Request] from the IRS” to which he responded on February 21, 2008. Dkt. 119, Order at ¶¶ 17–  
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14 6. Plaintiff filed an amended complaint on April 1, 2019, which included a negligence  
15 claim against PwC based on its alleged failure in “advising Plaintiff regarding [IRS] Notice 2008-  
16 111 and its impact on the tax position Plaintiff had taken with respect to the Fortrend transaction.”  
17 Dkt. 140, Am. Compl. at ¶ 117.

18 7. The Court held a nine-day bench trial on Plaintiff Tricarichi’s repleaded claim  
19 beginning on October 31, 2022. Over the course of the bench trial, this Court heard testimony  
20 from 14 different witnesses and received 112 exhibits into evidence.

21 8. The Court entered its Findings of Fact and Conclusions of Law entering judgment  
22 for PwC on Plaintiff’s negligence claim on February 9, 2023. Dkt. 416. The Court concluded that  
23 PwC did not breach a duty it owed to Plaintiff Tricarichi to render its advice in writing or to  
24 disclose earlier transactions to him, that Plaintiff’s claim failed on causation, and also that  
25 Plaintiff’s claim was untimely based on the evidence in the trial record. *Id.* at ¶¶ 104, 110–11,  
26 114–15, 137, 139–140, 161. Written notice of entry of the Court’s Findings of Fact and  
27 Conclusions of Law and Judgment was served on February 22, 2023. Dkt. 420.  
28

12. Both documents were used publicly at a jury trial of the Marshall plaintiffs' claims that began on July 31, 2023. After that point, counsel's use of the documents was not restricted by the Marshall litigation protective order.

15. Plaintiff's motion relies on the concepts set out in NRCP 60(b)(2) and (b)(3), but the Court finds it appropriate to analyze Plaintiff Tricarichi's motion under NRCP 60(b)(6), the

1 catchall provision for “any other reason that justifies relief.” NRCP 60(b)(6) is fitting because of  
2 the unique circumstances here: a protective order in the Marshall litigation that, absent leave of  
3 the Oregon court, prevented Plaintiff Tricarichi’s counsel from sharing the newly discovered  
4 evidence with his client in this case, and which in turn prevented Plaintiff Tricarichi from  
5 authorizing any Rule 60(b) motion to be submitted to this Court. A motion brought under NRCP  
6 60(b)(6) is not subject to the six-month time limit in NRCP 60(c)(1), so the Court concludes  
7 Plaintiff Tricarichi’s motion is timely.

8 16. While there is relatively little Nevada caselaw interpreting the substantive  
9 requirements for relief under NRCP 60(b)(2), Nevada courts look to how federal courts interpret  
10 FRCP 60(b)(2), which is nearly identical. *See Foster v. Dingwall*, 126 Nev. 49, 54, 228 P.3d 453  
11 (2010) (explaining that “federal decisions involving the Federal Rules of Civil Procedure provide  
12 persuasive authority when this court examines its rules,” and in particular following federal  
13 decisions regarding FRCP 60(b) because “NRCP 60(b) largely replicates Fed. R. Civ. P. 60(b)”)  
14 (citation omitted); *see also* NRCP 60, Adv. Cmte. Notes to 2019 Amendment (explaining that the  
15 “amendments generally conform Rule 60 to FRCP 60”); *Bonnell v. Lawrence*, 128 Nev. 394, 398  
16 282 P.3d 712, 714 (2012) (“Rule 60(b) of the Nevada Rules of Civil Procedure is modeled on  
17 Rule 60(b) of the Federal Rules of Civil Procedure”).

18 17. To obtain relief under FRCP 60(b)(2), the Ninth Circuit requires that “(1) the  
19 moving party [] show that the evidence relied on in fact constitutes ‘newly discovered evidence’  
20 within the meaning of Rule 60(b); (2) the moving party exercised due diligence to discover this  
21 evidence; and (3) the new evidence must be ‘of such magnitude that it would have been likely to  
22 change the disposition of the case.’” *Feature Realty, Inc. v. City of Spokane*, 331 F.3d 1082, 1093  
23 (9th Cir. 2003) (citation omitted). The moving party is required to satisfy all three elements. *See*  
24 *id.*

25 18. Plaintiff Tricarichi’s Rule 60(b) motion asks for two different forms of relief: (1)  
26 relief from the 2018 summary judgment order entered for PwC on Plaintiff Tricarichi’s claim that  
27 PwC negligently rendered its advice in 2003; and (2) relief from the Court’s 2023 Findings of Fact  
28 and Conclusions of Law entering judgment for PwC on Plaintiff Tricarichi’s claim that PwC was



1 negligent in 2008 for failing to revise its earlier advice after the IRS issued Notice 2008-111. This  
2 Order and the corresponding analysis takes into consideration how the newly discovered evidence  
3 relates to the claims brought by Tricarichi.

#### 4 2003 Negligence Claim

5 19. In evaluating Plaintiff Tricarichi's Rule 60(b) claim for relief as to his 2003  
6 negligence claim, the Court must evaluate what evidence was available and in the summary  
7 judgment record in 2018 and determine whether the February 14, 2003 email and the PwC policy  
8 booklet would have changed the Court's decision to enter summary judgment for PwC on Plaintiff  
9 Tricarichi's 2003 claim on statute of limitations grounds.

10 20. In reviewing the pleadings and transcript of the parties' 2018 summary judgment  
11 hearing, the Court determines that it considered, in 2018, whether the statute of limitations should  
12 be tolled because of fraudulent concealment, and further that it heard argument from the parties  
13 on the impact that fraudulent concealment would have on the statute of limitations argument. *See*,  
14 *e.g.*, Sept. 24, 2018 Hearing Tr. 6:7–8:8; 12:1–14:7; 15–17.

15 21. The Court concluded in 2018 that regardless of whether New York or Nevada law  
16 applied—a point of contention between the parties—Plaintiff had two years after discovery of his  
17 claim to file suit, which “under the best case scenario for Plaintiff[]” would be the date that  
18 Plaintiff Tricarichi responded to an information document request from the IRS, or February 21,  
19 2008. Therefore, the Court concluded, the statute of limitations expired more than two years before  
20 execution of the parties' January 2011 tolling agreement. Dkt. 119 ¶¶ 18–19 (“Plaintiff's claims  
21 were time-barred no later than February 21, 2010 under NRS § 11.2075(1)(a), nearly a year before  
22 the parties entered into a tolling agreement in January 2011.”).

23 22. Neither the email nor the PwC policy booklet addresses the timing of when Plaintiff  
24 was on notice and when he needed to file his claim for purposes of the statute of limitations. And,  
25 in entering summary judgment for PwC in 2018, the Court concluded that even if there were  
26 fraudulent concealment, the IRS put Plaintiff on notice, and it rejected Plaintiff's arguments that  
27 the IRS information document request only put him on notice that there might be corporate  
28 liability, rather than personal liability for him as a transferee.

23. As a result, even assuming the Court had had the benefit of the email and the policy, it would not have changed the Court's timeliness analysis. There is therefore no basis for Rule 60(b) relief from the Court's 2018 summary judgment order on Plaintiff Tricarichi's 2003 negligence claim.

### **2008 Negligence Claim**

24. Turning to Plaintiff Tricarichi's 2008 claim, the Court first concludes that Plaintiff has not met his burden under Rule 60(b) of demonstrating that the nature and scope of his 2008 negligence claim would have been different if Plaintiff had received the email at the time of the 2018 summary judgment briefing. Plaintiff Tricarichi already knew about the Marshall transaction and PwC's differing advice to its clients in that different transaction at the time of the 2018 summary judgment briefing and as he considered what claims, if any, to pursue after the Court's entry of summary judgment in 2018. The Court therefore has not been presented with sufficient evidence under the high standard of NRCP 60(b) that Plaintiff Tricarichi is entitled to relief on the basis that the parties' 2022 bench trial did not adequately incorporate all of the negligence claims against PwC that were before it – the trial did incorporate all the claims that were before it.

25. Plaintiff Tricarichi also moved for relief from the Court's 2023 Findings of Fact and Conclusions of Law following the 2022 bench trial of Plaintiff's 2008 negligence claim, arguing that he would have presented different evidence and examined (or cross-examined) witnesses differently with the benefit of the February 14, 2003 email. Dkt. 451, Mot. at 7, 11–12. But even if the email and the PwC policy booklet are “newly discovered evidence” under NRCP 60(b)(2)—which the Court will assume for the sake of its analysis—the Court concludes that Plaintiff Tricarichi has not met his burden under NRCP 60(b) on his 2008 negligence claim, either.

26. At the 2022 bench trial, the Court permitted Plaintiff Tricarichi to ask some questions of PwC witnesses, including Washington National Office tax professional Tim Lohnes, regarding their awareness of PwC's work for the Marshalls. Lohnes testified in response to this line of inquiry that he had “no firsthand experience” with PwC's concerns regarding the Marshall transaction, that he did not know who worked on the analysis with PwC Quality & Risk Management partner Dan Mendelson, nor “how they reached their conclusion or what was

1 otherwise considered.” Dkt. 397, Trial Tr. Day 2, 66:3–67:12. Given the witness’s lack of  
2 knowledge regarding PwC’s work on the Marshall transaction, the Court concludes that counsel’s  
3 cross-examination would not have been materially different with the benefit of an additional  
4 document that the witness did not contemporaneously receive.

5 27. Considering the Court’s Findings of Fact and Conclusions of Law, the testimony  
6 in the trial transcript, and the parties’ briefing on Plaintiff Tricarichi’s Rule 60(b) motion, the  
7 Court further finds no direct nexus between the newly discovered evidence and the case that went  
8 to trial in October 2022.

9 28. Based on the evidence at trial, the Court found as a matter of law that PwC did not  
10 breach a duty to Plaintiff Tricarichi to document its advice in writing or to maintain that  
11 documentation. The Court also made a specific finding that PwC’s failure to disclose its prior  
12 involvement in the Enbridge and Marshall transactions was not a breach of any duty PwC owed  
13 Plaintiff Tricarichi. *See* Dkt. 416, FOFCOL, ¶¶ 102–104, 117–130, 135. The Court concluded that  
14 there were “numerous differences between the Marshall matter” and Tricarichi’s case, and that  
15 “[g]iven the differences in the matters, Tricarichi did not meet his burden to show that PwC has  
16 liability to him for failing to disclose or take into account the advice given in that transaction.” *Id.*  
17 ¶¶ 39, 135, 137.

18 29. The Court cannot conclude that the email or PwC policy booklet would have  
19 changed the Court’s judgment on Plaintiff’s 2008 negligence claim as reflected in its February 9,  
20 2023 Findings of Fact and Conclusions of Law. The Court therefore denies Plaintiff Tricarichi’s  
21 Rule 60(b) motion for relief from its 2023 judgment. *See Renteria v. Canepa*, No. 3:11CV-00534-  
22 RCJ, 2013 WL 837127, at \*3 (D. Nev. Mar. 5, 2013) (denying Rule 60(b)(2) motion because  
23 “[t]he allegedly new evidence does not support a finding that the Court would have decided  
24 otherwise had that evidence been before the Court prior to the judgment”); *Abet Just., L.L.C. v.*  
25 *Am. First Credit Union*, No. 2:13-CV-02082-MMD-PAL, 2015 WL 4110800, at \*2 (D. Nev. July  
26 7, 2015) (stating that “the Court would still deny Plaintiffs’ [Rule 60(b)(2)] Motion even if it were  
27 timely because the newly discovered evidence would not have changed the outcome of the case”)  
28 (citation omitted).

**ORDER**

The Court having made the foregoing findings of fact and conclusions of law, and good cause appearing,

**IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that Plaintiff's Motion for Reconsideration Pursuant to NRCP 60(b) Based on Newly Discovered Evidence is **DENIED**.

Dated this 28th day of November, 2023



**050 FCE 23B4 B04E  
Joanna S. Kishner  
District Court Judge**

**Submitted by:**

**Approved as to form and content:**

By: /s/ Bradley Austin  
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*Attorneys for Defendant  
PricewaterhouseCoopers LLP*

## Austin, Bradley

---

**From:** Scott F. Hessel <shessel@sperling-law.com>  
**Sent:** Monday, November 20, 2023 3:39 PM  
**To:** Austin, Bradley  
**Cc:** Ariel C. Johnson; Mark Levine; Chris Landgraff; Kate Roin; Alexandra Genord; Byrne, Pat  
**Subject:** Re: Tricarichi/PwC Proposed Order re Rule 60(b) Mot

**[EXTERNAL]** [shessel@sperling-law.com](mailto:shessel@sperling-law.com)

---

Confirmed

On Nov 20, 2023, at 5:23 PM, Austin, Bradley <baustin@swlaw.com> wrote:

Hi Scott and Ariel,

Following up on our prior correspondence, please confirm that I have authorization to affix your e-signature to the attached order and submit.

Thank you,

Brad

**Bradley Austin**

office: 702.784.5247

email: [baustin@swlaw.com](mailto:baustin@swlaw.com)

Snell & Wilmer

Hughes Center | 3883 Howard Hughes Parkway | Suite 1100 | Las Vegas, NV 89169-5958

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<image002.png>

<image001.png>

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<Tricarichi v PwC Proposed Order Denying Rule 60(b) Mot .pdf>

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 18, 2016**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>July 18, 2016</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
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**HEARD BY:** Hardy, Joe

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Plaintiff s Motion to Associate Counsel for Scott F. Hessell, Esq. is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd Prall, Esq. [tprall@hutchlegal.com], Scott Hessell, Esq. [shessell@sperling-law.com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], and Steve L. Morris, Esq. [sm@morrislawgroup.com]. (KD 7/18/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 22, 2016**

---

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

---

**August 22, 2016      3:00 AM      Motion to Associate  
Counsel**

**HEARD BY:** Hardy, Joe      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Defendant Pricewaterhousecoopers, LLP s Motion to Associate Counsel Winston P. Hsiao is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Patrick Byrne, Esq. [pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq. [peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W. Prall, Esq. [tprall@hutchlegel.com], Scott F. Hessell, Esq. [shessell@sperling-law.com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Steve Morris, Esq. [sm@morrislawgroup.com], and Tyan M. Lower, Esq. [rml@morrislawgroup.com]. (KD 8/22/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 22, 2016**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>August 22, 2016</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
------------------------	----------------	--

<b>HEARD BY:</b> Hardy, Joe	<b>COURTROOM:</b> Phoenix Building Courtroom - 11th Floor
-----------------------------	--

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Defendant Pricewaterhousecoopers, LLP s Motion to Associate Counsel Peter B. Morrison is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Patrick Byrne, Esq. [pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq. [peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Mark A. Hutchison, Esq. [mhutchison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W. Prall, Esq. [tprall@hutchlegel.com], Scott F. Hessell, Esq. [shessell@sperling-law.com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Steve Morris, Esq. [sm@morrislawgroup.com], and Ryan M. Lower, Esq. [rml@morrislawgroup.com]. (KD 8/22/16)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 16, 2016**

---

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**November 16, 2016      9:00 AM**

**All Pending Motions**

**HEARD BY:** Hardy, Joe

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brooks, Thomas D.	Attorney
	Gordon, Richard C.	Attorney
	Hessell, Scott F.	Attorney
	Hsiao, Winston P.	Attorney
	Hutchison, Mark A	Attorney
	Morris, Steve L.	Attorney
	Morrison, Peter B.	Attorney
	Tricarichi, Michael A.	Plaintiff
	Waite, Dan R	Attorney

**JOURNAL ENTRIES**

- MOTION TO DISMISS FOR LACK OF JURISDICTION ON BEHALF OF DEFENDANT SEYFARTH SHAW LLP

Mr. Morris argued in support of the Motion, stating that Defendant Seyfarth was not a resident of Nevada, and did not conduct systematic or continuous business in Nevada; therefore, this Court could not have general jurisdiction over Defendant Seyfarth. As to specific jurisdiction, Mr. Morris argued that Defendant Seyfarth had not purposefully availed itself of Nevada law, nor had its director acted or undertaken acts in this jurisdiction; therefore, specific jurisdiction could not be conferred on Defendant Seyfarth. Mr. Hutchison argued in opposition, stating that conspirators

outside of Nevada that caused injury in Nevada, must answer for those injuries within the state. Additionally, Mr. Hutchison argued that Seyfarth had appeared in Nevada, and the totality of those contacts demonstrated general jurisdiction. COURT ORDERED Motion GRANTED, FINDING the following: (1) Plaintiff had not made a prima facie showing of personal jurisdiction as it related to Defendant Seyfarth Shaw; (2) the alleged contacts contained within Plaintiff's Affidavits and Declarations were insufficient, and did not confer specific jurisdiction, nor did they confer general jurisdiction on Defendant Seyfarth; (3) to the extent that the Davis case remained good law (which was questionable), the facts in the instant case were distinguishable from the limited facts in said case, and the facts in the Davis case would not apply to the circumstances alleged in the instant case, even under the prima facie standard; (4) the Walden v. Fiore case, the Daimler AG v. Bauman, and the Viega GmbH v. Eighth Judicial District Court case were controlling and instructive, as set forth in Defendant Seyfarth's briefs; (5) the Court agreed with Defendant Seyfarth's arguments on page 6 of the Motion, that Plaintiff had not set forth enough facts to establish personal jurisdiction over Seyfarth; (6) the Court agreed with Defendant Seyfarth's arguments contained in section B of the Motion, that Defendant Seyfarth was a non-resident of Nevada; therefore, Defendant Seyfarth was not subject to general jurisdiction, even under the prima facie standard; (7) the Court agreed with the arguments contained in subsection B of the Reply to the instant Motion; (8) the Court agreed with the arguments contained on page 9 of the Reply, wherein it was argued that Defendant Seyfarth's only connection to this litigation was an opinion letter he sent to Millennium Recovery Fund, which did not confer specific or general jurisdiction on Defendant Seyfarth; and (9) given the lack of satisfaction of the prima facie requirement, any alternative requests for relief were hereby DENIED for the reasons set forth in the Viega case.

