

Electronically Filed
Jan 22 2024 01:51 PM
Elizabeth A. Brown
Clerk of Supreme Court

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19 Facsimile: 303.382.6210

20 *Attorneys for Blackstar*
21 *Blackstar Enterprise Group, Inc.*

22 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

23 **IN AND FOR CLARK COUNTY**

24 GS CAPITAL PARTNERS LLC, a Nevada
25 limited liability company,

26 Plaintiff,

27 v.

28 BLACKSTAR ENTERPRISE GROUP,
INC., a Delaware limited liability
corporation; and DOES 1 through X,
inclusive, and ROE CORPORATIONS I
through X, inclusive

Defendants.

CASE NO.: A-23-881099-B
DEPT.: XIII

NOTICE OF APPEAL

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant Blackstar Enterprises Group, Inc. (“*Blackstar*”), by and through its undersigned attorneys, hereby appeals to the Supreme Court of Nevada from the December 18, 2023 Order Granting Application for Preliminary Injunction and Motion for Specific Performance, which Notice of Entry was filed on December 18, 2023.

DATED: January 12, 2024.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: /s/ Maximilien D. Fetaz

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*pro hac vice forthcoming

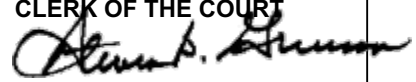
Attorneys for Defendant

Blackstar Enterprises Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF APPEAL** to be submitted electronically to all parties currently on the electronic service list on January 12, 2024.

/s/ Paula Kay
Paula Kay,
an employee of Brownstein Hyatt Farber Schreck, LLP



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*Attorneys for Blackstar
Blackstar Enterprise Group, Inc.*

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CLARK COUNTY

GS CAPITAL PARTNERS LLC, a Nevada
limited liability company,

Plaintiff,

v.

BLACKSTAR ENTERPRISE GROUP,
INC., a Delaware limited liability
corporation; and DOES 1 through X,
inclusive, and ROE CORPORATIONS I
through X, inclusive

Defendants.

CASE NO.: A-23-881099-B
DEPT.: XIII

CASE APPEAL STATEMENT

1. Name of Appellants Filing this Case Appeal Statement:

Blackstar Enterprises Group, Inc. ("***Blackstar***").

2. The Judge Issuing the Decision, Judgment, or Order Appealed From:

The Honorable Mark R. Denton.

3. **Each appellant and the name and address of counsel for each appellant:**

Blackstar is represented by:

Maximilien D. Fetaz, Esq., NV Bar No. 12737

mfetaz@bhfs.com

Eric D. Walther, Esq., NV Bar No. 13611

ewalther@bhfs.com

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4. **Each respondent and the name and address of appellate counsel, if known, for each respondent, but if the name of a respondent's appellate counsel is not known, then the name and address of that respondent's trial counsel:**

Respondent GS Capital Partners LLC ("*GS Capital*") is represented by:

Ogonna M. Brown, Esq., NV Bar No. 7589

OBrown@lewisroca.com

Trent Earl, Esq., NV Bar No. 15214

TEarl@lewisroca.com

Christine R. Hotchkin, Esq., NV Bar No. 15568

CHotchkin@lewisroca.com

LEWIS ROCA ROTHGERBER CHRISTIE LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, NV 89169

Tel: 702.949.8200

Fax: 702.949.8398

5. **Whether any attorney identified above in response to Question 3 and 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission:**

On December 12, 2023, the district court granted attorney Brent R. Owen permission to appear under SCR 42. Exhibit 1. Attorney Ian Rainey will be moving for permission to appear

under SCR 42 in either the district court or the Nevada Supreme Court, but has not yet been granted permission to appear. All other identified attorneys are licensed to practice law in Nevada.

6. Whether appellants were represented by appointed counsel in the district court, and whether appellants are represented by appointed counsel on appeal.

Blackstar's counsel was retained.

7. Whether the district court granted the appellants leave to proceed in forma pauperis, and if so, the date of the district court's order granting that leave.

N/A.

8. The date that the proceedings commenced in the district court.

GS Capital's complaint was filed on November 6, 2023.

9. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This case involves a dispute over a loan and promissory note. On December 18, 2023, the district court granted GS Capital's motion for a preliminary injunction and specific performance ("PI Order"). The district court's PI Order is the subject of this appeal.

10. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket number of the prior proceeding:

N/A.

11. Indicate whether this appeal involves child custody:

N/A.

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///

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

The undersigned does not believe there is any prospect of settlement at this time.

DATED: January 12, 2024.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: /s/ Maximilien D. Fetaz

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*pro hac vice forthcoming

Attorneys for Defendant

Blackstar Enterprises Group, Inc.

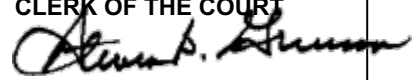
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **CASE APPEAL STATEMENT** to be submitted electronically to all parties currently on the electronic service list on January 12, 2024.

/s/ Paula Kay
Paula Kay
an employee of Brownstein Hyatt Farber Schreck, LLP

EXHIBIT 1

EXHIBIT 1



1 **NEOJ**
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11 *Attorneys for Defendant*
12 *Blackstar Enterprise Group, Inc.*

13
14 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
15
16 **IN AND FOR CLARK COUNTY**

17 GS CAPITAL PARTNERS LLC, a New
18 York limited liability company,

19 Plaintiff,

20 v.

21 BLACKSTAR ENTERPRISE GROUP,
22 INC., a Delaware limited liability
23 corporation; and DOES 1 through X,
24 inclusive, and ROE CORPORATIONS I
25 through X, inclusive

26 Defendants.

CASE NO.: A-23-881099-B
DEPT.: XIII

27 **NOTICE OF ENTRY OF ORDER**
28 **GRANTING MOTION TO ASSOCIATE**
COUNSEL BRENT OWEN ON ORDER
SHORTENING TIME

1 PLEASE TAKE NOTICE that an Order Granting Motion to Associate Counsel Brent Owen
2 on Order Shortening Time was entered on December 12, 2023 in the above entitled matter. A copy
3 of said Order is attached hereto.

4
5 DATED: December 12, 2023.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

6
7 By: /s/ Maximilien D. Fetaz

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ewalther@bhfs.com

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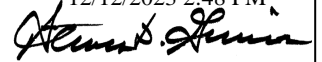
13 *Attorneys for Defendant*

14 *Blackstar Enterprise Group, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO ASSOCIATE COUNSEL BRENT OWEN ON ORDER SHORTENING TIME** to be submitted electronically to all parties currently on the electronic service list on December 12, 2023.

/s/ Wendy Cosby
Wendy Cosby,
an employee of Brownstein Hyatt Farber Schreck, LLP


CLERK OF THE COURT

OGM

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mfetaz@bhfs.com

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Facsimile: 303.382.6210

Attorneys for Defendant

Blackstar Enterprise Group, Inc.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CLARK COUNTY

GS CAPITAL PARTNERS LLC, a Nevada
limited liability company,

Plaintiff,

v.

BLACKSTAR ENTERPRISE GROUP,
INC., a Delaware limited liability
corporation; and DOES 1 through X,
inclusive, and ROE CORPORATIONS I
through X, inclusive

Defendants.

CASE NO.: A-23-881099-B
DEPT.: XIII

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL BRENT OWEN
ON ORDER SHORTENING TIME**

Hearing Date: December 7, 2023

Hearing Time: 10:30 a.m.

THIS MATTER having come before the Court on December 7, 2023, on Defendant Blackstar Enterprises Group, Inc.'s ("Blackstar") Motion to Associate Counsel Brent Owen, Esq. (the "Motion"); Blackstar having appeared by and through its attorney of record, Brownstein Hyatt Farber Schreck, LLP and Haynes and Boone, LLP; Plaintiff GS Capital Partners LLC ("GS Capital"), having appeared by and through its attorney of record Lewis Roca Rothgerber Christie

LLP; and the Court having reviewed the papers and pleadings on file herein, being fully advised in the premises:

IT IS HEREBY ORDERED that the Motion, under Nevada Supreme Court Rule 42, together with the Verified Application for Association of Counsel, Certificates of Good Standing, and the State Bar of Nevada Statement, having been noticed, no objections having been made, and the Court being fully apprised of the premises, and in accordance with EDCR 2.20(e), with good cause appearing, is **GRANTED**.

IT IS FURTHER ORDERED that Brent Owen, Esq., is admitted to practice in the above-entitled Court for the purposes of the above-entitled matter.

IT IS FURTHER ORDERED that, by accepting this admission, Counsel agrees to submit to the Court's 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, pursuant to SCR 42(13)(a).

IT IS FURTHER ORDERED that this Order be served on the State Bar of Nevada pursuant to SCR 42(3)(c)(4).

IT IS SO ORDERED.

Dated this 12th day of December, 2023



Submitted by:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

249 624 1C80 134F
Mark R. Denton
District Court Judge

Lt

By: /s/ Maximilien D. Fetaz
MAXIMILIEN D. FETAZ, ESQ.
ERIC D. WALTHER, ESQ.

HAYNES AND BOONE, LLP
IAN RAINEY, ESQ. (*pro hac vice forthcoming*)
BRENT R. OWEN, ESQ. (*pro hac vice pending*)

Attorneys for Defendant
Blackstar Enterprise Group, Inc.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 GS Capital Partners LLC,
7 Plaintiff(s)

CASE NO: A-23-881099-B

8 vs.

DEPT. NO. Department 13

9 Blackstar Enterprise Group, Inc.,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

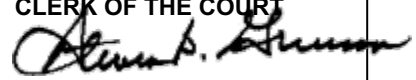
12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Admitting to Practice was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 12/12/2023

16 Maximillen Fetaz	mfetaz@bhfs.com
17 Ogonna Brown	obrown@lewisroca.com
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19 Eric Walther	ewalther@bhfs.com
20 Kim Lopez	klopez@lewisroca.com
21 Sherry Harper	sharper@lewisroca.com
22 OMB Team	OMBCalendar@lewisroca.com
23 Christine Hotchkin	chotchkin@lewisroca.com
24 Trent Earl	tearl@lewisroca.com
25 Pamela Klausky	pklausky@lewisroca.com

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Attorneys for Blackstar

Blackstar Enterprise Group, Inc.

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CLARK COUNTY

GS CAPITAL PARTNERS LLC, a Nevada
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v.

BLACKSTAR ENTERPRISE GROUP,
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corporation; and DOES 1 through X,
inclusive, and ROE CORPORATIONS I
through X, inclusive

Defendants.

CASE NO.: A-23-881099-B
DEPT.: XIII

NOTICE OF POSTING BOND

PLEASE TAKE NOTICE that Defendant BLACKSTAR ENTERPRISE GROUP, INC. has posted a bond with the Eighth Judicial District Court in the amount of \$10,000 in accordance with the Order Denying Blackstar's Motion for Reconsideration, and Granting Request for Stay Pending Appeal on an Order Shortening Time filed on January 16, 2024. A copy of said receipt is attached hereto.

DATED: January 16, 2024.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: /s/ Maximilien D. Fetaz

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Attorneys for Defendant

Blackstar Enterprises Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF POSTING BOND** to be submitted electronically to all parties currently on the electronic service list on January 16, 2024.

/s/ Wendy Cosby
Wendy Cosby,
an employee of Brownstein Hyatt Farber Schreck, LLP

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Brownstein Hyatt Farber Schreck, LLP

Receipt No.
2024-02960-CCCLK

Transaction Date
01/16/2024

Description	Amount Paid
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On Behalf Of Blackstar Enterprise Group, Inc.

A-23-881099-B

GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)

Security Cost Bond

Security Cost Bond

10,000.00

SUBTOTAL

10,000.00

PAYMENT TOTAL **10,000.00**

Check (Ref #29796) Tendered 10,000.00

Total Tendered 10,000.00

Change 0.00

1-16-2024 Order Denying Blackstar's Motion for Reconsideration, and Granting Request for Stay Pending Appeal on an Order Shortening Time

01/16/2024
11:01 AM

Cashier
Station RJC1C

Audit
38624088

OFFICIAL RECEIPT

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

GS Capital Partners LLC, Plaintiff(s)

vs.

Blackstar Enterprise Group, Inc., Defendant(s)

§
§
§
§
§

Location: **Department 13**
Judicial Officer: **Denton, Mark R.**
Filed on: **11/06/2023**
Cross-Reference Case **A881099**
Number:

CASE INFORMATION

Case Type: **Other Business Court Matters**

Case Flags: **Discovery heard by Department
Appealed to Supreme Court
Other Contract Case**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-23-881099-B
Court Department 13
Date Assigned 11/06/2023
Judicial Officer Denton, Mark R.