Mr. Morris to prepare the Order and forward it to opposing counsel for approval as to form and content.

#### PRICEWATERHOUSECOOPERS LLP'S MOTION TO DISMISS

Mr. Morrison argued in support of the Motion, stating that the claims against PricewaterhouseCoopers had fatal flaws and were time barred. Additionally, Mr. Morrison argued that there was no question New York law applied, and that the contract had been entered into in bad faith. Mr. Hessell argued in opposition, stating that Plaintiff's allegations had been pled sufficiently in order to put Defendant on notice of the misrepresentations that occurred in 2003, and between 2005 and 2011. Alternatively, if the Court did not find Plaintiff's claims had been sufficiently pled, Mr. Hessell requested leave to file amended pleadings. COURT ORDERED Motion DENIED WITHOUT PREJUDICE, FINDING the following: (1) under the Motion to Dismiss standard, it was not appropriate to dismiss the claims at this time; and (2) the claims had been sufficiently stated under Nevada law. Mr. Hessell to prepare the Order and forward it to opposing counsel for approval as to form and content.

#### SEYFARTH SHAW'S JOINDER IN DEFENDANTS COOPERATIVE RABOBANK U.A. AND

UTRECHT AMERICAN FINANCE COMPANY'S MOTION TO DISMISS

COURT ORDERED Joinder VACATED, as it was already set for hearing on January 18, 2017, at 9:00 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 21, 2016**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>November 21, 2016</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
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**HEARD BY:** Hardy, Joe

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Defendants, Utrechit-America Finance Co. and Cooperative Rabobank, UA s Motion to Associate Counsel (Christopher Paparella, Esq.) is hereby GRANTED as unopposed, pursuant to EDCR 2.20(e), and is GRANTED on the merits, pursuant to Rule 42 of the Supreme Court Rules.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Dan R. Waite, Esq. [dwaite@lrrc.com], Chris Paparella, Esq. [chris.paparella@hugheshubbard.com], Mark A. Hutchison, Esq. [mhuthcison@hutchlegal.com], Todd L. Moody, Esq. [tmoody@hutchlegal.com], Todd W. Prall, Esq. [tprall@hutchlegal.com], Scott F. Hessell, Esq. [shessell@sperling-law.com], Thomas D. Brooks, Esq. [tbrooks@sperling-law.com], Patrick Byrne, Esq. [pbyrne@swlaw.com], Sherry Ly, Esq. [sly@swlaw.com], Peter B. Morrison, Esq. [peter.morrison@skadden.com], Winston P. Hsiao, Esq. [winston.hsiao@skadden.com], Steve Morris, Esq. [sm@morrislawgroup.com], and Ryan M. Lower, Esq. [rml@morrislawgroup.com]. (KD 11/22/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**January 18, 2017**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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**January 18, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brooks, Thomas D.	Attorney
	Paparella, Christopher M.	Attorney
	Prall, Todd	Attorney
	Waite, Dan R	Attorney

**JOURNAL ENTRIES**

- DEFENDANTS' MOTION TO DISMISS...SEYFARTH SHAW'S JOINDER IN DEFENDANTS COOPERATIVE RABOBANK U.A. AND UTRECHT AMERICAN FINANCE COMPANY'S MOTION TO DISMISS

Mr. Paparella argued in support of the Motions, stating that none of the contacts between Mr. Tricarichi, Rabobank, and Utrecht took place in Nevada; therefore, personal jurisdiction could not be established over those Defendants. Additionally, Mr. Paparella argued that Plaintiff should not be permitted to conduct jurisdictional discovery, as they had not made a prima facie case of jurisdiction over Utrecht and Rabobank. Mr. Brooks argued in opposition, stating that Defendants Utrecht and Rabobank purposefully availed themselves of Nevada law, and citing the three elements for determining specific personal jurisdiction, as set forth in the Fulbright Jaworski v. Eighth Judicial District Court case. COURT ORDERED Defendant's Motion to Dismiss and Seyfarth Shaw's Joinder were hereby GRANTED IN PART as to the lack of personal jurisdiction over the movants, for all of the reasons set forth in the Motion and Reply; Motion and Joinder DENIED IN PART WITHOUT PREJUDICE AS MOOT as to the remainder of the requested relief, given the lack of personal

jurisdiction. The Court noted that it had considered all of the exhibits in making its determination, including granting a request for judicial notice, the COURT FOUND the following: (1) under the Fulbright & Jaworski v. Eighth Jud. Dist. Ct. case, as well as the Affinity Network case, Plaintiff had not made a prima facie showing of personal jurisdiction over the moving defendants in Nevada; (2) due to the lack of a prima facie showing of personal jurisdiction, Plaintiff's request for jurisdictional discovery, there was no basis to grant Plaintiff's request for jurisdictional discovery; (3) the mere fact that Plaintiff was a Nevada resident, and that the moving Defendants were aware that Plaintiff was a Nevada resident, was not enough to establish personal jurisdiction over the moving Defendants; (4) the moving Defendants had not purposefully availed themselves of Nevada law, and the causes of action did not arise out of the movants Nevada related activities; and (5) exercise of personal jurisdiction over the moving Defendants would not be reasonable in the instant case. Mr. Prall to prepare the Order and forward it to opposing counsel for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****March 06, 2017**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**March 06, 2017      10:30 AM      Mandatory Rule 16  
    Conference**

**HEARD BY:** Hardy, Joe**COURTROOM:** RJC Courtroom 03H**COURT CLERK:** Kristin Duncan**RECORDER:** Matt Yarbrough**REPORTER:****PARTIES**

<b>PRESENT:</b>	Brooks, Thomas D.	Attorney
	Byrne, Patrick G.	Attorney
	Hsiao, Winston P.	Attorney
	Morrison, Peter B.	Attorney
	Prall, Todd	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Brooks advised that the parties had done their initial disclosures, including identifying witnesses, and describing the documents to be produced. Regarding discovery deadlines, Mr. Brooks represented that the parties had discussed allowing twelve (12) months for factual discovery, and an additional four (4) months for experts. Mr. Morrison affirmed Mr. Brooks' representations, noting that the parties disagreed on when the initial twelve (12) months should begin to run; it was Defendant's position that the twelve months should not begin to run until such time as a decision was made on PricewaterhouseCoopers' Motion for Summary Judgment. Mr. Brooks represented that it was Plaintiff's position that discovery should begin immediately. COURT ORDERED that the time period for discovery would begin immediately, despite the pending Motion for Summary Judgment, and SET the following DISCOVERY DEADLINES: (1) the close of factual discovery would be March 6, 2018; (2) the close of expert discovery would be July 6, 2018; and (3) the Joint Case Conference Report (JCCR) would be DUE by March 20, 2018, including details on the four months of expert discovery. Mr. Brooks to prepare the first draft of the JCCR, and forward it to all

counsel for review. The Court noted that it would resolve any disputes regarding the JCCR. COURT FURTHER ORDERED a trial date was hereby SET. A Trial Order would issue. Upon Court's inquiry, Mr. Brooks stated that Plaintiff had filed a Jury Demand. In the event that a Jury Demand had not been properly filed, and if any party wished to do so, COURT ORDERED that the deadline for filing said demand would be March 13, 2017. Regarding a settlement conference, both parties felt it was too early in the case to participate in settlement discussions. Counsel indicated that they did not require ESI protocols, nor did they require the appointment of a Special Master.

Mr. Morrison stated that there were issues with jurisdiction that needed to be resolved, and Defendant was unaware of Plaintiff's intentions. Mr. Brooks advised that Plaintiff would likely be seeking 54(b) Certification as to the two dismissals, which should not affect the remainder of the case. The COURT DIRECTED the parties to move forward with the case, noting that it would deal with the 54(b) Certification issue when it arose.

Mr. Morrison stated that the instant case arose from a decision made by the Tax Court, which found that Plaintiff was liable; that decision was now on appeal with the 9th Circuit, and if the decision was overturned, the instant case would be moot. Based upon the decisions made in similar cases, Mr. Brooks argued that the instant case should not be stayed pending a decision by the 9th Circuit. Upon Court's inquiry, Mr. Brooks stated that he did not believe the instant case would be entirely moot, in the event that the Tax Court's decision was reversed. The COURT ADVISED counsel to submit the appropriate written briefing, if it wished for the Court to consider a stay.

9/17/18 8:30 AM PRE TRIAL CONFERENCE

10/3/18 8:30 AM CALENDAR CALL

10/8/18 10:30 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 18, 2017

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**April 18, 2017      9:00 AM      Motion**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Austin, Bradley      Attorney  
Wall, Michael K.      Attorney

**JOURNAL ENTRIES**

- Also present: J.P. Hendricks, Esq. on behalf of dismissed Defendant Seyfarth Shaw; Daniel Waite, Esq. on behalf of dismissed Defendants Cooperatieve Rabobank and Utrecht-America Finance Co.

Mr. Wall argued in support of the Motion, stating that the Opposition was frivolous, and there was no time limit on bringing a Motion for 54(b) Certification. Additionally, Mr. Wall argued that the matter was certifiable, and the Court had discretion as to whether or not certification was appropriate. Mr. Hendricks argued in opposition, stating that a Motion to certify an appeal must be filed within thirty days, and Plaintiff failed to meet that deadline. Upon Court's inquiry, Mr. Hendricks stated that his client was dismissed, and he wished for the dismissal to be final. COURT ORDERED the instant Motion was hereby GRANTED in its entirety for all of the reasons set forth in the Motion and Reply, FINDING the following: (1) Defendant Seyfarth Shaw had been dismissed, and they wished for the dismissal to be final; (2) the only way to ensure final dismissal was through Rule 54(b) Certification; (3) the untimeliness issue raised by Seyfarth Shaw was not accurate under Nevada law; (4) alternatively, even if Seyfarth Shaw's timeliness argument were accurate, the instant Motion was timely given the circumstances. Mr. Wall to prepare the Order and forward it to opposing counsel for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

May 10, 2017

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

May 10, 2017      9:00 AM      **Motion for Summary  
Judgment**

HEARD BY: Hardy, Joe

COURTROOM: RJC Courtroom 03H

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Hsiao, Winston P.	Attorney
	Moody, Todd L	Attorney
	Morrison, Peter B.	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry regarding what had changed since its denial of the Motion to Dismiss in November of 2016, Mr. Morrison advised that the parties exchanged initial disclosures, and Plaintiff had done full discovery in connection with the taxes issue. Regarding the instant Motion, Mr. Morrison argued that the advice was given in August of 2003; therefore, the claims were time barred by August of 2006 under New York law. Additionally, Mr. Morrison argued that there was no dispute that New York law applied in the instant case, as all three of the factors set forth in the Mardian v. Greenberg Family Trust case had been satisfied. Mr. Hessell argued in opposition, stating that, although some discovery had been conducted, there had not been any direct discovery with the Defendants. Furthermore, Mr. Hessell argued there was nothing to show that the parties had negotiated for a New York choice of law, and the provision in the agreement did not contain the New York statute of limitations. Based upon the request for NRCP 56(f) relief, COURT ORDERED the instant Motion was hereby DENIED WITHOUT PREJUDICE, FINDING the following: (1) the record currently before the Court did not allow it to determine whether genuine issues of material fact

existed, or not.

The COURT FURTHER ORDERED that the request for NRCP 56(f) relief was hereby GRANTED, FINDING that such relief was appropriate as set forth in paragraph 10 of Michael Tricharichi's Affidavit, filed on April 10, 2017. In the even of any discovery disputes, the parties would first be REQUIRED to meet and confer in good faith, prior to raising the issue before the Court.

Mr. Hessel to prepare the Order and forward to opposing counsel for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**September 21, 2018**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**September 21, 2018      2:38 PM      Minute Order**

**Minute Order Re:  
Review of Par 17 of  
the Order Governing  
Production and  
Exchange of  
Confidential  
Information Filed on  
March 22, 2017**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** April Watkins

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court has reviewed par 17 of the Order Governing Production and Exchange of Confidential Information filed 3/22/17. That Order, in the Court's view, does not permit the parties to file motions under seal without compliance with SRCR 3. Accordingly the Plaintiff is ordered to Immediately file a motion in compliance with SRCR 3 to seal the opposition filed 8/1/18 and the Appendix filed 7/31/18.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 24, 2018

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**September 24, 2018      9:00 AM      Hearing      Further Hearing:  
Motion for Summary  
Judgment**

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

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Hutchison, Mark A	Attorney
	Tricarichi, Michael A.	Plaintiff

**JOURNAL ENTRIES**

- Also present, Peter Morrison, Esq., co-counsel, for Defendants and Jeffrey L. Eskin, general counsel of Pricewater.

Mr. Byrne argued in support of motion and stated this case has to do with a dispute over tax advice that was given over 30 years ago. Mr. Hessell addressed the sealing of the brief pursuant to a confidentiality stipulation. There being no opposition, Mr. Hessell advised he would file it by the end of the day. Court so noted. Following arguments by counsel in support of their respective positions, COURT ORDERED, Motion for Summary Judgment GRANTED IN PART. COURT ADVISED, regardless of what law applies, given the IRS investigation and statutory interpretation the period is two years after discovery ended. Therefore, the statute of limitations expired prior to the January 2011 execution of the tolling agreement. However, if counsel believes he has a subsequent retention that may have a different statute of limitations, counsel may amend pleading. Mr. Byrne to prepare Order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 08, 2019**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s)
	vs.
	PricewaterhouseCoopers LLP, Defendant(s)

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**July 08, 2019                      9:00 AM                      Motion to Dismiss**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Morrison, Peter B.	Attorney

**JOURNAL ENTRIES**

- Following arguments by Mr. Byrne and Mr. Hassell regarding omission claim, COURT ORDERED, motion DENIED. There is a properly alleged breach of duty by failing to disclose new information from the IRS that impacts the prior tax advice; whether on a factual basis counsel can support that claim is a different issue. Counsel may renew the factual issue at some point in time.

Upon Court's inquiry, Mr. Byrne stated Defendant will answer within 10 days but the tricky part is that the amended complaint includes all prior allegations and dismissed claims. Mr. Byrne asked if they can have 3 weeks to answer as they need time to confer with Plaintiff's counsel. COURT stated he can, and ORDERED, matter SET for status check on the chambers calendar in 2 weeks.

7-26-19              CHAMBERS              STATUS CHECK: ANSWER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 26, 2019**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**July 26, 2019      3:00 AM      Status Check**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT NOTED, no answer filed, ORDERED, matter CONTINUED for one week.