PARTY INFORMATION

Plaintiff **GS Capital Partners LLC**

Lead Attorneys

Brown, Ogonna M.
Retained
702-949-8200(W)

Defendant **Blackstar Enterprise Group, Inc.**

Fetaz, Maximilien D.
Retained
702-464-7083(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/06/2023



Complaint (Business Court)
Filed By: Plaintiff GS Capital Partners LLC
[1] Complaint

11/06/2023



Initial Appearance Fee Disclosure
Filed By: Plaintiff GS Capital Partners LLC
[2] Initial Appearance Fee Disclosure

11/06/2023



Disclosure Statement
Party: Plaintiff GS Capital Partners LLC
[3] Corporate Disclosure Statement

11/06/2023



Summons Electronically Issued - Service Pending
Party: Plaintiff GS Capital Partners LLC
[4] Summons - Blackstar

11/07/2023



Minute Order (3:00 AM) (Judicial Officer: Denton, Mark R.)
BlueJeans Appearance
Minute Order - No Hearing Held;
Minute Order - No Hearing Held

11/07/2023



Order Shortening Time

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

[5] Ex Parte Emergency Application for Temporary Restraining Order, Application for Preliminary Injunction, and Motion for Specific Performance on Order Shortening Time

11/08/2023



Notice

Filed By: Plaintiff GS Capital Partners LLC
[6] Notice of Lawsuit and Waiver of Service

11/09/2023



Motion for Temporary Restraining Order (9:00 AM) (Judicial Officer: Denton, Mark R.)
Plaintiff's Ex Parte Emergency Application for Temporary Restraining Order
Granted;
Granted

11/09/2023



Temporary Restraining Order
[7] Temporary Restraining Order

11/09/2023



Temporary Restraining Order
[8] Amended Temporary Restraining Order

11/10/2023



Notice of Entry of Order
Filed By: Plaintiff GS Capital Partners LLC
[9] Notice of entry of temporary restraining order

11/13/2023



Certificate of Mailing
Filed By: Plaintiff GS Capital Partners LLC
[10] Certificate of Service by Mailing (Temporary Restraining Order)

11/15/2023



Initial Appearance Fee Disclosure
Filed By: Defendant Blackstar Enterprise Group, Inc.
[11] Initial Appearance Fee Disclosure

11/15/2023



Notice of Appearance
Party: Defendant Blackstar Enterprise Group, Inc.
[12] Notice of Appearance

11/17/2023



Notice of Removal
Filed By: Defendant Blackstar Enterprise Group, Inc.
[13] Notice of Filing Notice of Removal

11/20/2023



Notice of Posting Bond
Filed By: Plaintiff GS Capital Partners LLC
[14] Notice of posting bond

11/21/2023



Minute Order (3:00 AM) (Judicial Officer: Denton, Mark R.)
Minute Order: Plaintiff's Motion for Preliminary Injunction
Minute Order - No Hearing Held;
Minute Order - No Hearing Held

11/22/2023



Notice
Filed By: Plaintiff GS Capital Partners LLC
[15] Notice of Remand of Action to State Court

11/22/2023



Opposition
Filed By: Defendant Blackstar Enterprise Group, Inc.
[16] Blackstar's Opposition to GS Capital's Motion for Preliminary Injunction

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

11/27/2023	CANCELED Motion for Preliminary Injunction (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i> <i>Plaintiff's Motion for Preliminary Injunction</i>
11/28/2023	 Order of Remand from Federal Court <i>[17] Stipulation and Joint Motion to Remand</i>
11/28/2023	 Order Shortening Time <i>[18] Blackstar's Motion to Set Hearing on Application for Preliminary Injunction on Order Shortening Time</i>
11/30/2023	 Reply Filed by: Plaintiff GS Capital Partners LLC <i>[19] Reply in support of plaintiff's motion for preliminary injunction and motion for specific performance</i>
12/05/2023	 Minute Order (3:00 AM) (Judicial Officer: Denton, Mark R.) <i>Minute Order: 12/7 Special Time</i> <i>Minute Order - No Hearing Held;</i> <i>Minute Order - No Hearing Held</i>
12/05/2023	 Order Shortening Time Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[20] Blackstar's Motion for Leave to File Surreply on Order Shortening Time</i>
12/05/2023	 Order Shortening Time <i>[21] Motion to Associate Counsel on Order Shortening Time [Brent Owen, Esq.]</i>
12/07/2023	Motion for Preliminary Injunction (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Application for Preliminary Injunction on Order Shortening Time 11/28/2023</i> <i>Granted; See 12/12 Minute Order</i> <i>Granted</i>
12/07/2023	Motion for Leave (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Blackstar's Motion for Leave to File Surreply on an Order Shortening Time</i> <i>Granted;</i> <i>Granted</i>
12/07/2023	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Defendant Blackstar's Motion to Associate Counsel (Brent Owen, Esq.) On an Order Shortening Time</i> <i>Granted;</i> <i>Granted</i>
12/07/2023	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Matter Heard;</i> <i>Matter Heard</i>
12/11/2023	 Response Filed by: Plaintiff GS Capital Partners LLC <i>[22] GS Capital Partners LLC's response to Blackstar's surreply</i>
12/12/2023	 Minute Order (3:00 AM) (Judicial Officer: Denton, Mark R.) <i>Minute Order: Plaintiff's Motion for Preliminary Injunction</i>

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

	Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/12/2023	 Order Admitting to Practice <i>[23] Order Granting Motion to Associate Counsel Brent Owen on Order Shortening Time</i>
12/12/2023	 Notice of Entry of Order Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[24] Notice of Entry of Order Granting Motion to Associate Counsel Brent Owen on Order Shortening Time</i>
12/12/2023	 Notice of Compliance Party: Defendant Blackstar Enterprise Group, Inc. <i>[25] Notice of Compliance with SCR 42</i>
12/18/2023	 Order <i>[26] Order Granting Application for Preliminary Injunction and Motion for Specific Performance</i>
12/18/2023	 Notice of Entry of Order Filed By: Plaintiff GS Capital Partners LLC <i>[27] Notice of Entry of Order Granting Application for Preliminary Injunction and Motion for Specific Performance</i>
12/19/2023	 Order Granting Motion <i>[28] Order Granting Motion for Leave to File Surreply on Order Shortening Time</i>
12/19/2023	 Notice of Entry of Order Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[29] Notice of Entry of Order Granting Motion for Leave to File Surreply on Order Shortening Time</i>
12/19/2023	 Notice of Posting Bond Filed By: Plaintiff GS Capital Partners LLC <i>[30] Notice of Posting Costs and Damages Bond pursuant to NRS 18.130</i>
12/19/2023	 Reply Filed by: Defendant Blackstar Enterprise Group, Inc. <i>[31] Blackstar's Surreply in Support of Its Opposition to GS Capita's Motion for Preliminary Injunction</i>
12/22/2023	 Court Recorders Invoice for Transcript <i>[32]</i>
12/22/2023	 Recorders Transcript of Hearing <i>[33] Recorder's Transcript of Hearing Re: All Pending Motions - December 7, 2023</i>
01/02/2024	 Motion to Reconsider Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[34] Blackstar's Motion for Reconsideration or, Alternatively, Motion for Stay Pending Appeal</i>
01/02/2024	 Order Shortening Time <i>[35] Blackstar's Motion for Reconsideration or, Alternatively, Motion for Stay Pending Appeal on Order Shortening Time</i>