8-2-19      CHAMBERS      STATUS CHECK: ANSWER

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-26-19



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 02, 2019**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**August 02, 2019      3:00 AM      Status Check**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT NOTED no answer filed, and ORDERED, matter CONTINUED for 2 weeks.

8-16-19      CHAMBERS      STATUS CHECK: ANSWER

9-6-19      CHAMBERS      MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS  
COUNSEL...

...MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL...

...MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL...

...MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-5-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 16, 2019**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>August 16, 2019</b>	<b>3:00 AM</b>	<b>Status Check</b>	<b>Supplemental Rule 16 conference to be set.</b>
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**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court notes answer filed August 12, 2019. Judicial Executive Assistant to SET Supplemental Rule 16 conference.

9-6-19      CHAMBERS      MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS  
COUNSEL...  
...MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL...  
...MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL...  
...MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-19-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

September 06, 2019

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**September 06, 2019      3:00 AM      All Pending Motions**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- MOTION TO ASSOCIATE CHRIS LANDGRAFF, ESQ. AS COUNSEL...  
...MOTION TO ASSOCIATE KRISTA PERRY, ESQ. AS COUNSEL...  
...MOTION TO ASSOCIATE MARK LEVINE, ESQ. AS COUNSEL...  
...MOTION TO ASSOCIATE DANIEL CHARLES TAYLOR ESQ

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate (Taylor, Levine, Landgraf, and Perry) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

9-9-19      9:00 AM      MANDATORY RULE 16 CONFERENCE

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-6-19

PRINT DATE: 12/26/2023

Page 22 of 88

Minutes Date: July 18, 2016

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 09, 2019

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**September 09, 2019      9:00 AM      Mandatory Rule 16  
Conference      written stipulation  
under 41(e) to be  
submitted**

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

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Prall, Todd	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney Daniel Taylor and Attorney Chris Landgraff, Pro Hac Vice Admitted, for the Defendant.

COURT ORDERED, today is the parties' Joint Case Conference and the filing of the Joint Case Conference Report (JCCR) WAIVED. Mr. Prall advised the parties have conferred and would request through April 1, 2020 for fact discovery and May 1st for experts. Mr. Byrne stated the Defense is in agreement with the schedule, including motions being due by July 1st. Court noted this case would be 5 years old before getting a trial set. Upon Court's inquiry, Mr. Byrne advised the parties have not entered into a stipulation under 41(e). COURT TRAILED the matter for the parties to negotiate a stipulation and put it on the record.

Matter RECALLED. Mr. Byrne stated that to the extent the schedule they agreed on exceeds the 5-year rule, which would be after April 29, 2021, they would STIPULATE to waive the 5-year rule; they do not think it will, but it depends on what the Court sets; also, one of the issues here is whether this

will be a jury trial or bench trial; they believe this should be a bench trial although the Plaintiffs do not. COURT DIRECTED the parties to do a written stipulation that includes the 41(e) stipulation; the stipulation must specifically delineate any periods of stay during which the parties were unable to bring the case to trial and if they are generally extending for a period of time. Because of the historical nature of the motion to dismiss practice and prior visit to the Supreme Court, the Court APPROVES the parties' proposed schedule with reservations and GRANTS fact discovery through the end of March:

Motions to amend pleadings or add parties TO BE FILED within 30 days;

Initial expert disclosures where a party bears the burden of proof DUE by April 17, 2020;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE by May 22, 2020;

Discovery cut-off SET for June 26, 2020;

Dispositive motions and motions in limine TO BE FILED by July 17, 2020;

Matter SET for trial on the stack beginning on September 8, 2020. Jury DEMANDED.

Trial Setting Order will ISSUE.

Counsel advised they do not need an ESI Protocol or Protective Order.

Both sides further advised they do not have any issues with the Rule on 10 depositions per side, not including custodians of records, the 7-hour limit per deposition, and no issues with the locations.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**March 24, 2020**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**March 24, 2020      8:00 AM      Minute Order**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, PricewaterhouseCoopers LLP's Motion to Compel scheduled for Monday, March 30, 2020 is CONTINUED for telephonic hearing on Tuesday, March 31, 2020 at 9:00 am.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-25-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**March 31, 2020**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**March 31, 2020      9:00 AM      Motion to Compel**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**      Byrne, Patrick G.      Attorney  
Hessell, Scott F.      Attorney  
Landgraff, Chris      Attorney  
Prall, Todd      Attorney  
Taylor, Daniel Charles      Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney Blake Sercye, Pro Hac Vice pending, for the Plaintiff.

All parties appeared by telephone.

Following arguments by counsel, COURT ORDERED, the course of litigation or discovery has been focusing on Plaintiff's knowledge, and the Court is not imputating counsel's knowledge to the Plaintiff unless it was otherwise disclosed to the Plaintiff; the lawyers are not required to provide their opinion work product unless it was disclosed to the Plaintiff either in writing or orally; however, the description provided on the privilege log of legal strategy and legal analysis does not assist the Court in resolving the issue as to whether something falls within the issue of the at issue waiver and limited waiver that exists here; discussions of issues contained in the limited waiver NEED TO ALL BE PRODUCED; the privilege log needs to be supplemented with regards to the subject matter regarding legal strategy and legal analysis, and the Court needs to do an in camera review of the approximately 22 documents to the Plaintiff from counsel that have been withheld

because counsel do not think they are part of the limited waiver. Colloquy regarding providing documents to be reviewed in camera via an FTP site. Court noted it has previously had issues with FTP sites and the matter will be discussed.

With regards to the supplemental privilege log, Mr. Hessel advised they can get it done in the next week. COURT ORDERED, matter SET for status check on the chambers calendar in 2 weeks (April 17, 2020). Mr. Byrne to FILE a status report after getting the privilege log to see if he thinks the Court needs to do an in camera review.

Mr. Hessel further advised the parties have a request to adjust expert disclosures. Court directed the parties to do a stipulation. Mr. Hessel stated they will do one via email and submit it.

4-17-20	CHAMBERS	STATUS CHECK: SUPPLEMENTAL PRIVILEGE LOG
6-29-20	9:00 AM	STATUS CHECK: TRIAL READINESS
8-13-20	9:15 AM	PRE TRIAL CONFERENCE
9-1-20	9:30 AM	CALENDAR CALL
9-8-20	1:30 PM	JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 17, 2020

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**April 17, 2020      3:00 AM      Status Check      in camera review to  
be conducted**

**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court reviewed status report filed April 16, 2020. The Court will conduct an in camera review of the 19 identified documents. Plaintiff to SUBMIT the supplemental privilege logs in Excel or Word, a players list, and the documents (redacted and unredacted version) on a thumb drive by mail. The Court will conduct the in camera review, rule by minute order and place the thumb drive in the vault as a sealed exhibit.

6-29-20      9:00 AM      STATUS CHECK: TRIAL READINESS

8-13-20      9:15 AM      PRE TRIAL CONFERENCE

9-1-20      9:30 AM      CALENDAR CALL

9-8-20      1:30 PM      JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via electronic mail. / dr 4-20-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 06, 2020**

---

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**May 06, 2020**

**8:00 AM**

**Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court has MARKED the communication from Counsel as Court's Exhibit 1 and the USB drive with the documents reviewed in camera as Court's Exhibit 2. Court's Exhibit 2 is SEALED as it contains privileged information. The Court notes the documents submitted do not match the paper copy of the privilege log submitted.

Based upon the Court's review of the in camera documents, the objections are SUSTAINED to the only items included on the USB drive:

REL 16833, REL 16833.0001, REL 16828, REL 16863, REL 16857, REL 16849, REL 16849.0001, REL 16843, REL 16843.0001, REL 16769, REL 16769.0001,

The remainder of the items listed on the privilege log were not included for review. If further documents are intended to be reviewed, counsel to resubmit.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-6-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 15, 2020**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**May 15, 2020**

**8:52 AM**

**Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Counsel is reminded not to communicate to the Court by letter. If additional information needs to be supplied, a conference call or status report is appropriate.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-15-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****May 29, 2020**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**May 29, 2020****3:00 AM****Motion****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive financial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

6-1-20      9:00 AM      PLAINTIFF MICHAEL TRICARICHI'S DE-DESIGNATION MOTION  
 ...PRICEWATERHOUSECOOPERS LLP'S MOTION TO COMPEL PRODUCTION OF FINANCIAL  
 INFORMATION...  
 ...PLAINTIFF MICHAEL TRICARICHI'S MOTION TO COMPEL

6-29-20      9:00 AM      STATUS CHECK: TRIAL READINESS

8-13-20      9:15 AM      PRE TRIAL CONFERENCE

9-1-20      9:30 AM      CALENDAR CALL

9-8-20            1:30 PM            JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-29-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****June 01, 2020**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**June 01, 2020****9:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

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

PRICEWATERHOUSECOOPERS LLP'S MOTION TO COMPEL PRODUCTION OF FINANCIAL INFORMATION: The Court, having reviewed PricewaterhouseCoopers' Motion to Compel and the related briefing and being fully informed, GRANTS the motion IN PART. Tricarichi to PRODUCE information related to the disposition of funds from the transaction as well as the settlement agreement. As the asset summaries do not exist, Tricarichi is not required to create them. This information should be produced in response to supplemental answers to interrogatories 13 and 14. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

PLAINTIFF MICHAEL TRICARICHI'S MOTION TO COMPEL: The Court, having reviewed Tricarichi's Motion to compel and the related briefing and being fully informed, GRANTS the motion IN PART. PricewaterhouseCoopers is to CERTIFY that it has produced a substantially similar

document to version 8. The remaining portions of the motion are denied. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

PLAINTIFF MICHAEL TRICARICHI'S DE-DESIGNATION MOTION: The Court, having reviewed Tricarichi's Dedeignation Motion and the related briefing and being fully informed, DENIES the motion. Initially the Court notes that Tricarichi failed to file a motion to file under seal and the documents filed April 29, 2020 were inappropriately sealed by the Clerk. Given the nature of the documents the temporary seal currently in place is EXTENDED until June 12, 2020. PricewaterhouseCoopers to FILE a motion to redact the motion and/or file exhibits under seal if it deems appropriate by June 11, 2020. The information sought to be dedesignated relate to other transactions and clients for which the designation is appropriate. Counsel for PricewaterhouseCoopers is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-1-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 15, 2020**

---

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**June 15, 2020      8:31 AM      Minute Order**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court, having not received any motion to redact or file under seal from Price WaterhouseCoopers as directed in the June 1, 2020 minute order, UNSEALS the dedesignation motion filed April 29, 2020.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-17-20



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

**June 29, 2020**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**June 29, 2020      9:00 AM      Status Check: Trial Readiness**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Hessell, Scott F.	Attorney
	Landgraff, Chris	Attorney
	Prall, Todd	Attorney

## JOURNAL ENTRIES

- Counsel advised this status check was in place prior to the scheduling order which extended their schedule. Court so noted, and bid the parties goodbye and wished them well. Mr. Austin added that there was a motion to seal filed June 10, and, as part of the Court's ruling, the Court requested that they file a motion, which they did, and it was unopposed; the Court then issued the June 16 minute order; he spoke with the Clerk about the minute order perhaps having been issued in error. Court explained it was not. Mr. Austin stated he believes they did attach a proposed version. Court noted it was not clear to the Court what was being asked; if counsel wishes to file a motion to de-designate the Court will be happy to work with the Clerk's Office to temporarily seal the document.

7-10-20                      CHAMBERS                      PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL

7-17-20                      CHAMBERS                      DEFENDANT'S MOTION TO SEAL EXHIBITS O, P, AND Q  
TO PLAINTIFF MICHAEL TRICARICHI'S MOTION TO COMPEL AND REDACT EXCERPTS OF  
THESE DOCUMENTS IN THE MOTION

PRINT DATE: 12/26/2023

Page 36 of 88

Minutes Date: July 18, 2016

10-5-20	9:00 AM	STATUS CHECK: TRIAL READINESS
12-10-20	9:15 AM	PRE TRIAL CONFERENCE
12-22-20	9:30 AM	CALENDAR CALL
1-4-21	1:30 PM	JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 10, 2020**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>July 10, 2020</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
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**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Sercye) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-13-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 17, 2020**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>July 17, 2020</b>	<b>3:00 AM</b>	<b>Motion to Seal/Redact Records</b>
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**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. The proposed redacted motion to compel is approved and may be filed. The original motion to compel filed April 29, 2020 will remain sealed along with Exhibits O, P & Q of the motions. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-17-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 03, 2020

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**August 03, 2020      9:00 AM      Motion to Seal/Redact  
Records**

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

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the motion to seal Exhibit E to the Tricarichi declaration in support of the de-designation motion is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial and confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days, submit the proposed redacted versions to the Clerk's Office and distribute a filed copy to all parties involved in this matter.

10-5-20	9:00 AM	STATUS CHECK TRIAL READINESS
12-10-20	9:15 AM	PRE TRIAL CONFERENCE
12-22-20	9:30 AM	CALENDAR CALL
1-4-21	1:30 PM	JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-3-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

October 05, 2020

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

October 05, 2020      9:00 AM      Status Check: Trial  
Readiness

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

## PARTIES

**PRESENT:** Byrne, Patrick G. Attorney  
Hessell, Scott F. Attorney  
Prall, Todd Attorney  
Taylor, Daniel Charles Attorney

## JOURNAL ENTRIES

- Parties appeared by telephone.

Mr. Hessell advised that over the last several months the parties completed all but one of the depositions; that last one is supposed to happen this Friday, so he would say they are doing pretty well and all discovery matters will be resolved; dispositive motions and motions in limine are forthcoming. Upon Court's inquiry, Mr. Hessell stated that assuming all the motions are denied trial will take 5 to 7 days, at least from the Plaintiff's perspective. Mr. Byrne advised that a motion to determine whether this matter is subject to a jury will also be forthcoming, but right now it is currently scheduled as a jury trial. Mr. Byrne further noted that he knows this matter is set on the January 4th trial stack, but it is his understanding that the courts are currently prioritizing criminal trials. COURT NOTED that it appears that criminal trials are also reaching resolutions.

12-10-20      9:15 AM      PRE TRIAL CONFERENCE

**A-16-735910-B**

12-22-20      9:30 AM      CALENDAR CALL

1-4-21      1:30 PM      JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****November 05, 2020**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**November 05, 2020      3:00 AM      Motion to Associate  
    Counsel**

**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:**

**PARTIES  
 PRESENT:**

**JOURNAL ENTRIES**

- Matter advanced from November 6, 2020.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Roin) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

12-10-20      9:15 AM      PRE TRIAL CONFERENCE

12-22-20      9:30 AM      CALENDAR CALL

1-4-21      1:30 PM      JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve and via electronic mail. / dr 11-5-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 07, 2020**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**December 07, 2020      8:00 AM      Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, based upon the current public health emergency, the jury trial on January 4, 2021 stack is moved to the stack beginning on March 15, 2021. New trial setting order with dates for Pre Trial Conference, Calendar Call and Trial will ISSUE.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-7-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 21, 2020**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**December 21, 2020      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

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

**PRICEWATERHOUSECOOPERS LLP'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO STRIKE JURY DEMAND:**

The Court, having reviewed the motion for summary judgement / motion to strike jury demand and the related briefing and being fully informed, DENIES the motion. Genuine issues of material fact preclude the requested relief. As there is no rider that is signed or initialed by Plaintiff waiving the jury trial or agreeing to the limitation of damages, the Court declines to grant relief on those issues. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court, having reviewed the following motions in limine and the related briefing and being fully informed:

PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 1 TO EXCLUDE CERTAIN OPINIONS OF PLAINTIFF S EXPERT CRAIG GREENE is DENIED. The issues go to the weight to be given his testimony by the fact finder.

PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 2 TO EXCLUDE TESTIMONY RELATED TO PWC S 2003 ADVICE is DENIED. The original advice is central to a determination of the remaining claims.

PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 3 TO EXCLUDE TESTIMONY REGARDING PWC S ALLEGED CONFLICT OF INTEREST is DENIED. The receipt of the referral fee is relevant to the remaining claims.