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

01/08/2024	 Motion to Dismiss Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[36] Blackstar's Motion to Dismiss Based on the Exclusive New York Forum Selection Clause</i>
01/09/2024	 Clerk's Notice of Hearing <i>[37] Notice of Hearing</i>
01/09/2024	 Opposition to Motion Filed By: Plaintiff GS Capital Partners LLC <i>[38] GS Capital's opposition to Blackstar's motion for reconsideration or, alternatively, motion for stay pending appeal on order shortening time</i>
01/10/2024	 Reply in Support Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[39] Blackstar's Reply in Support of Its Motion for Reconsideration or, Alternatively, Motion for Stay Pending Appeal on Order Shortening Time</i>
01/11/2024	 Motion For Reconsideration (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Blackstar's Motion for Reconsideration or, Alternatively, Motion for Stay Pending Appeal</i> Denied in Part; <i>Denied in Part</i>
01/12/2024	 Notice of Appeal Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[40] Notice of Appeal</i>
01/12/2024	 Case Appeal Statement Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[41] Case Appeal Statement</i>
01/16/2024	 Order Denying Motion <i>[42] Order Denying Blackstar's Motion for Reconsideration and Granting Request fo Stay Pending Appeal on an Order Shortening Time</i>
01/16/2024	 Notice of Posting Bond Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[43] Notice of Posting Bond</i>
01/16/2024	 Notice of Intent Filed By: Defendant Blackstar Enterprise Group, Inc. <i>[44] Notice of Intent of Brent R. Owen, Esq. to Appear by Simultaneous Audiovisual Transmission Equipment</i>
01/25/2024	Status Check (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Status Check re: SCR 42 Compliance (Brent Owen, Esq.)</i>
02/08/2024	Motion to Dismiss (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Blackstar's Motion to Dismiss Based on the Exclusive New York Forum Selection Clause</i>

DATE

FINANCIAL INFORMATION

Defendant Blackstar Enterprise Group, Inc.
Total Charges
Total Payments and Credits
Balance Due as of 1/17/2024

1,547.00
1,547.00
0.00

DISTRICT COURT
CASE SUMMARY
CASE NO. A-23-881099-B

Plaintiff GS Capital Partners LLC

Total Charges 1,568.50

Total Payments and Credits 1,565.00

Balance Due as of 1/17/2024 3.50

Defendant Blackstar Enterprise Group, Inc.

Security Cost Bond Balance as of 1/17/2024 **10,000.00**

Plaintiff GS Capital Partners LLC

Temporary Restraining Order Balance as of 1/17/2024 **1,000.00**

Plaintiff GS Capital Partners LLC

Security Cost Bond Balance as of 1/17/2024 **10,000.00**

BUSINESS COURT CIVIL COVER SHEET

Clark

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

CASE NO: ~~A2388109B~~

Department 13

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

Plaintiff(s) (name/address/phone): GS Capital Partners LLC, a New York limited liability company	Defendant(s) (name/address/phone): Blackstar Enterprise Group, Inc., a Delaware limited liability company
Attorney (name/address/phone): Ogonna M. Brown, Esq. (Bar # 7589) LEWIS ROCA ROTHGERBER CHRISTIE LLP 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169 Tel: 702.949.8200; Fax: 702.949.8398	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
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters
Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input checked="" type="checkbox"/> Other Contract	Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
Judicial Review/Appeal/Other Civil Filing		
Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

November 6, 2023

Date

/s/ Ogonna M. Brown

Signature of initiating party or representative

ORDR

Ogonna M. Brown, Bar No. 7589
OBrown@lewisroca.com
Trent Earl, Bar No. 15214
TEarl@lewisroca.com
Christine Hotchkin, Bar No. 15568
Chotchkin@lewisroca.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Tel: 702.949.8200
Fax: 702.949.8398

Attorneys for Plaintiff GS Capital Partners LLC

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

GS CAPITAL PARTNERS LLC, a New York
limited liability company,

Plaintiff,

v.

BLACKSTAR ENTERPRISES GROUP, INC.
a Delaware limited liability company, and
DOES I through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-23-881099-B

Dept. No.: 13

**ORDER GRANTING APPLICATION
FOR PRELIMINARY INJUNCTION
AND MOTION FOR SPECIFIC
PERFORMANCE**

Date of Hearing: December 7, 2023

[Hon. Judge Mark R. Denton]

This matter having come before this Court for oral argument on December 7, 2023, at 9:00 a.m., before the Honorable Mark R. Denton and taken under advisement on December 11, 2023, in connection with the Application for Preliminary Injunction and Motion for Specific Performance (the “Motion”) filed by Plaintiff GS Capital Partners, LLC, a New York Limited Liability Company (“GS Capital” or alternatively, “Plaintiff”), by and through its counsel, Ogonna M. Brown, Esq., Trent L. Earl, Esq., and Christine R. Hotchkin, Esq. of the law firm Lewis Roca Rothgerber Christie LLP against Defendant Blackstar Enterprises Group, Inc., a Delaware Limited Liability Company (“Blackstar” or alternatively “Defendant”). Maximilien D. Fetaz, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP and Brent Owen, Esq., of the law firm Haynes and Boone, LLP, . . .

1 appearing in person on behalf of Blackstar with Ogonna M. Brown, Esq. appearing in person on
2 behalf of Plaintiff, GS Capital.

3 This Court having reviewed all related pleadings and papers on file herein, including
4 Defendant Blackstar's Surreply, and Plaintiff GS Capital's Response to Defendant's Surreply,
5 which was permitted to be filed by this Court on December 7, 2023 and was filed after the hearing
6 on the Motion, and having heard argument from counsel at the hearing on the Motion, and good
7 cause appearing therefore, the Court hereby grants the relief requested in Plaintiff's Response to
8 Defendant's Surreply.

9 **IT IS HEREBY ORDERED** that Plaintiff's Application for Preliminary Injunction and
10 Motion for Specific Performance is **GRANTED** as articulated below.

11 **IT IS FURTHER ORDERED** that the Court is not consolidating Plaintiff's Application
12 for Preliminary Injunction with trial on the merits.

13 **IT IS FURTHER ORDERED** that the Court is persuaded by Plaintiff's showings that
14 Plaintiff has a likelihood of success on the merits. The context of the parties' transaction, evidenced
15 by the parties' Securities Purchase Agreement ("Agreement"), dated October 11, 2021, and
16 Convertible Promissory Note ("Note"), dated October 11, 2021, was that Plaintiff had the right to
17 convert Defendant's debt to shares of stock as a benefit of the parties' bargain. This benefit of the
18 parties' bargain also specifically included the right for a share reserve in support of such
19 conversions.

20 **IT IS FURTHER ORDERED** that Defendant had no right to preempt that
21 bargained for benefit by an untimely purported payment of its the debt.