PRICEWATERHOUSECOOPERS LLP S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY RELATED TO PWC S ADVICE TO OTHER CLIENTS is DENIED. The advice given is relevant and unlikely to confuse the jury.

Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 1 TO BAR REFERENCES TO THE PRIOR CONVICTIONS OF JAMES TRICARICHI is GRANTED IN PART. As the DUI conviction is a misdemeanor, it is excluded. The other convictions may be used for impeachment during cross-examination of the witness James Tricarchi only.

PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 2 TO EXCLUDE THE OPINIONS OF KENNETH HARRIS is denied. The issues go to the weight to be given his testimony by the fact finder.

PLAINTIFF MICHAEL TRICARICHI S MOTION IN LIMINE NO. 3 TO BAR PURPORTED MITIGATION EVIDENCE is denied. The issues go to the weight to be given his testimony by the fact finder.

Counsel for Defendant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

Parties may agree to submit a single order for all motions in limine. Counsel are required to notify any witnesses of these rulings. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

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

3-9-21            9:30 AM            CALENDAR CALL

3-15-21           1:30 PM            JURY TRIAL

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****January 29, 2021**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**January 29, 2021      3:00 AM      Motion to Stay**

**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court, having reviewed the Motion to Stay and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE. The petition was filed January 23, 2021; the Nevada Supreme Court has not ordered a response to the petition. There does not appear at this time to be a likelihood of success or that the matter will be mooted if not decided. Issues related to trial scheduling will be addressed at the Pre Trial Conference on February 18, 2021. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

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

3-9-21      9:30 AM      CALENDAR CALL

3-15-21      1:30 PM      JURY TRIAL

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

February 18, 2021

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**February 18, 2021      9:15 AM      Pre Trial Conference**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Prall, Todd	Attorney

**JOURNAL ENTRIES**

- Parties appeared by telephone.

Mr. Byrne advised that given their witnesses and experts he does not think they can be done in less than 8 days, best case scenario. Court noted that the age of this case would qualify for trial at the Convention Center but not the length of the trial. Court further noted a pending motion to stay. Mr. Byrne advised they are ready but simply need guidance from the Nevada Supreme Court on their writ. Court inquired whether the Nevada Supreme Court has ordered a response. Mr. Byrne stated they have not, and, upon further inquiry, advised that a June trial date would work for the Defendants. Mr. Hessell stated the Plaintiffs would prefer April if 8 days can be accommodated then. Court stated it does not think it can be. Mr. Byrne advised they would like a real date because they have got all out-of-state witnesses, which would involve scheduling hotels and travel; he is not really interested in an aggressive April setting. Court noted that if this case is placed on the June stack it would be the oldest case on that stack. Mr. Hessell noted they would also be the oldest case in May. Court stated that they would not be, as there is one case in May that is older.



COURT ORDERED, jury trial VACATED and RESET on the stack beginning on June 28, 2021, because the Court cannot accommodate a trial of this length at the Convention Center; new trial setting order will ISSUE, which will only have the dates for Calendar Call and the Pre Trial Conference.

6-3-21        9:15 AM        PRE TRIAL CONFERENCE

6-22-21       9:30 AM        CALENDAR CALL

6-28-21       1:30 PM        JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 10, 2021**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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**May 10, 2021                      9:00 AM                      Motion to Vacate**

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

**COURT CLERK:** Michelle Jones

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Landgraff, Chris	Attorney
	Prall, Todd	Attorney

**JOURNAL ENTRIES**

- Court Noted, the current issue with picking a jury and the limited amount of juries that can be picked each week. Court Further Noted, priority is being given to the cases with 5- year rule problems and this case does not have an issue despite the age of the case. Following argument and statements by counsel, COURT ORDERED motion GRANTED, matter set for Status Check on June 18th; parties to submit a Status Report the day before the hearing to indicate if they have heard anything further from the Supreme Court. COURT FURTHER ORDERED, the case will be reset on the next stack once the Supreme Court Rules one way or the other.

6/18/21 (CHAMBERS) Status Check

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 18, 2021**

---

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**June 18, 2021      3:00 AM      Status Check**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Valeria Guerra

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court found, no status report provided by counsel; matter CONTINUED two weeks.

STATUS CHECK Re. STAY: 07/02/2021 Chambers

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -  
vg//6/18/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 02, 2021**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**July 02, 2021      3:00 AM      Status Check**

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

**COURT CLERK:** Valeria Guerra

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court reviewed 6/21/21 status report; Court ORDERED, Status Check regarding Stay in 12 weeks.

STATUS CHECK: Stay    09/24/2021 Chambers

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -  
vg//7/2/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**September 24, 2021**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**September 24, 2021      3:00 AM      Status Check**

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

**COURTROOM:** Chambers

**COURT CLERK:** Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- On July 2, 2021, the Court reviewed the status and stay, reviewed the Status Report from June 21, 2021, and requested a Status Report on the stay by September 24, 2021. On September 24, 2021, the Court reviewed the Joint Status Report. A status check is set for November 19, 2021 on the Court's Chamber's calendar.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo10/07/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 09, 2021

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**December 09, 2021      8:30 AM      Hearing**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Louisa Garcia

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Levine, Mark L.	Attorney
	Prall, Todd	Attorney

**JOURNAL ENTRIES**

- Court noted in this case it shows there are other parties, but no attorneys. Mr. Hessell stated the only remaining parties were plaintiff and PricewaterhouseCoopers. Court advised counsel to correct the caption so it reflects correctly in Odyssey. Colloquy regarding procedural history. Mr. Byrne believes the more efficient way to proceed was to refile both the Motion for Summary Judgment regarding the limitation of liability and then the Motion to Strike the jury trial waive. Court referenced and reviewed the January 5, 2021 order denying PriewaterhouseCoopers s Motion for Summary Judgment and Motion to Strike the jury demand. Arguments by counsel whether Tricarichi knowingly and voluntarily agreed to the jury trial waiver and whether to conduct an evidentiary hearing. COURT ORDERED, Order dated January 5, 2021, document 293, is STRICKEN pursuant to the Writ issued by the Nevada Supreme Court, dated September 30, 2021, as well as Order dated October 26. COURT FURTHER ORDERED, Notice of Entry of order, DATED 1/20/212, Document 294, STRICKEN. COURT ORDERED, matter SET for hearing; hearing estimated to last one hour, 30 minutes each side. Counsel to submit a joint letter to the Court with four proposed dates by December 16 at 4:30 p.m.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**February 25, 2022**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**February 25, 2022      10:00 AM      Status Check**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

**PRESENT:**      Austin, Bradley      Attorney  
Prall, Todd      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Counsel requested a one (1) hour Evidentiary hearing on either March 29th or 30th. Colloquy regarding scheduling and briefing. Court ORDERED, Evidentiary Hearing SET and Briefs DUE by end of business on March 23, 2022.

3/30/22 8:30 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 24, 2022

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**March 24, 2022      8:30 AM      Motion to Quash**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Taylor, Daniel Charles	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Hessell stated Defendants Seyfarth, Taylor, Cooperative Rabobank UA and Utrecht-America Finance Co. have been dismissed. Court stated its inclination and noted the Court set the Evidentiary Hearing as a result of the Writ granted from the Supreme Court. Court questioned what the parties were intending to present at the Evidentiary Hearing if no witnesses were to attend. Mr. Taylor asserted Defendant did not intend to bring witnesses to the Evidentiary hearing. Furthermore, the subpoena had several defects and should be quashed. Mr. Taylor stated he does not believe there are any PWC employees within the Court's subpoena range who have any knowledge relevant to the case considering the engagement was based in Ohio. Therefore, compelling a witness would be burdensome on the Court and PWC. Colloquy regarding Rule 45 subpoena, failure to include mileage fees in the subpoena and two (2) additional defective subpoenas. Mr. Hessell stated PWC does not want the Court to have the benefit of a live witness to testify on the subjects for which the Supreme Court remanded the case to the Court. Furthermore, a subsequent subpoena was served to correct the defect regarding fees and Mr. Tricarichi would be present at the Evidentiary Hearing. Colloquy regarding 30 (b)(6) witness and violation of EDCR 2.27 as to the briefs. Court stated its Findings and ORDERED motion GRANTED; subpoena QUASHED as a result



of unpaid fees. The Court to evaluate at the Evidentiary Hearing whether parties have complied with the mandated, Court Ordered Evidentiary Hearing requirements. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

**March 30, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**March 30, 2022                      8:30 AM                      All Pending Motions**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney
	Taylor, Daniel Charles	Attorney
	Tricarichi, Michael A.	Plaintiff

## JOURNAL ENTRIES

- Also present Kelly Dove, Richard Stovsky, Michael Kennedy and Geoff Ezgar.

Court cites recent NV Sup Ct decision from 3/24/22 *Canarelli v. Eighth Jud Dist Ct*, 138 Nev Adv Op (2022) and returns the box of exhibits delivered to the Court marked confidential. Upon Court's inquiry, Mr. Byrne stated the documents provided to the Court were inadvertently marked privileged and confidential. Colloquy regarding non-compliance with EDCR 2.27, Defendant's Errata to Brief DOC 322 and Plaintiff's Amended Brief DOC 323. Counsel confirmed compliance with the Court's rules would be followed and requested the Court consider the briefs and address sanctions

after the hearing. Neither party waived the burden proof, however, they agreed to call Mr. Stovsky and Mr. Tricarichi.

Testimony and Exhibits presented (see worksheets).

Colloquy regarding Lowe factors, Engagement Letter, Rider and Jury Waiver. Court stated its inclination and gave a tentative ruling noting the Motion to Strike was not necessary considering the Court had a specific Order granting Petition for Writ of Mandamus which directed the Court to narrow the scope of outstanding issue(s). Court gave alternative bases for its ruling and FOUND Plaintiff did not demonstrate the waiver was not entered into knowingly, voluntarily and intentionally and therefore, the jury waiver was enforceable. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Mr. Austin requested and the Court GRANTED an extension for thirty (30) days to submit the Order. Court noted the Writ required the Court to strike the portion of the Summary Judgment Order addressing the jury trial and therefore a carve-out was required. Court DIRECTED Counsel to submit to the JEA proposed dates for trial with three (3) different months and to copy all parties. Upon Court's inquiry, Mr. Bryne requested to make a voluntary donation to a 501(c)(3) organization and to attend a CLE in lieu of sanctions for noncompliance with EDCR 2.27. Court DIRECTED parties to provide a letter to Court requesting either an evidentiary hearing or to make a voluntary donation and attend a CLE.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

June 09, 2022

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

June 09, 2022      8:30 AM      **Motion for Partial  
Summary Judgment**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Taylor, Daniel Charles	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Levine addressed if the limitation of liability provision applied to Tricarichi's claim. Mr. Levine stated Mr. Tricarichi said during summary judgment briefing the claim arose from services originally performed by PWC. That admission was evidence the claim being made now, about not updating, related to those services. Colloquy regarding gross negligence. Mr. Levine stated gross negligence was pled in the earlier claim that was dismissed on statute of limitation grounds, however, when the new claim was raised, it did not plead gross negligence. Furthermore, the only pending claim left (Count 3) was just for negligence as to PWC. Mr. Tricarichi had plenty of time to amend his complaint to raise gross negligence, however, the time to amend passed. Additionally, there was no reason to spend a lot of court time and attention when there was no evidence to what a reasonable factfinder could find for gross negligence. Mr. Hessell outlined the procedural history that led to Count 3. Mr. Hessell stated Count 3 referenced the alternative

allegation of either gross negligence or negligence and provided a brief history of the case. Colloquy regarding limitation clause, recoverable damages, procedural attack and engagement agreement. Mr. Hessell further stated there are issues of fact and the bench trial in a few months would remain the same whether the damage limitation clause was put in or not. Defendant failed to articulate any way in which they would be prejudiced or that the case would have proceeded differently if gross was added before the negligence count in Count 3. Counsel confirmed the operative complaint was the Amended Complaint filed on 4/1/19 and Nevada procedures govern the case, however, substantively it should be New York. Colloquy regarding language in Amended Complaint and contract provision. Court stated its Findings and ORDERED Motion DENIED WITHOUT PREJUDICE; movant had not met initial burden. COURT DIRECTED Mr. Hessell to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

September 08, 2022

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**September 08, 2022      10:15 AM      Pre Trial Conference**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

## JOURNAL ENTRIES

- Michael English and Geoff Ezgar observed.

Upon Court's inquiry, Counsel agreed the bench trial should take approximately eight (8) days rather than the previously requested ten (10). In regards to an October 31, 2022 trial date, Mr. Landgraff stated Defendant was ready for trial, however five (5) out of their six (6) witnesses were out of state and might need to be called out of order. Mr. Hessell did not object to calling witnesses out of order if need be and requested consecutive days for trial rather than splitting them up. Mr. Hessell further stated the exhibits should not exceed 1,000 pages and were all in PDF format. Mr. Landgraff also requested consecutive trial days and concurred exhibits should not exceed 1,000 pages. Court ORDERED trial date SET.

10/21/22 8:30 A.M. CALENDAR CALL

10/31/22 to 12/10/22 BENCH TRIAL (with the caveat 11/04/22 would be dark or a partial day)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****October 21, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**October 21, 2022      8:30 AM      Calendar Call**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Colloquy regarding objections to deposition designations and trial exhibits. Court referenced instructions pursuant to the trial order and non-compliance. Court RECESSED and RECALLED the matter for the parties to try and come to an agreement. Counsel stipulated pursuant to EDCR 7.50 to withdrawal all objections to deposition designation and all objections to trial exhibits with the exception of five (5) for each party. Counsel to provide Findings and Fact Conclusions of Law (two days before trial) and a revised exhibit list setting forth the exhibits objected to. Court NOTED it could not rule on what it had not seen and did not require the parties to waive objections. Colloquy regarding Order Shortening Time on Motion for Sanctions, Motion for Sanctions filed on 10/20/22 and confidential documents. Mr. Austen provided the Court with original deposition transcripts and noted he would provide the Court with a list of depositions no later than 4:00 p.m. today. Mr. Landgraff stated Defendant would submit a Joint Trial Stipulation with changes and confirmed the one filed could be returned. Counsel requested the Court strike the Motion for Sanctions filed on 10/20/22 in order to ensure exhibits were filed under seal. Court ORDERED Motion for Sanctions



STRICKEN (DOC 365), however, Defense Counsel's opposition still due. Court NOTED the Order Shortening Time would be returned and Counsel would need to resubmit under temporary seal. Defendant requested to use Real Time. Court ORDERED Real Time request DENIED. Counsel agreed to 40 minute opening statements each side and noted demonstrative exhibits would be utilized.

CLERK'S NOTE: Court inadvertently referenced 10/10/22 as the filing date for the Motion for Sanctions instead of 10/20/22.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****October 31, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**October 31, 2022      9:00 AM      Bench Trial - FIRM**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Representative from Bartlit Beck also present. Colloquy regarding Motions to Associate Counsel filed on 10/27/22 without a judicial day's notice and chronology of issues for the Court to address. Mr. Landgraff stated proposed Pro Hac Vice counsel would not be arguing this morning, however, might be arguing later in the week. Mr. Hessell stated the Defendant produced client forms and documents that were linked in client form materials. Colloquy regarding Defendant's Motion to Strike on OST. Mr. Hessell stated the matter pertained to testimony given by the damages expert. Mr. Levine stated they anticipated the damages expert would testify on Thursday whereby proposed Pro Hac Vice Counsel might be called to argue. Mr. Hessell requested to argue the motion orally. Court ORDERED Plaintiff's nonobligatory response due by 4:00 p.m. on November 1, 2022 with courtesy copy to the Court. Motion to be heard on November 3, 2022. Colloquy regarding Stipulation and final Orders for the Court's signature.