22 **IT IS FURTHER ORDERED** that, given the nature of the parties' transaction
23 which specifically contemplated such a conversion benefit, the parties were at liberty to and did, in
24 fact, agree, pursuant to Section 5(l) on page 11 of the parties' Agreement, that breach by Defendant
25 would result in an inadequate legal remedy and irreparability of injury, for which there would be
26 no adequate legal remedy, thus warranting injunctive relief.

27 . . .
28

1 **IT IS FURTHER ORDERED** that Plaintiff has made a sufficient showing to
2 establish inadequacy of legal remedy and irreparability of injury for the harm caused by
3 Defendant's breach of the parties' contract.

4 **IT IS FURTHER ORDERED** that, in seeking injunctive relief, Plaintiff has taken
5 into account Defendant's financial situation and has elected to seek injunctive relief in lieu of
6 monetary damages. This decision is supported by Defendant's agreement in Section 5(l) of the
7 Agreement that Plaintiff does not have to separately show inadequacy of legal remedy given the
8 same has been established by the parties' contract.

9 **IT IS FURTHER ORDERED** that, in seeking specific performance in addition to
10 prohibitory injunctive relief, Plaintiff is, in effect, seeking a mandatory preliminary injunction. The
11 issuance of a mandatory preliminary injunction is sufficiently supported by the arguments and
12 evidence presented by Plaintiff.

13 **IT IS FURTHER ORDERED** that mandatory injunctive relief is **GRANTED** as
14 outlined in the Conclusion of page 12 of Plaintiff's Response to Surreply as specifically provided
15 herein.

16 **IT IS FURTHER ORDERED** that Defendant Blackstar is ordered to immediately
17 (and in any event no later than 24 hours from the issuance of this order) add 257,701,499 shares of
18 its common stock (whether from Defendant's stock treasury, Defendant's own reserve, or any other
19 source) to Plaintiff GS Capital's reserve with the Defendant's transfer agent, currently identified as
20 EQ Shareowner Services (hereinafter the "Share Reserve").

21 **IT IS FURTHER ORDERED** that within 24 hours from the issuance of this Order
22 Defendant Blackstar and its agents will honor Plaintiff's November 2, 2023, conversion notice and
23 cause the delivery of 62,084,333 shares from the Share Reserve to Plaintiff consistent with
24 Plaintiff's brokerage account instructions.

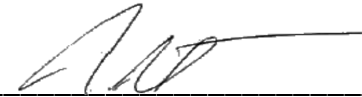
25 **IT IS FURTHER ORDERED** that Defendant Blackstar and its agents will honor
26 and are enjoined, pendente lite, from interfering with Plaintiff's subsequent three (3) conversions
27 of the Note's balance in seeking shares of Defendant's common stock in the amounts of 62,023,333
28

1 shares, 65,168,333 shares, and 68,425,500 shares (as articulated in Plaintiff's Reply, p.6, n.3) to be
2 issued to Plaintiff from the 195,617,166 shares remaining in the Share Reserve consistent with the
3 equity blocker detailed in the Note.

4 **IT IS FURTHER ORDERED** that Plaintiff will post a security bond for
5 \$10,000.00 pursuant to NRCP 65(c) as the Court deems that amount to be adequate at this time

6 **IT IS SO ORDERED.**

7
8 Dated this 18th day of December, 2023

9 

10 TMB

11 162 522 23B3 044E
Mark R. Denton
District Court Judge

12 Submitted by:

13 LEWIS ROCA ROTHGERBER CHRISTIE, LLP

14 By: /s/ Ogonna M. Brown
Ogonna M. Brown, Bar No. 7589
15 Trent Earl, Bar No. 15214
Christine R. Hotchkin, Bar No. 15568
16 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
17 Email: OBrown@lewisroca.com
Tearl@lewisroca.com
18 Chotchkin@lewisroca.com

19 *Attorneys for Plaintiff GS Capital Partners LLC*

20
21 Disapproved as to Form and Substance (submitting competing order):

22 By: Refused to Sign—Will submit competing Order
23 Maximilien D. Fetaz, Esq., NV Bar No. 12737
mfetaz@bhfs.com
24 Eric D. Walther, Esq., NV Bar No. 13611
ewalther@bhfs.com
25 BROWNSTEIN HYATT FARBER SCHRECK, LLP
26 100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
27 Telephone: 702.382.2101
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Ian Rainey, Esq. (*pro hac vice forthcoming*)

Ian.rainey@haynesboone.com

Brent R. Owen, Esq. (*pro hac vice*)

Brent.owen@haynesboone.com

HAYNES AND BOONE, LLP

675 15th Street, Suite 2200

Denver, Colorado 80202

Telephone: 303.382.6200

Facsimile: 303.382.6210

Attorneys for Defendant Blackstar Enterprise Group, Inc.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 GS Capital Partners LLC,
7 Plaintiff(s)

CASE NO: A-23-881099-B

8 vs.

DEPT. NO. Department 13

9 Blackstar Enterprise Group, Inc.,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/18/2023

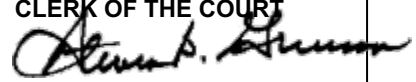
16 Maximillen Fetaz	mfetaz@bhfs.com
17 Ogonna Brown	obrown@lewisroca.com
18 Annette Jaramillo	ajaramillo@lewisroca.com
19 Eric Walther	ewalther@bhfs.com
20 Kim Lopez	klopez@lewisroca.com
21 Sherry Harper	sharper@lewisroca.com
22 Brent Owen	brent.owen@haynesboone.com
23 OMB Team	OMBCalendar@lewisroca.com
24 Christine Hotchkin	chotchkin@lewisroca.com
25 Trent Earl	tearl@lewisroca.com

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Pamela Klausky

pklausky@lewisroca.com



NEOJ

Ogonna M. Brown, Bar No. 7589
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Trent Earl, Bar No. 15214
TEarl@lewisroca.com
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CHotchkin@lewisroca.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Tel: 702.949.8200
Fax: 702.949.8398

Attorneys for Plaintiff GS Capital Partners LLC

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

GS CAPITAL PARTNERS LLC, a New York
limited liability company,

Plaintiff,

v.

BLACKSTAR ENTERPRISES GROUP, INC.,
a Delaware limited liability company, and
DOES I through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-23-881099-B

Dept. No.: 13

**NOTICE OF ENTRY OF ORDER
GRANTING APPLICATION FOR
PRELIMINARY INJUNCTION AND
MOTION FOR SPECIFIC
PERFORMANCE**

Date of Hearing: December 7, 2023

[Hon. Judge Mark R. Denton]

NOTICE IS HEREBY GIVEN that an Order Granting Application for Preliminary Injunction and Motion for Specific Performance was entered on December 18, 2023, in the above-referenced matter. A file-stamped copy of said Order is attached hereto as Exhibit "1".

DATED this 18th day of December, 2023.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Ogonna M. Brown

Ogonna M. Brown, Bar No. 7589
Trent Earl, Bar No. 15214
Christine R. Hotchkin, Bar No. 15568
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Attorneys for Plaintiff GS Capital Partners LLC

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b), and EDCR 7.26, I certify that on December 18, 2023, I served a copy of **NOTICE OF ENTRY OF ORDER GRANTING APPLICATION FOR PRELIMINARY INJUNCTION AND MOTION FOR SPECIFIC PERFORMANCE** on all parties as follows:

☒ Electronic Service – By serving a copy thereof through the Court’s electronic service system via the Odyssey Court e-file system

Maximillen D. Fetaz, Esq.
Eric D. Walther, Esq.
mfetaz@bhfs.com
ewalther@bhfs.com
Counsel for Blackstar Enterprises Group, Inc.

Ian Rainey, Esq. (*pro hac vice forthcoming*)
Brent R. Owen, Esq. (*pro hac vice*)
Ian.Rainey@haynesboone.com
Brent.owen@haynesboone.com
Counsel for Blackstar Enterprises Group, Inc.

☒ E-mail – By serving a copy thereof at the email addresses listed below; and

EQ Shareowner Services
(*Transfer Agent for Blackstar*)
c/o Valeen Nowicki
Valeen.Nowicki@equiniti.com
Relationship Manager
US Shareowner Services
(*Relationship Manager*)

Jeff Carlson
Jeff.Carlson@equiniti.com
Account Manager
(*Account Manager*)

☐ U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below.

/s/ Pamela M. Klausky
An employee of
Lewis Roca Rothgerber Christie LLP

Exhibit “1”

ORDR

Ogonna M. Brown, Bar No. 7589
OBrown@lewisroca.com
Trent Earl, Bar No. 15214
TEarl@lewisroca.com
Christine Hotchkin, Bar No. 15568
Chotchkin@lewisroca.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Tel: 702.949.8200
Fax: 702.949.8398

Attorneys for Plaintiff GS Capital Partners LLC

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

GS CAPITAL PARTNERS LLC, a New York
limited liability company,

Plaintiff,

v.

BLACKSTAR ENTERPRISES GROUP, INC.
a Delaware limited liability company, and
DOES I through X, inclusive, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-23-881099-B

Dept. No.: 13

**ORDER GRANTING APPLICATION
FOR PRELIMINARY INJUNCTION
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PERFORMANCE**

Date of Hearing: December 7, 2023

[Hon. Judge Mark R. Denton]

This matter having come before this Court for oral argument on December 7, 2023, at 9:00 a.m., before the Honorable Mark R. Denton and taken under advisement on December 11, 2023, in connection with the Application for Preliminary Injunction and Motion for Specific Performance (the “Motion”) filed by Plaintiff GS Capital Partners, LLC, a New York Limited Liability Company (“GS Capital” or alternatively, “Plaintiff”), by and through its counsel, Ogonna M. Brown, Esq., Trent L. Earl, Esq., and Christine R. Hotchkin, Esq. of the law firm Lewis Roca Rothgerber Christie LLP against Defendant Blackstar Enterprises Group, Inc., a Delaware Limited Liability Company (“Blackstar” or alternatively “Defendant”). Maximilien D. Fetaz, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP and Brent Owen, Esq., of the law firm Haynes and Boone, LLP,
...

1 appearing in person on behalf of Blackstar with Ogonna M. Brown, Esq. appearing in person on
2 behalf of Plaintiff, GS Capital.

3 This Court having reviewed all related pleadings and papers on file herein, including
4 Defendant Blackstar's Surreply, and Plaintiff GS Capital's Response to Defendant's Surreply,
5 which was permitted to be filed by this Court on December 7, 2023 and was filed after the hearing
6 on the Motion, and having heard argument from counsel at the hearing on the Motion, and good
7 cause appearing therefore, the Court hereby grants the relief requested in Plaintiff's Response to
8 Defendant's Surreply.

9 **IT IS HEREBY ORDERED** that Plaintiff's Application for Preliminary Injunction and
10 Motion for Specific Performance is **GRANTED** as articulated below.

11 **IT IS FURTHER ORDERED** that the Court is not consolidating Plaintiff's Application
12 for Preliminary Injunction with trial on the merits.

13 **IT IS FURTHER ORDERED** that the Court is persuaded by Plaintiff's showings that
14 Plaintiff has a likelihood of success on the merits. The context of the parties' transaction, evidenced
15 by the parties' Securities Purchase Agreement ("Agreement"), dated October 11, 2021, and
16 Convertible Promissory Note ("Note"), dated October 11, 2021, was that Plaintiff had the right to
17 convert Defendant's debt to shares of stock as a benefit of the parties' bargain. This benefit of the
18 parties' bargain also specifically included the right for a share reserve in support of such
19 conversions.

20 **IT IS FURTHER ORDERED** that Defendant had no right to preempt that
21 bargained for benefit by an untimely purported payment of its the debt.

22 **IT IS FURTHER ORDERED** that, given the nature of the parties' transaction
23 which specifically contemplated such a conversion benefit, the parties were at liberty to and did, in
24 fact, agree, pursuant to Section 5(l) on page 11 of the parties' Agreement, that breach by Defendant
25 would result in an inadequate legal remedy and irreparability of injury, for which there would be
26 no adequate legal remedy, thus warranting injunctive relief.

27 . . .
28

1 **IT IS FURTHER ORDERED** that Plaintiff has made a sufficient showing to
2 establish inadequacy of legal remedy and irreparability of injury for the harm caused by
3 Defendant's breach of the parties' contract.

4 **IT IS FURTHER ORDERED** that, in seeking injunctive relief, Plaintiff has taken
5 into account Defendant's financial situation and has elected to seek injunctive relief in lieu of
6 monetary damages. This decision is supported by Defendant's agreement in Section 5(l) of the
7 Agreement that Plaintiff does not have to separately show inadequacy of legal remedy given the
8 same has been established by the parties' contract.

9 **IT IS FURTHER ORDERED** that, in seeking specific performance in addition to
10 prohibitory injunctive relief, Plaintiff is, in effect, seeking a mandatory preliminary injunction. The
11 issuance of a mandatory preliminary injunction is sufficiently supported by the arguments and
12 evidence presented by Plaintiff.

13 **IT IS FURTHER ORDERED** that mandatory injunctive relief is **GRANTED** as
14 outlined in the Conclusion of page 12 of Plaintiff's Response to Surreply as specifically provided
15 herein.