Upon Court's inquiry, Mr. Hessell stated PricewaterhouseCoopers, LLP (PWC) recently uncovered client engagement and client acceptance forms and policy links thereto which should have been produced in the Tax Court case or early in this case. Mr. Hessell requested a corporate rep declaration ensuring all documents were produced. Colloquy regarding chronology of the case, prejudice and relief seeking. Ms. Roin stated PWC and the parties agreed to search terms long ago and documents were produced according to the agreement. The paper documents scanned in 2003 contained handwritten information and for that reason, the current technology in 2017 missed the documents. The documents were discovered on October 19, 2022 and Plaintiff was immediately alerted. Defendant's counsel reviewed all 544 documents in the folder to ensure nothing else was missed. Ms. Roin stated Defendant did not object to add documents as Exhibits 84-89. Colloquy regarding JCCR, 16.1 and scope of documents. Ms. Roin asserted Defendant agreed the documents should have been produced in 2017, however, their omission was an unintentional mistake without willful intent and immediately remedied. Counsel agreed to admit Exhibits 84-89 via paper format although untimely. Mr. Hessell agreed to add Exhibit 84-89 to the Exhibit List. Court ORDERED Plaintiff's Motion for Sanctions GRANTED as to monetary sanctions. Counsel agreed to meet and confer as to an agreed upon amount. Court DEFERRED and would revisit issue if harm materialized. Deposition left open for the Court to revisit noting no sufficient basis at this time.

Colloquy regarding objected to exhibits. Court ORDERED Exhibit 57 not admitted, Exhibit 100 admitted (Court not taking position if true or not) and deferred as to the remaining. Counsel did not agree to use tax court transcripts and exhibits for any purpose.

Opening statements by counsel. Testimony and exhibits presented (see worksheets). Counsel requested to advance and grant the Motions to Associate Counsel. COURT ORDERED, Motions ADVANCED and GRANTED as unopposed pursuant to EDCR 2.20 and 2.23.

11/01/22 10:15 A.M. CONTINUED: BENCH TRIAL

11/03/22 10:00 A.M. DEFENDANT'S MOTION TO STRIKE ON ORDER SHORTENING TIME

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 01, 2022**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**November 01, 2022      10:15 AM      Bench Trial - FIRM**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Mr. Hessell provided paper copies of Exhibits 84-89 with the revised Exhibit List to the Court Clerk. Opening statements by counsel. Testimony and exhibits presented (see worksheets). Deposition of Timothy John Lohnes was PUBLISHED and FILED IN OPEN COURT. Counsel stipulated pursuant to EDCR 7.50 that exhibits referenced during witness testimony would be admitted at the end of that witness's testimony.

11/02/22 8:30 A.M. CONTINUED: BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****November 02, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**November 02, 2022      8:30 AM      Bench Trial - FIRM**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Testimony and exhibits presented (see worksheets). Mr. Hessell confirmed Exhibit 30 and 136 were identical with the exception of notations on Exhibit 136. Mr. Hessell stated the parties stipulated that Plaintiff's Counsel would not elaborate on the engagement agreement issues so long as Defendant agreed to not waive Plaintiff's challenges as to those issues. Mr. Landgraff agreed the parties did not need to re-litigate the Court's decisions. Court DIRECTED Counsel to discuss the matter after/during the lunch break and provide a written stipulation pursuant to EDCR 7.50. Said stipulation was read and placed on the record. Court notified the parties a recent submittal would be returned and need to be resubmitted without a file stamp. Testimony and exhibits presented (see worksheets). Deposition of Michael A. Tricarichi was PUBLISHED and FILED IN OPEN COURT. Colloquy regarding Exhibit 103. Counsel agreed to admit the first 30 pages of Exhibit 103 (1-134) as Exhibit 103A (103.0 - 103.30) in paper format over the hearsay objection for which Plaintiff preserved

its right. Counsel requested to have the Motion to Strike heard tomorrow after lunch.

11/03/22 9:45 A.M. CONTINUED: BENCH TRIAL

11/03/22 MOTION TO STRIKE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****November 03, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**November 03, 2022      9:45 AM      Bench Trial - FIRM**

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Stephanie Rapel**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Testimony and exhibits presented (see worksheets). Colloquy regarding Exhibit 183. Court NOTED it may limit contents, however, granted its admission and reserved a carveout for statements. Colloquy regarding Exhibit 100 (with or without handwriting). Court did not modify its previous ruling on 10/31/22 admitting Exhibit 100 with caveat. As to the Motion to Strike on OST, Pro Hac Vice Counsel Addy stated Plaintiff attempted to include damages five (5) days before trial and included two (2) new damage categories (Statutory Interest on Law Firm Fees and Additional Interest Through Trial). Addy further stated Plaintiff's conduct was a violation of NRCP 16.1(a)(2), 26(e) and 16.1(a)(3), disclosures must be at least 30 days before trial and Plaintiff requested an additional \$8 million dollars in interest on Tricarichi's underlying tax and penalty assessment. Furthermore, Defendant would be the only prejudiced party, the time to take depositions was over and Defendant's expert did not have an opportunity to review and make similar calculations. Colloquy

regarding expert reports, dates of submittal and NRCP 37(c). Mr. Sercye stated Defendant was not prejudiced, the additional 10 million dollars in damages related to damages previously disclosed and Defendant was entitled to prejudgment interest under NY law. Mr. Sercye further stated there was good cause for the late disclosure of damages and if the Court did find prejudice, there were other remedies, including taking the deposition of Greene. Court referenced Pizzaro-Ortega, stated its Findings and ORDERED Motion to Strike GRANTED noting non-compliance with the rules, the matter could have been addressed earlier, was first disclosed in less than 30 days and Greene's deposition during trial was not a reasonable or feasible alternative. Court did not find a sanction component. Testimony and exhibits presented (see worksheets). Deposition of Richard Stovsky was PUBLISHED and FILED IN OPEN COURT.

11/4/22 1:15 P.M. CONTINUED: BENCH TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 04, 2022**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**November 04, 2022      1:15 PM      Bench Trial - FIRM**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Testimony and exhibits presented (see worksheets). Colloquy regarding exhibits referenced in Stovsky's deposition which were not trial exhibits. Counsel agreed to argue objections to the admission of Exhibit 72 on Monday, November 7, 2022.

11/07/22 9:00 A.M. CONTINUED: BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****November 07, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**November 07, 2022      9:00 AM      Bench Trial - FIRM**

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Stephanie Rapel**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

**JOURNAL ENTRIES**

- Per the agreement of the parties at the prior hearing, Landgraff proceeded to conduct a voir dire on Stovsky and presented objections to the admission of Exhibit 72. Hessell provided a response and argued for the admission of Exhibit 72. Court stated its Findings and ORDERED the admission of Exhibit 72 DENIED due to authenticity, hearsay and relevancy. Court did not address the late disclosure objection. Testimony and exhibits presented (see worksheets). Levine stated due to medical issues, Dellinger needed to be called out of order, would likely be called tomorrow morning and an additional break might be needed. Hessell did not object. Court addressed the exclusionary rule as to the new individuals in the courtroom and Counsel confirmed individuals were subject to the parties previous stipulation. Colloquy regarding Exhibit 100 and handwriting on page three (3) of the Exhibit. Following arguments by Counsel, Court ORDERED Exhibit 100 admitted for limited purpose. Court to consider Stovsky's statements, beliefs and position as to what was said as to

Plaintiff in light of different testimony received by Plaintiff. Court taking weight into account. Video deposition designation of Michael Boyer played. Admitted exhibits read into the record. Colloquy regarding Plaintiff's demonstrative exhibits. Levine stated the demonstrative exhibits were produced last night and Defendant objected to 13 out of the 24 slides; 3 of which included undisclosed expert opinions. Mr. Sercye stated the purpose of the demonstrative exhibits were to act as an aid in Greene's testimony. Slide five (5) to Plaintiff's demonstrative exhibit presented to the Court for review. Mr. Levine stated the slide shown would aid in leading the witness's testimony. Court stated its Findings and ORDERED objection to Plaintiff's demonstrative exhibit SUSTAINED. After discussing the matter with opposing counsel, Hessell stated Plaintiff would work out issues with the presentation tonight. Levine concurred. Video deposition designations of Jim Tricarichi and Michael Desmond played. Colloquy regarding the three (3) video depositions played in lieu of live testimony today and whether or not the testimony would be transcribed in the trial transcripts. Counsel to discuss tonight and address the issue tomorrow as well as closing arguments and whether or not future video depositions should be submitted as court exhibits and not played.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****November 08, 2022**

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
                                  vs.  
                                  PricewaterhouseCoopers LLP, Defendant(s)

**November 08, 2022      9:45 AM      Bench Trial - FIRM**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Addy, Sundeep Kumar	Attorney
	Austin, Bradley	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney
	Tricarichi, Michael A.	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Counsel stipulated that the video deposition of Jim Tricarichi, Michael Desmond, and Michael Boyer played in open Court on November 7, 2022 would be typed into the record and noted the parties designations were deciphered by blue and red ink. Counsel to address future video depositions at a later time and provided word versions of the deposition designations to the Court Recorder. Landgraff stated a new colleague might observe via blue jeans tomorrow and/or Thursday. Levine stated Dellinger would be called by Defendant out of order. Hessell noted Plaintiff kept the case open even though witnesses were called out of order. Testimony and exhibits presented (see worksheets). Colloquy regarding Plaintiff's slide presentation. Sercye stated Plaintiff worked to resolve objections to the slides, however, disagreed with the objection on timing of displaying the slides. Levine stated the slides were being displayed in a leading fashion. Court

SUSTAINED Defendant's objection and referenced Nevada's rules on demonstrative exhibits. Testimony and exhibits presented (see worksheets). Colloquy regarding joint depositions designation transcripts. Counsel stipulated pursuant to EDCR 7.50 that Donald Korb and Randy Hart's joint deposition designation transcripts would be incorporated into the trial transcript as if they were read at the end of the day. Levine noted Korb's deposition would fall under Plaintiff's case in chief and Hart's under Defendant. Roin listed exhibits referenced in Miller's deposition and cross referenced them with trial exhibits noting a Court's Exhibit listing cross references would be provided. Video deposition of Glenn Miller played. Genord stated pursuant to EDCR 7.50, the parties reached an agreement whereby the two (2) awards granted in Plaintiff's Motion for Sanctions [382] and Defendant's Motion to Strike [377] would offset one another and Counsel withdrew their requests for fees and costs. Court DIRECTED Counsel to memorialize the stipulations in writing.

11/09/22 8:30 A.M. CONTINUED: BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

November 09, 2022

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**November 09, 2022      8:30 AM      Bench Trial - FIRM**

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

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney
	Roin, Katharine A	Attorney
	Sercye, Blake P	Attorney

## JOURNAL ENTRIES

- Colloquy regarding timeframe and discussion of damages with witness Craig Greene. Court RECESSED and RECALLED the matter for Counsel to discuss a possible resolution. Counsel agreed to withdraw the objection and only ask Greene one (1) question on damages. Testimony and exhibits presented (see worksheets). Deposition of Timothy Craig Greene was PUBLISHED and FILED IN OPEN COURT. Counsel read exhibits to be admitted pertaining to Greene's testimony, Korb and Hart's video depositions not played in Court, however, added to the transcript and exhibits not referenced yet but seeking preadmission. Colloquy regarding Plaintiff's request to pre-admit exhibits 43, 56 and 83 not referenced yet in testimony. Hessell stated he would withdraw his request for the pre-admission of these three (3) exhibits considering the exhibits would be introduced with the next witnesses. Plaintiff RESTED its case in chief. Colloquy regarding Defendant's demonstrative exhibits. Hessell stated the slide-show

highlighted material not appropriate for the expert and was the subject matter for the Court's decision. Levine state the slide-show was a summary and Harris was Defendant's initial and expert witness. Court stated its Findings and ORDERED objection OVERRULED WITH CAVEAT. Court NOTED foundation to be laid and Nevada Rules for demonstrative exhibits followed. Furthermore, the Court would look at the slide-show as to the designation of the witness in a rebuttal expert witness context. Testimony and exhibits presented (see worksheets). Colloquy regarding Findings of Facts Conclusion of Law. Landgraff stated Defendant would like a ruling from the bench and Hessel stated he would like to confer with his client. Court to address the matter tomorrow. Per the Stipulation and Order Re: Disposition Designations of Randy Hart and Donald Korb filed on November 9, 2022 (Doc 391) and Notice of Entry thereof also filed on November 9, 2022 (Doc392) the depositions would be entered into the trial transcript on November 9, 2022 as if they had been played in open Court.

11/10/22 9:30 A.M. CONTINUED: BENCH TRIAL





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 30, 2023**

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A-16-735910-B	Michael Tricarichi, Plaintiff(s) vs. PricewaterhouseCoopers LLP, Defendant(s)
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<b>May 30, 2023</b>	<b>11:00 AM</b>	<b>All Pending Motions</b>
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<b>HEARD BY:</b> Kishner, Joanna S.	<b>COURTROOM:</b> RJC Courtroom 16B
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**COURT CLERK:**  
Stephanie Rapel

**RECORDER:** Aimee Curameng

**REPORTER:**

**PARTIES**

<b>PRESENT:</b> Austin, Bradley	Attorney
Byrne, Patrick G.	Attorney
Hessell, Scott F.	Attorney
Johnson, Ariel Clark	Attorney
Landgraff, Chris	Attorney

**JOURNAL ENTRIES**

- PRICEWATERHOUSECOOPERS, LLP'S MOTION TO SEAL EXHIBITS 5 AND 6 TO MOTION FOR ATTORNEYS' FEES AND COSTS... TRICARICHI'S MOTION TO RETAX AND SETTLE PWCS AMENDED VERIFIED MEMORANDUM OF COSTS... PRICEWATERHOUSECOOPERS LLP'S MOTION FOR ATTORNEY FEES AND COSTS

COURT ORDERED, Pricewaterhousecoopers, LLP Motion to Seal GRANTED as unopposed pursuant to EDCR 2.20 and pursuant to Supreme Court Rule 3.

Colloquy regarding combining Motions to hear them together, order of oral argument and issues pending in the appellate processes. Court NOTED it would move forward today considering the Nevada Supreme Court stated fees and costs were a separate appealable order. Mr. Bryne referred the Court to Defendant's brief while providing further argument on the imbalance between the fee request and the offer of judgment. Mr. Bryne argued case law did not relate costs of defense to the

amount of the offer and Pricewaterhouse spent millions of dollars defending a \$50,000 case to protect its most valuable asset; its reputation. Colloquy regarding 2019 and 2021 Offers of Judgment, costs associated with meals during travel, choice of lawyer, reasonableness of fees and flat fee arrangement. Mr. Hessel cited to NRS 18.005 and *Fazier vs. Drake* and argued PWC's Motion sought 600 times the statutory amount and failed to satisfy the requirements and/or meet its burden of proof. Mr. Hessel argued PWC offer of \$50,000 was unreasonable and Plaintiff's rejection thereto was in good faith. Mr. Hessel stated PWC's \$50,000 offer did not include attorneys' fees and costs or pre-judgment interest. Mr. Bryne provided argument as to why Plaintiff's rejection of PWC offer was in bad faith. Court set forth its reasoning on the record as to the 2019 and 2021 Offers and FINDS PWC Plaintiff's decision to reject the 2021 offer and proceed to trial was grossly unreasonable and in bad faith. Court further NOTED there needed to be significant reductions to fees sought and DEFERRED the matter for Counsel to work together to try and reach a resolution using the Lodestar method. Court further DEFERRED the cost component for the parties to try and reach an agreement and provide the Court with a memorandum. Court NOTED meals, hotel costs and first class plane fair would not be included, however, expert fees more than \$1,500.00 would be. Court DIRECTED Counsel to provide a joint letter by Friday, June 2, 2023 with requested deadlines.