16 **IT IS FURTHER ORDERED** that Defendant Blackstar is ordered to immediately
17 (and in any event no later than 24 hours from the issuance of this order) add 257,701,499 shares of
18 its common stock (whether from Defendant's stock treasury, Defendant's own reserve, or any other
19 source) to Plaintiff GS Capital's reserve with the Defendant's transfer agent, currently identified as
20 EQ Shareowner Services (hereinafter the "Share Reserve").

21 **IT IS FURTHER ORDERED** that within 24 hours from the issuance of this Order
22 Defendant Blackstar and its agents will honor Plaintiff's November 2, 2023, conversion notice and
23 cause the delivery of 62,084,333 shares from the Share Reserve to Plaintiff consistent with
24 Plaintiff's brokerage account instructions.

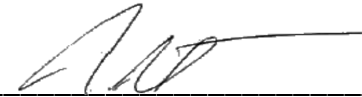
25 **IT IS FURTHER ORDERED** that Defendant Blackstar and its agents will honor
26 and are enjoined, pendente lite, from interfering with Plaintiff's subsequent three (3) conversions
27 of the Note's balance in seeking shares of Defendant's common stock in the amounts of 62,023,333
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1 shares, 65,168,333 shares, and 68,425,500 shares (as articulated in Plaintiff's Reply, p.6, n.3) to be
2 issued to Plaintiff from the 195,617,166 shares remaining in the Share Reserve consistent with the
3 equity blocker detailed in the Note.

4 **IT IS FURTHER ORDERED** that Plaintiff will post a security bond for
5 \$10,000.00 pursuant to NRCP 65(c) as the Court deems that amount to be adequate at this time

6 **IT IS SO ORDERED.**

7
8 Dated this 18th day of December, 2023

9 

10 TMB

11 162 522 23B3 044E
Mark R. Denton
District Court Judge

12 Submitted by:

13 LEWIS ROCA ROTHGERBER CHRISTIE, LLP

14 By: /s/ Ogonna M. Brown
Ogonna M. Brown, Bar No. 7589
15 Trent Earl, Bar No. 15214
Christine R. Hotchkin, Bar No. 15568
16 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
17 Email: OBrown@lewisroca.com
Tearl@lewisroca.com
18 Chotchkin@lewisroca.com

19 *Attorneys for Plaintiff GS Capital Partners LLC*

20
21 Disapproved as to Form and Substance (submitting competing order):

22 By: Refused to Sign—Will submit competing Order
23 Maximilien D. Fetaz, Esq., NV Bar No. 12737
mfetaz@bhfs.com
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25 BROWNSTEIN HYATT FARBER SCHRECK, LLP
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Ian Rainey, Esq. (*pro hac vice forthcoming*)

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Brent R. Owen, Esq. (*pro hac vice*)

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Attorneys for Defendant Blackstar Enterprise Group, Inc.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 GS Capital Partners LLC,
7 Plaintiff(s)

CASE NO: A-23-881099-B

8 vs.

DEPT. NO. Department 13

9 Blackstar Enterprise Group, Inc.,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/18/2023

16 Maximillen Fetaz	mfetaz@bhfs.com
17 Ogonna Brown	obrown@lewisroca.com
18 Annette Jaramillo	ajaramillo@lewisroca.com
19 Eric Walther	ewalther@bhfs.com
20 Kim Lopez	klopez@lewisroca.com
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23 OMB Team	OMBCalendar@lewisroca.com
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Pamela Klausky

pklausky@lewisroca.com

Klausky, Pamela

From: Klausky, Pamela
Sent: Monday, December 18, 2023 10:32 PM
To: valeen.nowicki@equiniti.com; jeff.carlson@equiniti.com
Cc: Brown, Ogonna; Earl, Trent; Team OMB; Hotchkin, Christine
Subject: GS Capital Partners, LLC v. Blackstar Enterprises Group, Inc.; Case No. A-23-881099-B; File No. 311223.00001
Attachments: 2023.12.18 - NEO.Granted Application for Preliminary Injunction and Motion for Specific Performance.pdf

Good evening Ms. Nowicki and Mr. Carlson,

Attached hereto please find a copy of the Notice of Entry of Order Granting Application for Preliminary Injunction and Motion for Specific Performance re: the above-referenced matter for your review and information. Said Notice of Entry of Order includes Exhibit 1, which is a file-stamped copy of said Order.

Thank you for your attention to this matter.

Pamela M. Klausky

Pronouns: She/Her

Paralegal

PKlausky@lewisroca.com

Office: (702) 949-8200

Direct: (702) 474-2623

LEWIS  ROCA

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

LRRC.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 07, 2023

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
---------------	---

November 07, 2023 3:00 AM Minute Order

HEARD BY: Denton, Mark R.

COURTROOM: Chambers

COURT CLERK: Elise Cobo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Starting immediately, Department 13 will be allowing appearances both in person and via BlueJeans.

To appear by BlueJeans, dial the following number: 1-408-419-1715

Meeting ID: 869 862 085

Participant Passcode: 0049

URL: <https://bluejeans.com/869862085/0049>

To connect by phone, dial the number provided and enter the meeting ID followed by #.

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the BlueJeans app and join the meeting by entering the meeting ID.

PLEASE NOTE the following protocol each participant will be required to follow:

You will be automatically muted upon entry to the meeting. Please remain muted while waiting for your matter to be called. If you are connecting by phone, you can mute/unmute yourself on your phone or by pressing *4.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://www.bluejeans.com) website to get familiar with the BlueJeans phone/videoconferencing system before your hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elise Cobo, to all registered parties for Odyssey File & Serve. /ec 11/07/2023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 09, 2023

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
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November 09, 2023 9:00 AM

**Motion for Temporary
Restraining Order**

HEARD BY: Denton, Mark R.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Elise Cobo

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT: Brown, Ogonna M.

Attorney

JOURNAL ENTRIES

- Joseph Kurczodyna present as Chief Executive Officer (CEO) for Defendant Blackstar Enterprise Group, Inc.

Court stated it is not making a determination on the likelihood of success on the merits but on irreparability of harm. Upon Court's inquiry, Ms. Brown advised the Temporary Restraining Order is seeking to restrain the sale and/or transfer of Defendants' funds and shares of stocks. Following arguments by Ms. Brown and Mr. Kurczodyna, COURT ORDERED, Plaintiff's Ex Parte Emergency Application for Temporary Restraining Order GRANTED and the Motion for Preliminary Injunction SET. Ms. Brown to submit the proposed order.

11/27/2023 9:00 AM MOTION FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 21, 2023

A-23-881099-B GS Capital Partners LLC, Plaintiff(s)
vs.
Blackstar Enterprise Group, Inc.,
Defendant(s)

November 21, 2023 3:00 AM Minute Order

HEARD BY: Denton, Mark R.

COURTROOM: Chambers

COURT CLERK: Elise Cobo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- GIVEN the Notice of Removal to Federal Court filed on November 17, 2023, Plaintiff s Motion for Preliminary Injunction filed November 7, 2023 cannot be entertained, and hearing of the same, set for November 27, 2023 at 9:00 A.M. is VACATED.
IT IS HEREBY SO ORDERED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elise Cobo, to all registered parties for Odyssey File & Serve. /ec 11/21/2023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 05, 2023

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
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December 05, 2023 3:00 AM Minute Order

HEARD BY: Denton, Mark R.

COURTROOM: Chambers

COURT CLERK: Elise Cobo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- THE MOTION(S) SET FOR 9:00 A.M. ON THURSDAY, DECEMBER 7, 2023 IN THIS CASE WILL NOT BE HEARD UNTIL AT LEAST 10:30 A.M.

Counsel are welcome to arrive earlier, but should not feel compelled to do so. This notice is given for the convenience of counsel and parties.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elise Cobo, to all registered parties for Odyssey File & Serve. /ec 12/05/2023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 07, 2023

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
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December 07, 2023 9:00 AM All Pending Motions

HEARD BY: Denton, Mark R. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Elise Cobo

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT: Brown, Ogonna M. Attorney

JOURNAL ENTRIES

- APPLICATION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME
11/28/2023...BLACKSTAR'S MOTION FOR LEAVE TO FILE SURREPLY ON AN ORDER
SHORTENING TIME...DEFENDANT BLACKSTAR'S MOTION TO ASSOCIATE COUNSEL (BRENT
OWEN, ESQ.) ON AN ORDER SHORTENING TIME

Maximilien Fetaz, Esq. present for Defendant. Brent Owen, Esq. present for Defendant.

Upon Court's inquiry, counsel advised no opposition to the Motion to Associate Counsel. COURT ORDERED, Motion to Associate Counsel GRANTED and a Status Check regarding SCR 42 Compliance SET. Ms. Brown advised no opposition to the Motion for Leave, however, requested additional briefing on the Surreply. Following arguments by Ms. Brown and Mr, Owens, COURT FURTHER ORDERED, Application for Protective Order UNDER ADVISEMENT as of Monday, December 11, 2023.

01/25/2023 9:00 AM STATUS CHECK RE: SCR 42 COMPLIANCE (BRENT OWENS, ESQ.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 12, 2023

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
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December 12, 2023 3:00 AM Minute Order

HEARD BY: Denton, Mark R.

COURTROOM: Chambers

COURT CLERK: Elise Cobo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- HAVING further reviewed and considered the parties filings and argument of counsel pertaining to Plaintiff s Motion for Preliminary Injunction, heard on December 7, 2023, and taken under advisement as of December 11, 2023, and being fully advised in the premises, the Court makes the following determinations and ruling:

As stated by the Court during the hearing, the Court is not consolidating Plaintiff s Motion for injunctive relief with trial on the merits.

The Court is persuaded by Plaintiff s showings that Plaintiff has a likelihood of success on the merits. The context of the transaction was that Plaintiff had the right to convert debt to shares of stock as a benefit of the bargain and Defendant had no right to preempt that benefit by an untimely purported payment of the debt.

Given the nature of the transaction which contemplated such a conversion benefit, the parties were at liberty to agree that breach by Defendant would result in an inadequate legal remedy and irreparability of injury, warranting injunctive relief, and Plaintiff s showings establish inadequacy of legal remedy/irreparability of injury.

In seeking injunctive relief, Plaintiff has taken into account Defendant s financial situation and

has elected to seek such relief in lieu of monetary damages and that is a decision supported by the Defendant's agreement that Plaintiff does not have to separately show inadequacy of legal remedy, the same being established by the contract.

In seeking specific performance in addition to prohibitory injunctive relief, Plaintiff is, in effect, seeking a mandatory preliminary injunction the issuance of which is supported by Plaintiff's showings.

Although the parties have also agreed that an injunction can be issued without security, the applicable rule, NRCP 65 (c) requires posting of security, and the Court deems \$10,000.00 to be adequate at this time.

All things considered, the Court GRANTS Plaintiff's Motion and will issue the mandatory injunctive relief sought by Plaintiff as summarized in parts 1 and 2 of the Conclusion within Plaintiff's Response to Blackstar's Surreply filed December 11, 2023 (see also page 1, lines 26-28 of such Response), and prohibitory injunctive relief regarding part 3 thereof, enjoining and restraining Defendant from conduct that would render ineffectual Plaintiff's subsequent conversions pendent lite. Counsel for Plaintiff is directed to submit a proposed order consistent herewith and with supportive briefing and argument and compliant with NRCP 65(d) and NRCP 52(a)(2) following provision of the same to opposing counsel for signification of approval/disapproval. IT IS SO ORDERED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elise Cobo, to all registered parties for Odyssey File & Serve. /ec 12/12/2023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 11, 2024

A-23-881099-B	GS Capital Partners LLC, Plaintiff(s) vs. Blackstar Enterprise Group, Inc., Defendant(s)
---------------	---

January 11, 2024

9:00 AM

**Motion For
Reconsideration**

HEARD BY: Denton, Mark R.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Elise Cobo

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT:

Brown, Ogonna M.
Owen, Brent R
Walther, Eric D.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Following arguments by Mr. Owens and Ms. Brown, COURT ORDERED, Blackstar's Motion for Reconsideration or, Alternatively, Motion for Stay Pending Appeal DENIED IN PART relative to the Motion for Reconsideration, GRANTED IN PART relative to the Stay. Court stated it will grant a temporary stay of the Order for 30 days, if counsel wish to seek a further stay, they are to seek it with the Supreme Court. Court clarified it is not staying the case, it is a stay of the Order. Arguments by Ms. Brown and Mr. Owens. COURT FURTHER ORDERED, a Bond of \$10,000.00 SET. Mr. Owens to submit the proposed order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MAXMILIEN D. FETAZ, ESQ.
100 N. CITY PARKWAY., STE 1600
LAS VEGAS, NV 89106

DATE: January 17, 2024
CASE: A-23-881099-B

RE CASE: GS CAPITAL PARTNERS, LLC vs. BLACKSTAR ENTERPRISE GROUP, INC.

NOTICE OF APPEAL FILED: January 12, 2024

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF POSTING BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING APPLICATION FOR PRELIMINARY INJUNCTION AND MOTION FOR SPECIFIC PERFORMANCE; NOTICE OF ENTRY OF ORDER GRANTING APPLICATION FOR PRELIMINARY INJUNCTION AND MOTION FOR SPECIFIC PERFORMANCE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

GS CAPITAL PARTNERS, LLC,

Plaintiff(s),

vs.

BLACKSTAR ENTERPRISE GROUP, INC.,

Defendant(s),

Case No: A-23-881009-B

Dept No: XIII

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 17 day of January 2024.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