7/14/23 CHAMBER'S CALENDAR: ATTORNEYS' FEES & COSTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 01, 2023**

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A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

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**November 01, 2023      8:30 AM      Motion to Reconsider**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:**  
Stephanie Rapel

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Austin, Bradley	Attorney
	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Landgraff, Chris	Attorney
	Levine, Mark L.	Attorney

**JOURNAL ENTRIES**

- Following arguments by Counsel, Court set forth its Findings on the record and ORDERED Plaintiff's Motion to Reconsider Pursuant to NRCP 60(b) based on Newly Discovered Evidence DENIED and REAFFIRMED the 2018 Summary Judgment Order and February 9, 2023 Findings of Fact and Conclusions of Law. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 14, 2023

A-16-735910-B      Michael Tricarichi, Plaintiff(s)  
vs.  
PricewaterhouseCoopers LLP, Defendant(s)

**November 14, 2023      8:30 AM      Motion for Stay of  
Execution**

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Stephanie Rapel**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

<b>PRESENT:</b>	Byrne, Patrick G.	Attorney
	Hessell, Scott F.	Attorney
	Johnson, Ariel Clark	Attorney
	Roin, Katharine A	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Hessell stated Mr. Tricarichi has an IRS judgment against him in excess of \$35 million and a notice of tax lien against all his assets. As a result, when Mr. Tricarichi attempted to obtain a bond to stay execution of judgment, he was unable to due to insufficient assets or a letter of credit. Mr. Hessell referred to Nelson v. Heer, argued Mr. Tricarichi satisfied the precarious financial situation factor and the status quo would be maintained regardless of the bond considering Defendant would be no worse off today than during the pendency of the appeal. Mr. Hessell requested the Court stay execution on the judgment pending the appeal. Mr. Byrne argued Plaintiff had the burden to show why the Court should stay collection efforts and failed by not showing why Defendant would not be prejudiced. Mr. Byrne noted Plaintiff provided no specifics regarding what efforts the IRS had taken or evidence Mr. Tricarichi assets would be preserved during the appeal. Colloquy regarding judgment debtor exam. Mr. Hessell argued there was no reason to suggest Mr. Tricarichi dissipated assets. Court stated its Findings and ORDERED Plaintiff's Motion for Stay of Execution Without Supersedeas Bond DENIED IN PART; noting Plaintiff had not met its initial burden and DEFERRED IN PART to allow a judgment debtor exam to take place within the next 30

days and to continue the matter for argument. COURT DIRECTED Mr. Byrne to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders AND include date of judgment debtor exam and requested hearing date. Counsel concurred they would provide a Stipulation on the briefing schedule.

## EXHIBIT(S) LIST

Case No.: **A-16-735910-B**

Hearing Date:

MAY 6, 2020 - MINUTE  
ORDER

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Recorder: N/A

**Counsel for Plaintiff:**

**Counsel for Defendant:**

Plaintiff: **MICHAEL TRICARICHI**

**Defendant:**

**PRICEWATERSHOUSECOOPERS LLP**

## HEARING BEFORE THE COURT

## COURT'S EXHIBITS

[illegible]

## EXHIBIT(S) LIST

Case No.: **A735910**

Hearing 3/30/2022

Dept. No.: 31

Date: \_\_\_\_\_

Judge: Kishner

Plaintiff: Michael Tricarichi

Court Clerk: Stephanie Rapel

Recorder: Lara Corcoran

Counsel for Plaintiff: Scott Hessel,

**VS.**

Defendant: PricewaterhouseCoopers LLP

Blake Seruyc, Ariel Johnson

Counsel for Defendant: Patrick Byrne,

Mark Levine, Bradley Austin, Chris Landgraff, Daniel Taylor, Katharine Rein

## HEARING BEFORE THE COURT

## Defendant's EXHIBITS

[illegible]

CASE NO: A-16-735910-B

TRIAL DATE:

October 31, 2022

DEPT NO: XXXI

JUDGE:

Hon. Joanna Kishner

MICHAEL A. TRICARICHI

PLAINTIFF

PRICEWATERHOUSECOOPERS LLP

DEFENDANT

CLERK:

REPORTER:

JURY FEES:

COUNSEL FOR PLAINTIFF:

COUNSEL FOR DEFENDANT:

HUTCHISON & STEFFEN, LLC  
 SPERLING & SLATER, P.C.  
 SNELL & WILMER L.L.P.  
 BARTLIT BECK LLP

## EXHIBIT LIST

Exhibit Number	Identif. of Device or Traditional (put v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
001.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	Handwritten Notes	PwC20000002-PwC20000082	Yes	11/7/22		11/7/22
002.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	4/13/2003 Memo from Stovsky to Tricarichi regarding Potential Transaction for Westside Cellular (with marginalia)	TRICAR-NV0046619-TRICAR-NV0046630	Yes	10/31/22		10/31/22
003.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	PwC Invoice for services through 4/30/2003	TRICAR-NV0007532-TRICAR-NV0007537	Yes	11/3/22		11/3/22
004.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	6/1/2008 AICPA Code of Professional Conduct and Bylaws		Yes	11/9/22		11/9/22
005.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	11/15/2003 Email from Stovsky to J. Tricarichi attaching outstanding invoices	PWC-WS 1220-PWC-WS 1222	Yes	11/7/22		11/7/22
006.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	2/25/2009 Notice of Deficiency from the IRS to West Side Cellular	TRICAR-NV0060339-TRICAR-NV0060349	Yes			
007.pdf	Joint Exhibits Drive 1 (Golden) Joint Exhibits Drive 2 (Working)	7/16/2013 Email from Markus to Dillion re documents that PwC sent to the IRS	TRICAR-NV0034417-TRICAR-NV0034418	Yes	11/7/22	11/7/22	11/7/22



CASE NO:	A-16-735910-B					TRIAL DATE	31-Oct-22			REPORTER				
DEPT NO:	DEPT NO. XXXI					JUDGE	Hon. Joanna Kishner			JURY FEES	N/A			
						CLERK	Michelle Jones Shelley Boyle Tondalaya Goodwin							
Michael Tricarichi														
	PLAINTIFF					Counsel for Plaintiff				Scott Hessel (Pro Hac Vice) Blake Sercye (Pro Hac Vice) Mark Hutchison Brenoch Wirthlin Ariel Johnson				
PricewaterhouseCoopers, LLP														
	DEFENDANT					Counsel for Defendant				Mark Levine (Pro Hac Vice) Christopher Landgraff (Pro Hac Vice) Katharine Roin (Pro Hac Vice) Daniel Taylor (Pro Hac Vice) Patrick Byrne Bradley Austin				
Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.	Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted						
020.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	TLS Risk Management Alert-- January 31, 2001-- Intermediary and Contingent Liability Transactions Are	PwC-008757	PwC-008758	NO	10/31/22	NO	10/31/22 -						
021.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Laura Erdberg Email to tis-us partners 1, tis-us partners 2, tis-us partners 3, tis us partners 4 re IRS Settlement: Advance	PwC-008759	PwC-008760	NO	10/31/22	NO	10/31/22 -						
022.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	University of Mississippi eGrove Guides, Handbooks and Manuals, "Tax Research Techniques" by Robert	N/A	N/A	NO	11/9/22		11/9/22 -						
023.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	PricewaterhouseCoopers List of Reportable Transactions	PwC-045125	PwC-045126	NO	10/31/22	NO	10/31/22 -						
025.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	AICPA Professional Standards: Statements on standards for tax services as of June 1, 2003	N/A	N/A	NO									
026.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	WNTS Tax Developments Alert: IRS Warning on "Intermediary Transactions" (Notice 2001-16)	PwC-040471	PwC-040473	NO	10/31/22	NO	10/31/22 -						
027.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Nob Hill Holdings, Inc. Letter to Michael Tricarichi re Purchase of All of the Stock of Westside Cellular	TRICAR-NV0001743	TRICAR-NV0001748	NO									
028.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	William Galanis and Trevor Bowler Memo to Paul Eldridge re Analogue of Notice 2001-16 ("MidCo	PwC-009127	PwC-009130	NO	11/2/22		11/2/22 -						
029.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Richard Stovsky Email to Timothy Lohnes (cc Ray Turk) re Westside	PwC-037585	PwC-037585	NO	10/31/22	NO	10/31/22 -						

Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.	Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted			
030.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Timothy Lohnes Email to Ray Turk (cc David Cook, Richard Stovsky) re RE: Stock Purchase Agreement for West	PwC-002828	PwC-002831	NO	11/2/22		11/2/22	-		
031.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Timothy Lohnes Email to Richard Stovsky re RE: Updated list of "listed transactions" (Notice 2003-76)	TRICAR-NV0003502	TRICAR-NV0003503	NO	11/2/22		11/2/22	-		
032.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Richard Stovsky Email to Timothy Lohnes (cc Richard Stovsky) re RE: Updated list of "listed transactions" (Notice	TRICAR-NV00030536	TRICAR-NV00030538	NO	11/2/22		11/2/22	-		
033.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	IRS Form 1120: US Corporate Income Tax Return for Westside Cellular	TIRICAR-NV0001902	TIRICAR-NV0001910	NO						
034.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Alan Fox Letter to Stephen R. Lemanowicz re Summons Served on October 8, 2002 on PricewaterhouseCoopers LLP	PwC-001365	PwC-001366	NO	11/7/22		11/7/22	-		
035.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Paolo Clemens, "From Tax Q&RM: AICPA Statement on Standards for Tax Services (SSTS) No. 6, Knowledge of	PwC-030643	PwC-030644	NO						
036.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Timothy Lohnes Email to Richard Stovsky re RE: FW: IRS issues new Listed Transaction - Please read	PwC-001768	PwC-001770	NO	11/2/22		11/2/22	-		
037.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Opinion: Enbridge Energy Co., Inc. v. U.S.	TRICAR-NV0067154	TRICAR-NV0067168	NO						
038.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Gary Cesnik Email to Elaine Church (cc tax core qrm) re RE: US District Court concludes that Midco	PwC-008492	PwC-008503	NO	11/7/22		11/7/22	-		
039.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Joe Realmuto Email to Pat Pellervo re RE: Today's WSJ - Midco transactions	PwC-031276	PwC-031277	NO	11/9/22		11/9/22	-		
040.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Corina Trainer Email to Mark Boyer (cc Joe Realmuto) re Midco Cases	PwC-048279	PwC-048280	NO						
041.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Mark Boyer WTS Meeting Outline: "Midco Transaction Updated based on Enbridge Energy and Notice 2008-20	PwC-028534	PwC-028536	NO	11/9/22		11/9/22	-		
042.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Derek Cain Email to Rochelle Hodes re RE: FW: Notice 2008-20 Info, attaching Information	PwC-018371	PwC-018381	NO						
043.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Rochelle Hodes Email to Gary Cesnik, Carl Duyck, Elizabeth Case (cc David Andres, Elaine Church) re Midco--notice	PwC-008651	PwC-008661	NO						

Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.	Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted			
044.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Knowledge Gateway Guidance on Intermediary Transaction Tax Shelters (Notice 2008-111)	PwC-001372	PwC-001382	NO	11/2/22		11/2/22	-		
045.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Tim Lohnes Email to Richard Stovsky re notice	PwC-001371	PwC-001371	NO	11/2/22		11/2/22	-		
046.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Rochelle Hodes Email to David Andres, Derek Cain, Mark Boyer (cc Elaine Church) re summary	PwC-008727	PwC-008728	NO	11/7/22		11/7/22	-		
047.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Rochelle Hodes Email to Mark Boyer (cc David Andres, Derek Cain, Elizabeth Case, Horacio Sobol, Timothy	PwC-022642	PwC-022646	NO						
048.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	IRS Notice of Deficiency to West Side Cellular, Inc.	TRICAR-NV0001962	TRICAR-NV0001971	NO	11/9/22		11/9/22	-		
049.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Elaine Church Email to Rochelle Hodes (cc Adam Handler) re RE: Tax Shelter	PwC-024369	PwC-024370	NO	11/9/22		11/9/22	-		
050.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	IRS Letter to Glenn Miller re Michael Tricarichi	TRICAR-NV0073218	TRICAR-NV0073242	NO						
051.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Richard Stovsky Letter to Michael Tricarichi re Requested Relevant Materials	PwC-002481	PwC-002481	NO	11/3/22		11/3/22	-		
052.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Monte Jackel Email to Monte Jackel (bcc Timothy Lohnes) re Mideo Enbridge 5th Circuit, attaching 5th Circuit Opinion	PwC-001415	PwC-001428	NO						
053.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Ken Busey Email to Michael Kliegman, Mark Boyer, Sean Pheils, Timothy Kelly re Pending Cases in the U.S. Tax	PwC-030058	PwC-030061	NO						
054.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Karen Lohnes Email to Mark Boyer (cc Elizabeth Amoni, Jeffrey Maddrey) re RE: FW: Reportable	PwC-030101	PwC-030103	NO						
055.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Westside Cellular Inc. Interest and Penalty Report	TRICAR-NV0079519	TRICAR-NV0079525	NO						
056.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Tax Court Memo: Estate of Marshall v. Commissioner of Internal Revenue	N/A	N/A	NO	11/10/22		11/10/22	-		

Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.		Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted			
057.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Fortrend International LLC Brochure	TRICAR-NV0007693	TRICAR-NV0007702	NO	10/31/22	NRS 51.065 - hearsay NRS 48.025(2) - irrelevant NRS 48.035(2) - undue delay, waste of time	Yes	Not admitted			
058.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	AICPA Statement on Standards for Tax Services (SSTS) No. 6, Knowledge of Error: Return Preparation	PwC-030632	PwC-030636	NO							
059.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Examination of Multiple Parties in Intermediary Transaction Tax Shelters as Described in Notice 2001-16	PwC-005064	PwC-005067	NO							
061.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Stuart Finkel Email to RTDA Network re FW: Listed Transactions Summaries	PwC-009061	PwC-009062	NO							
062.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Thomas Palmisano Email to Mike Morris and Mark Thompson re [redacted] tax shelter/reportable transaction	PwC-032312	PwC-032318	NO							
063.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Brandon Mark Email to Shelley Penaloza re Urgent Copies Needed	PwC-034238	PwC-034238	NO							
064.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Compliance Issues With Respect to the New Tax Shelter Disclosure Regime	PwC-034239	PwC-034342	NO							
066.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Tax Court Memo: Michael Tricarichi v. Commissioner of Internal Revenue	TRICAR-NV0005624	TRICAR-NV0005692	NO	11/2/22			11/2/22 -			
067.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Rachel Hodes Email to Mark Boyer re RE: FW: notice 2008-20-Mideo Modification, attaching checklist and	PwC-029042	PwC-029103	NO							
068.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Fortrend PwC \$950,000 Fee	N/A	N/A	NO	10/31/22	NRS 52.015 - authenticity NRS 51.065 - hearsay NRS 48.025(2) - irrelevant NRS 48.035(2) - undue delay, waste of time	Yes				

Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.		Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted			
069.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	PwC A/R Client Receipts	PwC-363	PwC-388	NO	10/31/22 11/4/22	NRS 52.015 - authenticity NRS 51.065 - hearsay NRS 48.025(2) - irrelevant NRS 48.035(2) - undue delay, waste of time	Yes - 10/31/22 Withdrawn 11.4.22				
070.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	PWC - Marshall Checklist	N/A	N/A	NO							
071.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	IRS Warning on "intermediary transactions" (Notice 2001-16)	PwC-030616	PwC-030618	NO							
072.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	PwC-Fortrend Engagement Letter re Bishop Pipeline Company	N/A	N/A	NO	11/7/22	NRS 52.015 - authenticity NRS 51.065 - hearsay NRS 48.025(2) - irrelevant NRS 48.035(2) - undue delay, waste of time	11/7/22	Denied			
073.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Email from Stephen Markus to Candace Williams re Deposition attaching "Additional Documents from	PwC-001335	PwC-001337	NO							
074.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Materials attached to August 2, 2013 email from Markus to Williams	PwC200000(T ricarichi)	PwC200039(T ricarichi)	NO							
075.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Email from Elaine Church to "tax core qrm" with subject line "Text of this afternoon's IRS release re: Service's	PwC-006174	PwC-006174	NO							
076.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Materials attached to January 13, 2006 email from Church to "tax core qrm"	PwC-006175	PwC-006178	NO							
077.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Email from Sheri Dillon to Stephen Markus and others with subject line "proposed Tim Lohnes deposition"	TRICAR-NV0113178	TRICAR-NV0113179	NO							
078.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Email from Stephen Markus to Sheri Dillon and others with subject line "RE: proposed Tim Lohnes deposition"	TRICAR-NV0113180	TRICAR-NV0113184	NO	11/2/22			11/2/22 -			

K4

Exhibit Number	Identif. of Device	Description of Exhibit	Alphanumeric Designation of Exch.		Stipulated Yes/No	Date Offered	Current Objections	Objection	Date Admitted				
079.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	2003 Marshall 1040 filing by PwC with Reportable Transaction Disclosure Statement	N/A	N/A	NO								
080.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Trial transcript from Estate of Marshall v. Commissioner of Internal Revenue	N/A	N/A	NO		Not listed as trial witness in pretrial filing NRS 51.065 – hearsay NRS 48.025(2) – irrelevant NRS 48.035(2) – undue delay, waste of time						
081.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Email chain between Pat Pellervo and John Dempsey re Marshall transaction inquiries	N/A	N/A	NO								
082.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	Deposition of Patricia Pellervo from Estate of Marshall v. Commissioner of Internal Revenue	N/A	N/A	NO								
083.pdf	Tricarichi Device 1 (Golden) Tricarichi Device 2 (Working)	October 23, 2015 Tolling Agreement from Joel Levin to PwC	N/A	N/A	NO								
084.pdf	N/A	May 5, 2003 New Client Code	PwC-049335	PwC-049338	NO	10/31/22		NO	Hardcopy				
085.pdf	N/A	Tax Engagement Check List	PwC-049339	PwC-049340	NO	10/31/22		NO					
086.pdf	N/A	February 6, 2003 Global TLS	PwC-049543	PwC-049544	NO	10/31/22		NO					
087.pdf	N/A	November 6, 2000 Global	PwC-049547	PwC-049547	NO	10/31/22		NO					
088.pdf	N/A	May 13, 2003 Global TLS	PwC-049560	PwC-049561	NO	10-31-22		NO					
089.pdf	N/A	November 6, 2000 Global	PwC-049598	PwC-049601	NO	10-31-22		NO					

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100.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/10/2003 PwC/Tricarichi Engagement Letter	TRICAR-NV0117243-TRICAR-NV0117250	No	10/31/22	Hearsay Caveat	10/31/22	10/31/22	
101.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/13/2003 Memo from Stovsky to Tricarichi regarding Potential Transaction for Westside Cellular (with marginalia)	PwC-000605-PwC-000609	No	10/31/22	Hearsay as to referenced conversations with Michael Tricarichi and James Tricarichi	10/13/22	Defer	
102.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/29/2009 Letter from Miller to the IRS in response to the draft Transferee Report	TRICAR-NV0093731-TRICAR-NV0093752	No	11/3/22			11/3/22	
103.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/9/2009 from Miller to the IRS attaching a written protest to the findings in the Transferee Report	TRICAR-NV0009424-TRICAR-NV0009557	No	10/31/22	Hearsay 11/2/22	10/31 & 11/2	103A Paper copy	
104.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Intermediary Transactions Tax Shelter Notice 2001-16 from the IRS	TRICAR-NV0009911-TRICAR-NV0009911	No	11/2/22			11/2/22	
105.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Intermediary Transaction Tax Shelter Notice 2008-111 from the IRS	TRICAR-NV0026636-TRICAR-NV0026644	No	11/2/22			11/2/22	
106.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	August 2000 AICPA Statements on Standards for Tax Services Nos. 1-8	PwC-028404-PwC-028439	No	10/31/22		10/31/22	11/2/22	
108.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/9/2003 Memo from Folkman to Sims regarding Celnelt - Tax Issues Associated with Resolution of Cases	TRICAR-NV0030414-TRICAR-NV0030423	No	11/9/22			11/9/22	
109.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/8/2003 Email from J. Tricarichi to Stovsky regarding Tax Issues for Celnelt and Mike Tricarichi	TRICAR-NV0030607-TRICAR-NV0030608	No	11/7/22			11/7/22	
110.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Handwritten Notes	PwC-001232-PwC-001232	No	11/7/22			11/7/22	
111.pdf	PwC Drive 1 (Golden)	4/10/2003 PwC/Tricarichi Engagement Letter	PwC-000484-PwC-000484	No	11/7/22			11/7/22	

Exhibit Number	Identif of Device or Traditional (putv)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
118.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/13/2003 Memo from Stovsky to Tricarichi regarding Potential Transaction for Westside Cellular (with marginalia and redactions)	PwC-049330-PwC-049334	No				
119.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/14/2003 Email from Thronson to Stovsky regarding Proposed Transaction	PwC-002537-PwC-002538	No	11/2/22			11/2/22 ✓
120.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Handwritten Notes	PwC-001237-PwC-001238	No				
121.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/8/2003 Email from Klink to J. Tricarichi regarding Request for Further Information regarding Cellnet	TRICAR-NV0125513-TRICAR-NV0125513	No				
122.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/27/2008 Email from Hodes to Boyer attaching Notice 2008-20 Midco Modification	PwC-008615-PwC-008624	No				
123.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Handwritten Notes	PwC-001239-PwC-001240	No				
124.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/13/2003 email from Block to J. Tricarichi, et al. regarding Steve Block Fortrend International	TRICAR-NV0120961-TRICAR-NV0120961	No				
126.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/22/2003 Letter Agreement from Nob Hill to M. Tricarichi regarding Purchase of All of the Stock of Westside Cellular	PwC-000728-PwC-000733	No	11/2/22			11/2/22 ✓
127.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/23/2003 Email from Folkman to Hart regarding Cellnet Issues	HL 00270-HL 00271	No	11/9/22			11/9/22 ✓
128.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/12/2003 Draft Stock Purchase Agreement between M. Tricarichi and Nob Hill (with marginalia)	PwC-000734-PwC-000771	No	11/2/22			11/2/22 ✓
129.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/13/2003 Email from J. Tricarichi to M. Tricarichi attaching Closing Checklist for Stock Purchase Agreement	TRICAR-NV0109749-TRICAR-NV0109752	No				
130.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/13/2003 Email from Hart to Folkman regarding Fortrend Agreement	TRICAR-NV0015336-TRICAR-NV0015336	No				
131.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/14/2002 Email from Lohnes to Stovsky regarding Westside	PwC-002574-PwC-002575	No	11/2/22			11/2/22 ✓
132.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/15/2003 Email from Stovsky to Lohnes regarding Westside	TRICAR-NV0007354-TRICAR-NV0007355	No	11/2/22			11/2/22 ✓
133.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/19/2003 Email from J. Tricarichi to Turk attaching Sales Calculation Spreadsheet	TRICAR-NV0001668-TRICAR-NV0001699	No				
134.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/21/2003 Email from Turk to Stovsky regarding Stock Purchase Agreement for West Side Cellular by Nob Hill Holdings	PwC-002619-PwC-002620	No	11/2/22			11/2/22 ✓
135.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/21/2003 Email from Folkman to M. Tricarichi attaching redlined version of Stock Purchase Agreement from Klink	TRICAR-NV0100723-TRICAR-NV0100767	No				
136.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/25/2003 Email from Lohnes to Turk regarding Stock Purchase Agreement for West Side Cellular by Nob Hill Holdings	TRICAR-NV0030549-TRICAR-NV0030551	No	11/2/22			11/2/22 ✓
137.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/28/2003 Email from Hart to M. Tricarichi, Folkman, and J. Tricarichi regarding Fortrend	TRICAR-NV0031289-TRICAR-NV0031289	No				
138.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/9/2003 Executed Stock Purchase Agreement between Nob Hill Holdings, Inc. and Michael Tricarichi	TRICAR-NV0016097-TRICAR-NV0016215	No				
139.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/9/2003 Letter from Hahn Loeser & Parks to McNabola regarding Sale of All of the Issued and Outstanding Shares of West Side Cellular, Inc.	TRICAR-NV0108508-TRICAR-NV0108512	No				
140.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/10/2003 Executed Agreement and Plan of Merger between West Side Cellular, Inc. and Nob Hill Holdings, Inc.	TRICAR-NV0028814-TRICAR-NV0028819	No				
142.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/31/2003 Invoice from Hahn Loeser & Parks to Tricarichi for Tax Planning services regarding VCI Communications	TRICAR-NV0001343-TRICAR-NV0001361	No				
143.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/30/2004 Letter from Miller to IRS regarding West Side Cellular protest of certain findings of the Taxpayer Advocate Service	TRICAR-NV0060495-TRICAR-NV0060507	No	11/3/22			11/3/22 ✓
144.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/10/2005 Letter from IRS to West Side Cellular regarding 2003 Tax Audit	TRICAR-NV0008130-TRICAR-NV0008139	No	11/9/22			11/9/22 ✓
145.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/22/2005 Letter from IRS to Dick attaching material under the provisions of Power of Attorney	TRICAR-NV0008109-TRICAR-NV0008129	No				
146.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/14/2007 Email from Hart to Conn regarding West Side Cellular	TRICAR-NV0007970-TRICAR-NV0007970	No	11/9/22			11/9/22 ✓



Exhibit Number	Identif. of Device or Traditional (putv)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
147.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/21/2007 Letter from Hart to the IRS regarding M. Tricarichi Subpoena for West Side Cellular	TRICAR-NV0024216-TRICAR-NV0024216	No	11/9/22			11/9/22
149.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/26/2007 Treasury Department Circular No. 230 regarding Regulations Governing the Practice of Attorneys, Certified Public Accountants,		No	11/9/22			11/9/22
150.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/22/2008 Letter from the IRS to M. Tricarichi regarding outstanding tax liability	TRICAR-NV0121454-TRICAR-NV0121458	No	11/3/22			11/3/22
151.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Chicago Board of Exchange Volatility Index from 2008-2010		No				
152.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/29/2008 Letter from the IRS to Stovsky attaching a summons regarding West Side Cellular	PwC-002501-PwC-002510	No	11/7/22			11/7/22
153.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/29/2008 Letter from the IRS to West Side Cellular attaching an examination report	TRICAR-NV0026505-TRICAR-NV0026509	No				
154.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	2/21/2008 Fax from Hart to the IRS attaching Michael A. Tricarichi Information Document Request		No				
155.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	2/22/2008 Letter from Stovsky to the IRS enclosing records requested per the summons	PwC-001324-PwC-001334	No	11/7/22			11/7/22
156.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/31/2008 Opinion in the <i>Enbridge Energy v. U.S.</i> (Case No. H-06-657, S.D. TX)	TRICAR-NV0104867-TRICAR-NV0104879	No	11/9/22			11/9/22
157.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/30/2008 Email from Hodes to Duyck, et al. regarding Midco Notice 2008-20 Independence Implications	PwC-008669-PwC-008679	No				
158.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/4/2008 Email from Hodes to Duyck, et al. regarding Treasury Official Says IRS to Issue Guidance for Intermediary Transaction Shelters Notice	PwC-008690-PwC-008691	No				
159.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	122/2008 Email from Lohnes to Stovsky regarding attached Notice 2008-11	PwC-001371-PwC-001382	No	11/7/22			11/7/22
160.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	December 2008 Charles Schwab Statement to Tricarichi	TRICAR-NV0135357-TRICAR-NV0135366	No				
161.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	2/3/2009 Letter from the IRS to M. Tricarichi regarding outstanding tax liability	TRICAR-NV0067021-TRICAR-NV0067070	No	11/3/22			11/3/22
162.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/11/2009 Letter from the IRS to Miller attaching material under the provisions of Power of Attorney	TRICAR-NV0093619-TRICAR-NV0093643	No	11/8/22			11/8/22
163.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/11/2009 Letter from the IRS to M. Tricarichi attaching the Transferee Report and Waiver Form	TRICAR-NV0093753-TRICAR-NV0093812	No	11/3/22			11/3/22
164.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/17/2009 Letter from Stovsky to M. Tricarichi regarding materials sent to the IRS in February 2008	TRICAR-NV0034081-TRICAR-NV0034081	No				
165.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/8/2009 Memo from Korb, et al. to M. Tricarichi and Hart regarding West Side Cellular	TRICAR-NV0135479-TRICAR-NV0135488	No	11/3/22			11/3/22
167.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/15/2009 Letter from Levin to Oscar regarding Michael Tricarichi	TRICAR-NV0092842-TRICAR-NV0092844	No				
168.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/28/2009 Invoice from Sullivan & Cromwell to M. Tricarichi	TRICAR-NV0053561-TRICAR-NV0053563	No	11/3/22			11/3/22
169.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/16/2009 Memo from Corn to M. Tricarichi and Hart regarding U.S. Court of Appeals for the Fifth Circuit Disregards Form of Intermediary Transaction	TRICAR-NV0135451-TRICAR-NV0135454	No	11/3/22			11/3/22
170.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/27/2010 Email with redactions from Miller to M. Tricarichi regarding Don Korb	TRICAR-NV0131227-TRICAR-NV0131227	No				
171.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/23/2010 Email from Korb to M. Tricarichi and Hart regarding Meeting in D.C.	TRICAR-NV0131186-TRICAR-NV0131186	No	11/9/22			11/9/22
174.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/9/2010 Email from Korb to M. Tricarichi, et al. attaching Draft slides for Appeals Presentation	TRICAR-NV0123530-TRICAR-NV0123589	No	11/9/22			11/9/22
175.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/13/2010 Tricarichi Appeals Notebook	TRICAR-NV0133950-TRICAR-NV0134287	No	11/9/22			11/9/22
178.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/14/2010 Email from Korb to M. Tricarichi and Hart regarding IRS Appeals Conference Binder	TRICAR-NV0137027-TRICAR-NV0137028	No				
179.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/16/2010 Email from Korb to M. Tricarichi regarding IRS Appeals Conference Binder	TRICAR-NV0123433-TRICAR-NV0123435	No	11/9/22			11/9/22

Exhibit Number	Identif. of Device or Traditional (putv)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
180.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/17/2010 Letter from Korb to M. Tricarichi enclosing IRS Appeals Conference binder	TRICAR-NV0104721-TRICAR-NV0104724	No	11/9/22			11/9/22
181.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/21/2010 Email from Desmond to Mason regarding 10-27 conference T-case with redactions	TRICAR-NV0105301-TRICAR-NV0105302	No	11/7/22			11/7/22
182.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/22/2010 Email from Corn to Desmond, et al. regarding IRS Appeals Presentation	TRICAR-NV0122486-TRICAR-NV0122561	No	11/3/22			11/3/22
183.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/26/2010 Email from Corn to Szpalk attaching 10-27 Conference Slides	ADMIN_TRI00910-ADMIN_TRI00930	No	11/3/22	Subject to NRS 48.105	CT reserves carve out	11/3/22
184.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/28/2010 Draft of Tricarichi's Baseline Case from Sullivan & Cromwell	TRICAR-NV0073765-TRICAR-NV0073769	No				
185.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/28/2010 Email from Corn to Miller, et al. transcript of Tricarichi Interview with the IRS	TRICAR-NV0073770-TRICAR-NV0073773	No				
186.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/29/2010 Email from Korb to M. Tricarichi and Hart regarding Settlement Calculations	TRICAR-NV0073912-TRICAR-NV0073912	No	11/7/22			11/7/22
187.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/29/2010 Tricarichi's Baseline Case	TRICAR-NV0073913-TRICAR-NV0073920	No	11/7/22			11/7/22
188.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/1/2010 Email from M. Tricarichi to Levin, et al. regarding IRS Settlement Meeting	TRICAR-NV0126038-TRICAR-NV0126038	No	11/3/22			11/3/22
189.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/2/2010 Email from Korb to M. Tricarichi and Hart regarding Mason's follow up call with the IRS Appeals Officer	TRICAR-NV0130745-TRICAR-NV0130745	No	11/9/22			11/9/22
190.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/6/2010 Email from Mason to Szpalk regarding Decision Tree analysis	TRICAR-NV0026453-TRICAR-NV0026454	No	11/3/22			11/3/22
191.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/6/2010 Email from Korb to M. Tricarichi and Hart regarding Decision Tree	TRICAR-NV0130733-TRICAR-NV0130734	No	11/3/22			11/3/22
192.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/8/2010 Email from Corn to Korb, et al. regarding IRS appeals team conference call	TRICAR-NV0073889-TRICAR-NV0073889	No	11/7/22			11/7/22
193.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/8/2010 Fax from the IRS attaching Settlement Computation	TRICAR-NV0073890-TRICAR-NV0073900	No	11/7/22			11/7/22
194.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/28/2011 Email from Hart to M. Tricarichi regarding mediation	TRICAR-NV0122406-TRICAR-NV0122406	No				
195.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/8/2011 Fax from the IRS to Corn and Mason attaching the Rebuttal to the Taxpayer's Protest	TRICAR-NV0073598-TRICAR-NV0073614	No	11/8/22			11/8/22
196.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/16/2011 Email from M. Tricarichi to Hart attaching Starnes Opinion (T.C. Memo 2011-63)	TRICAR-NV0126004-TRICAR-NV0126037	No	11/8/22			11/8/22
197.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/19/2011 Letter from Korb to Szpalk regarding West Side Cellular tax returns and "Midco" characterization	TRICAR-NV0073703-TRICAR-NV0073706	No	11/9/22			11/9/22
198.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/18/2011 Email from Corn to M. Tricarichi and Hart regarding another Tax Court case involving "Midco"	TRICAR-NV0122341-TRICAR-NV0122342	No				
199.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/8/2011 Email from Surma to M. Tricarichi regarding Outstanding S&C Invoices	TRICAR-NV0122283-TRICAR-NV0122285	No				
200.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/26/2011 Email from Korb to M. Tricarichi, et al. regarding Telephone Conference with the IRS Appeals Officer	TRICAR-NV0122279-TRICAR-NV0122279	No	11/9/22			11/9/22
201.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/29/2011 Fax from the IRS to Korb attaching Proposed Settlement Computation	ADMIN_TRI01034-ADMIN_TRI01035	No	11/3/22			11/3/22
202.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/29/2011 Email from Korb to M. Tricarichi regarding Proposed Settlement Computation	TRICAR-NV0122276-TRICAR-NV0122276	No	11/3/22			11/3/22
203.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/1/2011 Email from Korb to M. Tricarichi regarding Telephone Call with IRS Appeals Officer	TRICAR-NV0130570-TRICAR-NV0130570	No	11/3/22			11/3/22
204.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/11/2011 Email from Miller to M. Tricarichi regarding proceeding to litigation	TRICAR-NV0122259-TRICAR-NV0122259	No				
205.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/14/2011 Letter from Levin to Stovsky regarding tolling agreement	PwC-002477-PwC-002479	No	11/9/22			11/9/22
206.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	2/10/2012 Letter from the IRS to Korb regarding resolution of dispute	TRICAR-NV0027027-TRICAR-NV0027027	No				
207.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/2/2012 Email from Miller to M. Tricarichi attaching Stone Transferee opinion (T.C. Memo 2012-57)	TRICAR-NV0122168-TRICAR-NV0122194	No	11/8/22			11/8/22

Exhibit Number	Identif. of Device or Traditional (put v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
208.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	4/24/2012 Email from C. Tricarichi to M. Tricarichi forwarding email from Levin (Redacted)	TRICAR-NV0135428-TRICAR-NV0135429	No				
209.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/15/2012 Transferee Report	TRICAR-NV0010387-TRICAR-NV0010416	No				
210.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/25/2012 Notice of Liability from the IRS to M. Tricarichi	TRICAR-NV0027037-TRICAR-NV0027046	No	11/3/22			11/3/22
211.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/25/2012 IRS Interest and Penalty Detail Report for West Side Cellular	TRICAR-NV0079519-TRICAR-NV0079525	No				
212.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/25/2012 Corporate Interest Statement from the IRS to Westside Cellular	TRICAR-NV0053280-TRICAR-NV0053286	No				
213.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Handwritten Notes		No	11/7/22	Hearsay as to referenced conversations with Michael Tricarichi or James Tricarichi	11/7/22 Denied w/o Prejudice	
214.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/5/2012 Email from Miller to M. Tricarichi regarding call to discuss tax case	TRICAR-NV0130486-TRICAR-NV0130487	No	11/8/22			11/9/22
215.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/17/2012 Email from Levin to M. Tricarichi regarding summary of comments on the case	TRICAR-NV0137281-TRICAR-NV0137283	No				
217.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/10/2012 Letter from Levin to Schwartz regarding Response to Mediation Submission	TRICAR-NV0132671-TRICAR-NV0132676	No	11/3/22			11/3/22
218.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/13/2012 Confidential Settlement Agreement, General Release and Waiver of Rights between Hahn Loeser & Parks, Michael Tricarichi, Barbara Tricarichi and VCI Communications (Executed)	TRICAR-NV0133592-TRICAR-NV0133599	No	11/3/22			11/3/22
219.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/16/2013 Letter from Markus to Dillon enclosing documents that PwC sent to the IRS	TRICAR-NV0113240-TRICAR-NV0113250	No				
220.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/2/2013 email from Markus to Williams regarding Additional Documents from PwC regarding Tricarichi Engagement	PwC-001335-PwC-001349	No				
221.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/6/2013 Deposition Transcript of James Tricarichi (Tax Court No. 23630-12)	TRICAR-NV0033281-TRICAR-NV0033356	No				
222.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/13/2013 Email from Desmond to M. Tricarichi regarding Tax Case Update	TRICAR-NV0129165-TRICAR-NV0129165	No				
223.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/6/2013 Deposition Transcript of Jeffrey Folkman (Tax Court No. 23630-12)	TRICAR-NV0028060-TRICAR-NV0028119	No				
224.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/17/2014 Email from M. Tricarichi to Desmond regarding Tax Case Update	TRICAR-NV0125152-TRICAR-NV0125152	No				
225.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/19/2014 Cross-Motion <i>in Limine</i> to Exclude from Trial Any Evidence or Argument that the Stock Purchase Transaction at Issue is an "Intermediary Transaction Tax Shelter" Within the Meaning of IRS Notice 2001-16 and IRS Notice 2008-20 (Tax Case No. 23630-12)	TRICAR-NV0077953-TRICAR-NV0077959	No	11/7/22			11/7/22
226.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/28/2014 Pretrial Memorandum (Tax Court Case No. 23630-12)	TRICAR-NV0072136-TRICAR-NV0072191	No				
227.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/29/2014 Email from Desmond to M. Tricarichi regarding Favorable Tax Court Decision Issued Today	TRICAR-NV0047745-TRICAR-NV0047745	No	11/7/22			11/7/22
228.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/31/2014 Email from Tricarichi to Desmond regarding Tax Case	TRICAR-NV0125151-TRICAR-NV0125151	No	11/3/22			11/3/22
229.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	RESERVED		No				
230.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/23/2014 Email from Hart to M. Tricarichi regarding Tricarichi Post Trial Brief	TRICAR-NV0118871-TRICAR-NV0118873	No				
231.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/27/2014 Email from Desmond to M. Tricarichi regarding IRS Settlement Offer	TRICAR-NV0051662-TRICAR-NV0051662	No	11/7/22			11/7/22
232.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/28/2014 Settlement Discussion Framework	TRICAR-NV0118866-TRICAR-NV0118866	No	11/3/22			11/3/22
233.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/29/2014 Email from Michael Desmond to Michael Tricarichi, Randy Hart, Craig Bell, and Bradley Riddlehoover regarding IRS Settlement Discussion	TRICAR-NV0118865-TRICAR-NV0118865	No	11/3/22			11/3/22

## Ex List

Exhibit Number	Identif. of Device or Traditional (putV)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
234.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/3/2014 Email from M. Tricarichi to Desmond regarding Friday Call on IRS Settlement Offer	TRICAR-NV0131553-TRICAR-NV0131553	No	11/3/22			11/3/22
235.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/4/2014 Email from M. Tricarichi to Hart regarding IRS Settlement Offer	TRICAR-NV0131552-TRICAR-NV0131552	No				
236.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/26/2014 Petitioner's Opening Brief (Tax Court No. 23620-12)	TRICAR-NV0078758-TRICAR-NV0078889	No	11/7/22			11/7/22
237.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	9/29/2014 Email from Desmond to M. Tricarichi regarding IRS's Opening Brief	TRICAR-NV0118403-TRICAR-NV0118403	No	11/7/22			11/7/22
238.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/15/2014 Email from Desmond to M. Tricarichi regarding Response to IRS's Proposed Findings of Fact	TRICAR-NV0118300-TRICAR-NV0118300	No	11/7/22			11/7/22
239.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/10/2014 Simultaneous Answering Brief (Tax Court No. 23630-12)		No	11/7/22			11/7/22
240.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/12/2014 Trial Testimony of Dan Mendelson (Tax Court, Nos. 27241-11, 28661-11 and 28782-11)	MARSH0098109-MARSH0098169	No				
241.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/9/2015 Email from Desmond to M. Tricarichi regarding Ninth Circuit Transferee Case	TRICAR-NV0052634-TRICAR-NV0052634	No				
242.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/14/2015 Tax Court Opinion (T.C. Memo 2015-201)		No				
243.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/22/2015 Assessment Against Transferee or Fiduciary from the IRS to Tricarichi	TRICAR-NV0053278-TRICAR-NV0053278	No				
244.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/12/2016 Email from M. Tricarichi to Desmond regarding additional case law	TRICAR-NV0124956-TRICAR-NV0124958	No				
245.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/14/2016 Email from Desmond to M. Tricarichi regarding S&C Settlement Scenarios	TRICAR-NV0127209-TRICAR-NV0127209	No				
246.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	2/18/2016 Computation for Entry of Decision (Tax Court No. 23630-12)	TRICAR-NV0005426-TRICAR-NV0005432	No				
249.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/18/2016 Supplemental Memorandum Opinion (Tax Court No. 23630-12)	TRICAR-NV0072889-TRICAR-NV0072904	No				
252.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/29/2016 Email from Desmond to M. Tricarichi regarding Mediation Order	TRICAR-NV0126732-TRICAR-NV0126732	No	11/3/22			11/3/22
253.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	12/2/2016 Email from Desmond to the IRS regarding mediation process	TRICAR-NV0126731-TRICAR-NV0126731	No				
254.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/13/2017 Appellant's Brief (U.S. Court of Appeals, No. 16-73418)	TRICAR-NV0005767-TRICAR-NV0005843	No				
255.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	3/9/2017 Judgment (Court of Appeals of Ohio, Case No. 104615)		No				
256.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Handwritten Notes	PwC-001236-PwC-001236	No				
257.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	ABA Formal Opinion No. 481 - A Lawyer's Duty to Inform a Current or Former Client of the Lawyer's Material Error		No				
258.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/13/2018 Opinion from the U.S. Court of Appeals for the Ninth Circuit regarding <i>Tricarichi v. Commissioner of Internal Revenue</i> (No. 16-73418)	TRICAR-NV0110091-TRICAR-NV0110100	No				
259.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	1/1/2019 Tricarichi Joint Assets and Liabilities	TRICAR-NV0124093-TRICAR-NV0124097	No				
260.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/27/2019 Curriculum Vitae of Arthur (Kip) Dellinger		No				
264.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/10/2019 Michael Tricarichi's Response to PwC's First Set of Interrogatories		No				
265.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Plaintiff's Response to PwC's Second Set of Interrogatories		No				
266.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	IRC 6621 Table of Underpayment Rates from January 1, 1990 - December 31, 2020		No				
267.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/2020 Curriculum Vitae of Kenneth Harris		No				
268.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/2020 Curriculum Vitae of Joseph Lesuanee		No				
103A	103.1-103.30	Paper copy of Ex 103 1st 30 pgs		No	11/2/22 Hearsey			11/2/22

Exhibit Number	Identif. of Device or Traditional (put v)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Current Objection	Objection	Date Admitted
270.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Real Estate Experience of Randy Hart and Michael Tricarichi	TRICAR-NV0123995-TRICAR-NV0123995	No				
271.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Donald Korb biography from Sullivan & Cromwell website		No	11/9/22			11/9/22 ✓
272.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	IRS Treasury Regulation § 1.6664-2, Underpayment		No				
273.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	PDF of Excel prepared by Lesuanae regarding Schwab Checks		No				
274.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/30/2007 Affidavit of Michael Tricarichi (Case No. 06 CV 2231)	PET_LIT004207-PET_LIT004210	No				
275.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	11/30/2007 Transcript of Taxpayer Interview of Michael Tricarichi	TRICAR-NV0073774-TRICAR-NV0073876	No				
276.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/17/2013 Unsworn Declaration of Michael A. Tricarichi in Support of Petitioner's Motion for Summary Judgment (Tax Court No. 23630-12)	TRICAR-NV0004005-TRICAR-NV0004215	No				
277.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	10/21/2013 Unsworn Declaration of Michael A. Tricarichi in Support of Petitioner's Motion for Summary Judgment (Tax Court No. 23630-12)	TRICAR-NV0058266-TRICAR-NV0058274	No				
278.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/9/2014 Trial Testimony of Michael Tricarichi (Tax Court No. 23630-12)		No				
279.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	6/10/2014 Trial Testimony of Randy Hart (Tax Court No. 23630-12)		No				
280.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Affidavit of Michael A. Tricarichi in Support of Plaintiff's Opposition to Defendant PricewaterhouseCoopers LLP's Motion for Summary Judgment		No				
281.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	5/26/2020 Expert Report & Exhibits of Craig Greene		No				
282.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Curriculum Vitae of Craig Greene		No				
283.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Deposition and Trial Testimony of Craig Greene in the Past Four Years		No				
284.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/24/2020 Rebuttal Expert Report of Craig Greene		No				
290.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Interpretation No. 1-2, "Tax Planning," of Statement on Standards for Tax Services No. 1, <i>Tax Returns Positions</i>		No				
291.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	Draft Stock Purchase Agreement with Stovsky handwritten notes	PwC-000655-PwC-000702	No	11/7/22			11/7/22 ✓
292.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	7/15/2022 Curriculum Vitae for Arthur "Kip" Dellinger		No				
293.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	U.S. Tax Court Petition		No				
294.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/21/2003 Email from Turk to Stovsky attaching draft Stock Purchase Agreement for West Side Cellular by Nob Hill Holdings	PwC-000068-PwC-000117	No				
295.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/23/2003 Email from Turk to Stovsky attaching draft Stock Purchase Agreement for West Side Cellular by Nob Hill Holdings	PwC-000218-PwC-000267	No				
296.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/12/2003 Draft Stock Purchase Agreement between Nob Hill Holdings and M. Tricarichi	PwC-000611-PwC-000654	No	11/7/22			11/7/22 ✓
297.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/11/2003 Draft Stock Purchase Agreement between Nob Hill Holdings and M. Tricarichi	PwC-000772-PwC-000826	No				
298.pdf	PwC Drive 1 (Golden) PwC Drive 2 (Working)	8/29/2003 Email from Folkman to Klink attaching Revised Stock Purchase Agreement between Nob Hill Holdings and M. Tricarichi	PwC-001079-PwC-001176	No	11/7/22			11/7/22 ✓



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**ARIEL C. JOHNSON**  
**10080 W. ALTA DR., STE. 200**  
**LAS VEGAS, NV 89145**

**DATE: December 26, 2023**  
**CASE: A-16-735910-B**

**RE CASE:** MICHAEL A. TRICARICHI vs. PRICEWATERHOUSECOOPERS LLP

NOTICE OF APPEAL FILED: December 22, 2023

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

PLAINTIFF'S NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES;  
CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION  
PURSUANT TO NRCP 60(b) BASED ON NEWLY DISCOVERED EVIDENCE; NOTICE OF ENTRY  
OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION PURSUANT TO NRCP  
60(B) BASED ON NEWLY DISCOVERED EVIDENCE; DISTRICT COURT MINUTES; EXHIBITS  
LIST; NOTICE OF DEFICIENCY

MICHAEL A. TRICARICHI,

Plaintiff(s),

vs.

PRICEWATERHOUSECOOPERS LLP,

Defendant(s),

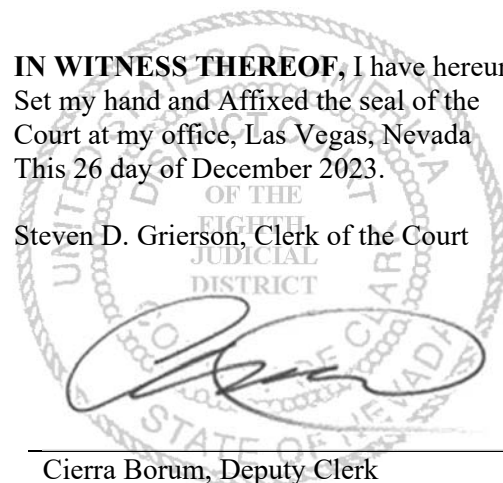
Case No: A-16-735910-B

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 26 day of December 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk