

District Court Case No: A-25-909767-B

Electronically Filed  
May 19 2025 03:34 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

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

FRANCISCO SILVA,

Plaintiff(s),

vs.

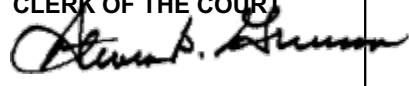
ED CLAY; SCOTT NELSON; DEDDRICK  
PERRY,

Defendant(s).

CPI MANAGEMENT GROUP, LLC,

Nominal Defendant(s).

**NOTICE OF APPEAL PACKET  
COVER SHEET**



1 V.R. Bohman, Esq. (NV Bar No. 13075)  
2 Xyzlo Lee, Esq. (NV Bar No. 16912)  
3 SNELL & WILMER L.L.P.  
4 1700 South Pavilion Center Drive, Suite 700  
5 Las Vegas, NV 89135  
6 Telephone: (702) 784-5200  
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9 [xlee@swlaw.com](mailto:xlee@swlaw.com)

10 *Attorneys for Plaintiff Francisco Silva*

11 **DISTRICT COURT**  
12 **CLARK COUNTY NEVADA**

13 Francisco Silva, an individual;  
14  
15 Plaintiff,  
16  
17 v.  
18 Ed Clay, an individual; Scott Nelson, an  
19 individual; Deddrick Perry, an individual;  
20 Julie Freeman, an individual; Doe  
21 Defendants 1 – 10;  
22  
23 Defendants,  
24  
25 CPI Management Group, LLC, a Nevada  
26 limited-liability company;  
27  
28 Nominal Defendant.

Case No. A-25-909767-B  
Dept. No. IX

**NOTICE OF APPEAL**

NOTICE is hereby given that Plaintiff Francisco Silva, by and through his counsel, the law firm of Snell & Wilmer L.L.P., appeals to the Supreme Court of Nevada from the “Order Denying Plaintiff’s Application for Preliminary Injunction,” for which Notice of Entry was filed on May 5, 2025.

Dated: May 16, 2025

SNELL & WILMER L.L.P.

/s/ Xyzlo Lee  
V.R. Bohman, Esq.  
Xyzlo Lee, Esq.  
1700 South Pavilion Center Drive, Suite 700  
Las Vegas, Nevada 89135  
*Attorneys for Plaintiff Francisco Silva*

Snell & Wilmer  
LLP.  
LAW OFFICES  
1700 South Pavilion Center Drive, Suite 700  
Las Vegas, Nevada 89135  
702.784.5200

**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 this date, I caused to be served a true and correct copy of the foregoing **NOTICE OF APPEAL** by method indicated below:

- 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 ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court’s Service List for the above-referenced case.
- BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

and addressed to the following:

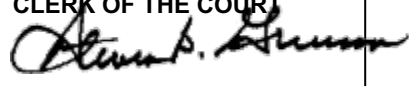
Jeffery A. Bendavid, Esq.  
Jacqueline Vokoun, Esq.  
**BENDAVID LAW**  
7310 Peak Drive, Ste. 150  
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[jvokoun@bendavidfirm.com](mailto:jvokoun@bendavidfirm.com)

Peter S. Christiansen, Esq.  
Whitney Barrett, Esq.  
**CHRISTIANSEN TRIAL LAWYERS**  
710 S 7<sup>th</sup> Street  
Las Vegas, NV 89101  
[pete@christiansenlaw.com](mailto:pete@christiansenlaw.com)  
[wbarrett@christiansenlaw.com](mailto:wbarrett@christiansenlaw.com)

Aubrey B. Harwell III, Esq. (*PHV pending*)  
**ADAMS AND REESE LLP**  
1600 West End Avenue, Suite 1400  
Nashville, TN 37203  
[trey.harwell@arlaw.com](mailto:trey.harwell@arlaw.com)  
*Attorneys for CPI Management Group, LLC,  
and Defendants Clay, Nelson, and Perry*

DATED this 16th day of May, 2025

/s/ Joanna Fung  
An employee of SNELL & WILMER L.L.P.



1 V.R. Bohman, Esq.  
Nevada Bar No. 13075  
2 Xyzlo Lee, Esq.  
Nevada Bar No. 16192  
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1700 South Pavilion Center Drive, Suite 700  
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6 [xlee@swlaw.com](mailto:xlee@swlaw.com)

7 *Attorneys for Plaintiff Francisco Silva*

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 Francisco Silva,  
11 **Plaintiff,**  
12 vs.  
13 Ed Clay, an individual; Scott Nelson, an  
14 individual; Deddrick Perry, an individual; Julie  
15 Freeman, an individual; Doe Defendants 1 –  
16 10;  
17 **Defendants,**  
18 CPI Management Group, LLC, a Nevada  
19 limited-liability company;  
20 **Nominal Defendant.**

Case No.: A-25-909767-B  
Dept. No.: IX

**CASE APPEAL STATEMENT**

20 **1. APPELLANT FILING THIS CASE APPEAL STATEMENT:**

21 Francisco Silva

22 **2. JUDGE ISSUING THE DECISION, JUDGMENT OR ORDER APPEALED FROM:**

23 The Honorable Maria Gall

24 **3. NAME OF APPELLANT AND NAME AND ADDRESS OF APPELLATE COUNSEL:**

25 Appellant Francisco Silva is represented by:  
26 V.R. Bohman and Xyzlo Lee  
27 **SNELL & WILMER L.L.P.**  
1700 S. Pavilion Center Drive, Suite 700  
28 Las Vegas, NV 89135  
(702) 784-5332

Snell & Wilmer  
LLP  
LAW OFFICES  
1700 South Pavilion Center Drive, Suite 700  
Las Vegas, Nevada 89135  
702.784.5200

1 **4. NAME OF RESPONDENTS AND NAMES AND ADDRESSES OF APPELLATE**  
2 **COUNSEL**

3 Respondents Ed Clay, Scott Nelson, Deddrick Perry, and CPI Management Group, LLC are  
4 represented by:

5 Jeffery A. Bendavid, Esq.  
6 Jacqueline Vokoun, Esq.  
7 **BENDAVID LAW**  
8 7310 Peak Drive, Ste. 150  
9 [jbendavid@bendavidfirm.com](mailto:jbendavid@bendavidfirm.com)  
10 [jvokoun@bendavidfirm.com](mailto:jvokoun@bendavidfirm.com)

11 Peter S. Christiansen, Esq.  
12 Whitney Barrett, Esq.  
13 **CHRISTIANSEN TRIAL LAWYERS**  
14 710 S 7<sup>th</sup> Street  
15 Las Vegas, NV 89101  
16 [pete@christiansenlaw.com](mailto:pete@christiansenlaw.com)  
17 [wbarrett@christiansenlaw.com](mailto:wbarrett@christiansenlaw.com)

18 Aubrey B. Harwell III, Esq. (*PHV pending*)  
19 **ADAMS AND REESE LLP**  
20 1600 West End Avenue, Suite 1400  
21 Nashville, TN 37203  
22 [trey.harwell@arlaw.com](mailto:trey.harwell@arlaw.com)

23 **5. WHETHER ANY ATTORNEY IDENTIFIED IN THE ANSWERS TO**  
24 **QUESTIONS 3 OR 4 IS NOT LICENSED TO PRACTICE LAW IN NEVADA**  
25 **AND, IF SO, WHETHER THE DISTRICT COURT GRANTED THAT**  
26 **ATTORNEY PERMISSION TO APPEAR UNDER SCR 42 (attach a copy of any**  
27 **district court order granting such permission):**

28 Aubrey B. Harwell III of Adams and Reese LLP is not licensed to practice law in Nevada.  
At the time of this filing, the district court has not yet granted Mr. Harwell permission to appear  
under SCR 42.

**6. WHETHER APPELLANT WAS REPRESENTED BY APPOINTED OR**  
**RETAINED COUNSEL IN THE DISTRICT COURT:**

Appellant Francisco Silva was represented by retained counsel in the Eighth Judicial  
District Court action.

**7. WHETHER APPELLANT IS REPRESENTED BY COUNSEL ON APPEAL:**

Appellant Francisco Silva is represented by retained counsel on appeal:

V.R. Bohman and Xyzlo Lee  
**SNELL & WILMER L.L.P.**  
1700 S. Pavilion Center Drive, Suite 700  
Las Vegas, NV 89135  
(702) 784-5332

1 **8. WHETHER APPELLANT WAS GRANTED LEAVE TO PROCEED IN FORMA**  
2 **PAUPERIS, AND THE DATE OF ENTRY OF THE DISTRICT COURT ORDER**  
3 **GRANTING SUCH LEAVE:**

4 Appellant has not sought nor does he seek to file an appeal in forma pauperis.

5 **9. INDICATE THE DATE THE PROCEEDINGS COMMENCED IN THE DISTRICT**  
6 **COURT:**

7 January 10, 2025.

8 **10. BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND RESULT:**

9 This case concerns defendants'/respondents' unauthorized use of plaintiff's/appellant's  
10 stem cells at a clinic in Tijuana, Mexico, and defendants'/respondents' conversion of plaintiff's  
11 membership interest in CPI Management Group, LLC, a Nevada limited-liability company.  
12 Plaintiff applied for a preliminary injunction to enjoin defendants from further use of his stem cells.  
13 The district court denied Plaintiff's application. Plaintiff now appeals from that denial.

14 **11. PREVIOUS APPEAL OR WRIT PROCEEDING:**

15 None.

16 **12. CHILD CUSTODY, GUARDIANSHIP OF A MINOR, PARENTING TIME, OR**  
17 **VISITATION:**

18 This appeal does not involve child custody, guardianship of a minor, parenting time, or  
19 visitation.

20 **13. POSSIBILITY OF SETTLEMENT:**

21 Settlement is highly unlikely.

22 Dated: May 16, 2025.

SNELL & WILMER L.L.P.

23 /s/ Xyzlo Lee  
24 V.R. Bohman (NV Bar No. 13075)  
25 Xyzlo Lee (NV Bar No. 16912)  
26 1700 South Pavilion Center Drive, Suite 700  
27 Las Vegas, Nevada 89135

*Attorneys for Plaintiff Francisco Silva*

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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 the date below, I caused to be served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** upon the following by the method indicated:

\_\_\_\_\_ **BY E-MAIL:** Pursuant to EDCR Rule 7.26(a), 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:** Pursuant to EDCR Rule 7.26(a), 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.

  X   **BY ELECTRONIC FILING & ELECTRONIC SERVICE:** Pursuant to NRCP 5(b) and Administrative Order 14-2, by submitting to the above-entitled Court for electronic filing and service upon the Court’s e-service list for the above-referenced case.

Dated: May 16, 2025.

/s/ Joanna Fung  
An Employee of Snell & Wilmer L.L.P.

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

**Francisco Silva, Plaintiff(s)**  
**vs.**  
**Ed Clay, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 9**  
 Judicial Officer: **Gall, Maria**  
 Filed on: **01/10/2025**  
 Cross-Reference Case Number: **A909767**

**CASE INFORMATION**

Case Type: **NRS Chapters 78-89**  
 Case Status: **01/10/2025 Open**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	A-25-909767-B
Court	Department 9
Date Assigned	01/10/2025
Judicial Officer	Gall, Maria

**PARTY INFORMATION**



		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Silva, Francisco</b>	<b>Bohman, Vance R.</b> <i>Retained</i> 702-784-5200(W)
<b>Defendant</b>	<b>Clay, Ed</b>	<b>Bendavid, Jeffrey A.</b> <i>Retained</i> 702-385-6114(W)
	<b>CPI Management Group, LLC</b>	<b>Bendavid, Jeffrey A.</b> <i>Retained</i> 702-385-6114(W)
	<b>Freeman, Julie</b>	<b>Willson, Logan Gregory</b> <i>Retained</i> 702-979-3565(W)
	<b>Nelson, Scott</b>	<b>Bendavid, Jeffrey A.</b> <i>Retained</i> 702-385-6114(W)
	<b>Perry, Deddrick</b>	<b>Bendavid, Jeffrey A.</b> <i>Retained</i> 702-385-6114(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**













**INDEX**

**EVENTS**

- |            |   |
|------------|---|
| 01/10/2025 |  Complaint (Business Court)<br>Filed By: Plaintiff Silva, Francisco<br>[1] <i>Verified Complaint</i>                       |
| 01/10/2025 |  Initial Appearance Fee Disclosure<br>Filed By: Plaintiff Silva, Francisco<br>[2] <i>Initial Appearance Fee Disclosure</i> |

**CASE SUMMARY**











**CASE NO. A-25-909767-B**

- 01/10/2025  Summons Electronically Issued - Service Pending  
Party: Plaintiff Silva, Francisco  
*[3] Summons-Civil*
- 02/24/2025  Initial Appearance Fee Disclosure  
Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC  
*[4] Initial Appearance Fee Disclosure*
- 02/24/2025  Motion to Strike  
Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC  
*[5] Nominal Defendant, CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Strike Plaintiff's Scandalous Allegations Pursuant to NRCP 12(f)*
- 02/24/2025  Clerk's Notice of Hearing  
*[6] Clerk's Notice of Hearing*
- 02/24/2025  Motion to Dismiss  
Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC  
*[7] Nominal Defenat, CPI Management Group, LLC's Motion to Dismiss Plaintiff's Verified Complaint for a Derivative Action and/or Motion to Dismiss Plaintiff's Fifth and Sixth Claims for Relief Pursuant to NRCP 12(b)(5)*
- 02/24/2025  Motion to Dismiss  
Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC  
*[8] Defendants, Ed Clay, Deddrick Perry, And Scott Nelsons Motion to Dismiss Plaintiffs First Through Fourth And Seventh Through Tenth Claims for Relief Pursuant To N.R.C.P. 12(b)(5).*
- 02/24/2025  Clerk's Notice of Hearing  
*[9] Clerk's Notice of Hearing*
- 02/25/2025  Clerk's Notice of Hearing  
*[10] Notice of Hearing*
- 02/25/2025  Clerk's Notice of Hearing  
*[11] Notice of Change of Hearing*
- 02/27/2025  Joinder  
Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC  
*[12] DEFENDANTS, ED CLAY, DEDDRICK PERRY, AND SCOTT NELSONS JOINDER TO NOMINAL DEFENDANT, CPI MANAGEMENT GROUP, LLC'S MOTION TO DISMISS PLAINTIFFS VERIFIED COMPLAINT FOR A DERIVATIVE ACTION AND/OR MOTION TO DISMISS PLAINTIFFS FIFTH AND SIXTH CLAIMS FOR RELIEF PURSUANT TO N.R.C.P. 12(b)(5)*
- 02/27/2025  Clerk's Notice of Hearing  
*[13] Clerk's Notice of Hearing*
- 02/28/2025  Joinder  
Filed By: Defendant CPI Management Group, LLC  
*[14] Nominal Defendant, CPI Management Group, LLC'S Joinder to Defendants, Ed Clay,*

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

*Deddrick Perry, and Scott Nelsons Motion to Dismiss Plaintiffs First Through Fourth and Seventh through Tenth Claims for Relief Pursuant to N.R.C.P. 12(B)(5)*

- 02/28/2025  Clerk's Notice of Hearing  
*[15] Notice of Hearing*
- 03/07/2025  First Amended Complaint  
Filed By: Plaintiff Silva, Francisco  
*[16] Verified First Amended Complaint*
- 03/07/2025  Motion for Preliminary Injunction  
Filed By: Plaintiff Silva, Francisco  
*[17] Application for Preliminary Injunction*
- 03/10/2025  Clerk's Notice of Hearing  
*[18] Notice of Hearing*
- 03/10/2025  Motion  
Filed By: Plaintiff Silva, Francisco  
*[19] Motion to Serve Julie Freeman by Publication*
- 03/13/2025  Order Shortening Time  
*[20] Nominal Defendant CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Continue Preliminary Injunction Hearing and Extend Time for Filing an Opposition Thereto on Order Shortening Time*
- 03/17/2025  Opposition to Motion  
Filed By: Plaintiff Silva, Francisco  
*[21] Plaintiff's Opposition to Nominal Defendant, CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perrys Motion to Continue Preliminary Injunction Hearing and Extend Time for Filing an Opposition Thereto on an Order Shortening Time*
- 03/18/2025  Reply in Support  
Filed By: Defendant CPI Management Group, LLC  
*[22] Reply In Support of nominal Defendant, CPI Management Group, LLC, and Defendant's d Clay Scott Nelson, and Deddrick Perry's motion to continue preliminary injunction hearing and extend time for filing an opposition thereto on an order shortening time*
- 03/20/2025  Notice of Withdrawal of Motion  
Filed By: Defendant CPI Management Group, LLC  
*[23] Notice of Withdrawal of Nominal Defendant, CPI Management Group, LLC and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Strike Plaintiff's Scandalous Allegations Pursuant to N.R.C.P. 12(f)*
- 03/20/2025  Notice of Withdrawal of Motion  
Filed By: Defendant CPI Management Group, LLC  
*[24] Notice of Withdrawal of Nominal Defendant, CPI Management Group. LLC's Motion to Dismiss Plaintiff's Verified Complaint for a Derivative Action and/or Motion to Dismiss Plaintiff's Fifth and Sixth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)*
- 03/20/2025  Notice of Withdrawal of Motion  
Filed By: Defendant CPI Management Group, LLC  
*[25] Notice of Withdrawal of Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Dismiss Plaintiff's First through Fourth and SEventh through Tenth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)*

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

03/21/2025



Notice of Withdrawal of Motion

Filed By: Defendant CPI Management Group, LLC

*[26] Notice of Withdrawal of Defendants, Ed Clay, Deddrick Perry, and Scott Nelson's Joinder to Nominal Defendant, CPI Management Group. LLC's Motion to Dismiss Plaintiff's Verified Complaint for a Derivative Action and/or Motion to Dismiss Plaintiff's Fifth and Sixth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)*

03/21/2025



Notice of Withdrawal of Motion

Filed By: Defendant CPI Management Group, LLC

*[27] Nominal Defendant, CPI Management Group, LLC's Joinder to Defendants, Ed Clay, Deddrick Perry, and Scott Nelson's Motion to Dismiss Plaintiff's First through Fourth and Seventh through Tenth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)*

03/21/2025



Motion to Dismiss

Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC

*[28] Defendants, Ed Clay, Deddrick Perry, and Scott Nelson's Motion to Dismiss Plaintiff's Third, Fourth, Seventh, Eighth, and Tenth Through Sixteenth Claims For Relief Asserted in Plaintiff's First Amended Complaint Pursuant to N.R.C.P. 12(B)(5).*

03/21/2025



Motion to Dismiss

Filed By: Defendant CPI Management Group, LLC

*[29] Nominal Defendant, CPI Management Group, LLC's Motion to Dismiss Plaintiff's First Amended Verified Complaint for A Derivative Action and/or Motion to Dismiss Plaintiff's Fifth, Sixth and Ninth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)*

03/21/2025



Clerk's Notice of Hearing

*[30] Notice of Hearing*

03/24/2025



Clerk's Notice of Hearing

*[31] Clerk's Notice of Hearing*

03/25/2025



Affidavit of Service

Filed By: Plaintiff Silva, Francisco

*[32] Affidavit/Declaration of Service of Julie Freeman*

03/25/2025



Withdrawal of Motion

Filed by: Plaintiff Silva, Francisco

*[33] Withdrawal of Motion to Serve Julie Freeman by Publication*

03/31/2025



Opposition

Filed By: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick; Defendant CPI Management Group, LLC

*[34] Nominal Defendant, Cpi Management Group, Llc, And Member Defendants Ed Clay, Scott Nelson, And Deddrick Perry's Opposition To Plaintiffs Application For Preliminary Injunction*

04/04/2025



Opposition to Motion

Filed By: Plaintiff Silva, Francisco

*[35] Plaintiff's Response to Defendants' Motion to Dismiss Plaintiff's Third, Fourth, Seventh, Eighth, and Tenth Through Sixteenth Claims for Relief*

04/04/2025



Opposition to Motion

Filed By: Plaintiff Silva, Francisco

*[36] Plaintiff's Response to Defendants' Motion to Dismiss Plaintiffs' Fifth, Sixth, and Ninth*

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

*Claims for Relief*

- 04/07/2025  Stipulation and Order  
*[37] Stipulation and Order to Continue Hearing on Defendants' Motions to Dismiss*
- 04/07/2025  Notice of Entry of Stipulation and Order  
Filed By: Plaintiff Silva, Francisco  
*[38] Notice of Entry of Stipulation and Order to Continue Hearing on Defendants Motions to Dismiss*
- 04/08/2025  Reply in Support  
Filed By: Plaintiff Silva, Francisco  
*[39] Reply in Support of Plaintiff's Application for Preliminary Injunction*
- 04/16/2025  Court Recorders Invoice for Transcript  
*[40]*
- 04/16/2025  Recorders Transcript of Hearing  
*[41] Recorder's Transcript of Hearing: Preliminary Injunction Hearing. Heard on April 15, 2025*
- 04/25/2025  Motion to Dismiss  
Filed By: Defendant Freeman, Julie  
*[42] Defendant Julie Freeman's Motion to Dismiss*
- 04/25/2025  Clerk's Notice of Hearing  
*[43] Notice of Hearing on [42] Defendant Julie Freeman's Motion to Dismiss*
- 04/30/2025  Order Denying  
*[44] Order Denying Plaintiff's Application for Preliminary Injunction*
- 05/05/2025  Notice of Entry of Order  
Filed By: Defendant CPI Management Group, LLC  
*[45] Notice of Entry of Order Denying Plaintiff's Application for Preliminary Injunction*
- 05/06/2025  Reply  
Filed by: Defendant Clay, Ed; Defendant Nelson, Scott; Defendant Perry, Deddrick  
*[46] REPLY IN SUPPORT OF DEFENDANTS ED CLAY, DEDDRICK PERRY, AND SCOTT NELSONS MOTION TO DISMISS PLAINTIFFS THIRD, FOURTH, SEVENTH, EIGHTH, AND TENTH THROUGH SIXTEENTH CLAIMS FOR RELIEF PURSUANT TO N.R.C.P. 12 (b)(5)*
- 05/06/2025  Reply  
Filed by: Defendant CPI Management Group, LLC  
*[47] NOMINAL DEFENDANT, CPI MANAGEMENT GROUP, LLC'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFFS FIRST AMENDED VERIFIED COMPLAINT FOR A DERIVATIVE ACTION AND/OR MOTION TO DISMISS PLAINTIFFS FIFTH, SIXTH, AND NINTH CLAIMS FOR RELIEF PURSUANT TO N.R.C.P. 12(b)(5)*
- 05/07/2025  Errata  
Filed By: Defendant CPI Management Group, LLC  
*[48] Errata to Nominal Defendant, CPI Management Group, LLC's Reply in Support of its Motion to Dismiss Plaintiff's First Amended Verified Complaint for a Derivative Action and/or Motion to Dismiss Plaintiff's Fifth, Sixth, and Ninth Claims for Relief Pursuant to N.R.C.P. 12 (b)(5)*

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

05/07/2025



Filed by: Defendant CPI Management Group, LLC  
*[49] NOMINAL DEFENDANT, CPI MANAGEMENT GROUP, LLC'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFFS FIRST AMENDED VERIFIED COMPLAINT FOR A DERIVATIVE ACTION AND/OR MOTION TO DISMISS PLAINTIFFS FIFTH, SIXTH, AND NINTH CLAIMS FOR RELIEF PURSUANT TO N.R.C.P. 12(b)(5)*

05/09/2025



Filed By: Plaintiff Silva, Francisco  
*[50] Plaintiff's Opposition to Defendant Julie Freeman's Motion to Dismiss*

05/16/2025



Filed By: Plaintiff Silva, Francisco  
*[51] Notice of Appeal*

05/16/2025



Filed By: Plaintiff Silva, Francisco  
*[52] Case Appeal Statement*

05/19/2025



*[53] Notice of Change of Hearing*

**HEARINGS**

03/19/2025



**Motion to Continue** (9:30 AM) (Judicial Officer: Yeager, Bitá)  
 Events: 03/13/2025 Order Shortening Time  
*Nominal Defendant CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Continue Preliminary Injunction Hearing and Extend Time for Filing an Opposition Thereto on Order Shortening Time*  
 Granted;  
 Journal Entry Details:  
*Court STATED it is inclined to grant the motion as there defendants are only asking for 5 days. It is not clear there would be any harm to the stem cells. Mr. Lee argued as to irreparable harm. COURT ORDERED, Nominal Defendant CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Continue Preliminary Injunction Hearing and Extend Time for Filing an Opposition Thereto on Order Shortening Time GRANTED. Preliminary Injunction SET, Opposition due March 31,2025, and Reply due April 8, 2025. 4/15/25 10:30 AM PRELIMINARY INJUNCTION HEARING;*

03/27/2025

**CANCELED Motion to Strike** (9:00 AM) (Judicial Officer: Gall, Maria)  
*Vacated*  
*Nominal Defendant, CPI Management Group, LLC, and Defendants Ed Clay, Scott Nelson, and Deddrick Perry's Motion to Strike Plaintiff's Scandalous Allegations Pursuant to NRCP 12 (f)*

03/27/2025

**CANCELED Motion to Dismiss** (9:00 AM) (Judicial Officer: Gall, Maria)  
*Vacated*  
*Nominal Defendant, CPI Management Group, LLC's Motion to Dismiss Plaintiff's Verified Complaint for a Derivative Action and/or Motion to Dismiss Plaintiff's Fifth and Sixth Claims for Relief Pursuant to NRCP 12(b)(5)*

03/27/2025

**CANCELED Motion to Dismiss** (9:00 AM) (Judicial Officer: Gall, Maria)  
*Vacated*  
*Defendants, Ed Clay, Deddrick Perry, And Scott Nelsons Motion to Dismiss Plaintiffs First Through Fourth And Seventh Through Tenth Claims for Relief Pursuant To N.R.C.P. 12(b)(5).*

03/27/2025

**CANCELED Joinder** (9:00 AM) (Judicial Officer: Gall, Maria)  
*Vacated*

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. A-25-909767-B

*Defendants, Ed Clay, Deddrick Perry, and Scott Nelson's Joinder to Nominal Defendant, CPI Management Group, LLC's Motion to Dismiss Plaintiff's Verified Complaint for a Derivative Action and / or Motion to Dismiss Plaintiff's Fifth and Sixth Claims for Relief Pursuant to NRCF 12(b)(5)*

03/27/2025 CANCELED Joinder (9:00 AM) (Judicial Officer: Gall, Maria)

*Vacated*

*Nominal Defendant, CPI Management Group, LLC'S Joinder to Defendants, Ed Clay, Deddrick Perry, and Scott Nelsons Motion to Dismiss Plaintiffs First Through Fourth and Seventh through Tenth Claims for Relief Pursuant to N.R.C.P. 12(B)(5)*

04/09/2025  Minute Order (11:41 AM) (Judicial Officer: Gall, Maria)

*Re: April 15, 2025, Hearing Time Change*

Minute Order - No Hearing Held;

Journal Entry Details:

*In order to accommodate the court's 9:00 AM law and motion calendar on April 15, 2025, as to matters that have arisen since the setting of the preliminary injunction hearing in this case, the court resets the preliminary injunction hearing from 10:30 AM to 11:00 AM, on April 15, 2025, including so that counsel do not have unnecessarily wait for the conclusion of the 9:00 AM calendar. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ kw 4.9.25;*

04/10/2025 CANCELED Motion (9:00 AM) (Judicial Officer: Gall, Maria)

*Vacated*

*Application for Preliminary Injunction*

04/15/2025  Preliminary Injunction Hearing (11:00 AM) (Judicial Officer: Gall, Maria)

**MINUTES**

Denied;

Journal Entry Details:

*Whitney Barrett, Esq. present on behalf of Defendant. Court provided its initial inclinations. Arguments by Mr. Bohman and MR. Christansen on the merits and opposition of the injunction. Court expressed counsel presented great briefing and argument. Court stated its preliminary findings and ORDERED, preliminary injunction DENIED. Ms. Barrett to prepare the findings of fact and conclusion of law and order consistent with the oral pronouncements, as well as the points and authorities raised in the briefing. Court directed Ms. Barrett to ensure Mr. Bohman has the opportunity to review and comment. The order is due to the court in two weeks. COURT ORDERED, in-chambers' status check SET to ensure receipt of the order. Court encouraged counsel file the order as soon as possible. 05/02/2025 3:00 AM (CHAMBERS) STATUS CHECK: SUBMISSION OF ORDER;*

**SCHEDULED HEARINGS**

CANCELED Status Check (05/02/2025 at 3:00 AM) (Judicial Officer: Gall, Maria)


*Vacated*

*Status Check: Submission of Order (Preliminary Injunction)*

05/02/2025 CANCELED Status Check (3:00 AM) (Judicial Officer: Gall, Maria)

*Vacated*

*Status Check: Submission of Order (Preliminary Injunction)*

05/12/2025  Minute Order (8:39 AM) (Judicial Officer: Gall, Maria)

*Re: May 13, 2025, Hearing*

Minute Order - No Hearing Held;

Journal Entry Details:


*The court issues this minute order to advise that Defendants' motions to dismiss scheduled for hearing on May 13, 2025, will be heard LAST on the court's 9:00 AM law and motion calendar. The parties are free to appear at 9:00 AM, but it is unlikely the court will hear the motions before 10:30 AM. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ kw 5.12.25;*

05/13/2025 Motion to Dismiss (9:00 AM) (Judicial Officer: Gall, Maria)

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-25-909767-B**

05/13/2025	<p><b>05/13/2025, 06/06/2025</b>  <i>Defendants, Ed Clay, Dedrick Perry, and Scott Nelson's Motion to Dismiss Plaintiff's Third, Fourth, Seventh, Eighth, and Tenth Through Sixteenth Claims For Relief Asserted in Plaintiff's First Amended Complaint Pursuant to N.R.C.P. 12(B)(5)</i></p> <p><b>MINUTES</b>                  Under Advisement;</p>
05/13/2025	<p><b>Motion to Dismiss (9:00 AM)</b> (Judicial Officer: Gall, Maria)  <b>05/13/2025, 06/06/2025</b>  <i>Nominal Defendant, CPI Management Group, LLC's Motion to Dismiss Plaintiff's First Amended Verified Complaint for A Derivative Action and/or Motion to Dismiss Plaintiff's Fifth, Sixth and Ninth Claims for Relief Pursuant to N.R.C.P. 12(b)(5)</i></p> <p><b>MINUTES</b>                  Under Advisement;</p>
05/13/2025	<p> <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Gall, Maria)                  Matter Heard;                  Journal Entry Details:  <i>NOMINAL DEFENDANT, CPI MANAGEMENT GROUP, LLC'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED VERIFIED COMPLAINT FOR A DERIVATIVE ACTION AND/OR MOTION TO DISMISS PLAINTIFF'S FIFTH, SIXTH AND NINTH CLAIMS FOR RELIEF PURSUANT TO N.R.C.P. 12(B)(5)...DEFENDANTS, ED CLAY, DEDDRICK PERRY, AND SCOTT NELSON'S MOTION TO DISMISS PLAINTIFF'S THIRD, FOURTH, SEVENTH, EIGHTH, AND TENTH THROUGH SIXTEENTH CLAIMS FOR RELIEF ASSERTED IN PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO N.R.C.P. 12 (B)(5) Court provided its initial thoughts on the matters at hand. Arguments by Mr. Bendavid and Mr. Lee regarding the Motion to Dismiss Plaintiff's Third, Fourth, Seventh, Eighth, and Tenth Through Sixteenth Claims for Relief. Court noted it would not render a decision today. Continued argument by Mr. Bendavid and Mr. Lee. Arguments by Mr. Bendavid and Mr. Bohman regarding the Motion to Dismiss Plaintiff's First Amended Verified Complaint for A Derivative Action and/or Motion to Dismiss Plaintiff's Fifth, Sixth and Ninth Claims for Relief. COURT ORDERED, both Motions taken UNDER SUBMISSION; FURTHER, decision date SET. 06/06/2025 3:00 (CHAMBERS) DECISION;</i></p>
06/10/2025	<p><b>Motion to Dismiss (9:30 AM)</b> (Judicial Officer: Gall, Maria)  <i>Defendant Julie Freeman's Motion to Dismiss</i></p>

DATE	FINANCIAL INFORMATION	
<b>Defendant</b> CPI Management Group, LLC	Total Charges	1,845.87
Total Payments and Credits	1,845.87	
<b>Balance Due as of 5/19/2025</b>	<b>0.00</b>	
<b>Plaintiff</b> Silva, Francisco	Total Charges	1,554.00
Total Payments and Credits	1,554.00	
<b>Balance Due as of 5/19/2025</b>	<b>0.00</b>	

# BUSINESS COURT CIVIL COVER SHEET

County, Nevada

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

CASE NO: **A290976B**

Department 9

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Francisco Silva</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">Ed Clay; Scott Perry; Deddrick Nelson; Julie Freeman; CPI Management Group, LLC</p>
Attorney (name/address/phone): <p style="text-align: center;">V.R. Bohman; Xyzlo Lee Snell &amp; Wilmer L.L.P. 1700 S. Pavilion Center Dr., Ste. 700; Las Vegas, NV 89135 (702) 784-5200</p>	Attorney (name/address/phone):

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

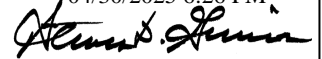
Arbitration Requested

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>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 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>CLARK COUNTY BUSINESS COURT</b></p> <p><input checked="" 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 type="checkbox"/> Other Business Court Matters</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 checked="" type="checkbox"/> Other Contract</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>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>
<b>Judicial Review/Appeal/Other Civil Filing</b>		
<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><b>Other Civil Filing</b></p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Other Civil Matters</p>	

January 10, 2025

Date

Signature of initiating party or representative



CLERK OF THE COURT

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15 *Attorneys for CPI Management Group, LLC,  
and Defendants, Clay, Nelson, and Perry*

17 **EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY NEVADA**

18  
19  
20 Francisco Silva, an individual,

21 Plaintiff,

22 vs.

23 Ed Clay, an individual; Scott Nelson, an  
individual; Deddrick Perry, an individual;  
24 Julie Freeman, an individual; Doe  
Defendants 1 – 10;

25 Defendants,

26 CPI Management Group, LLC;

27 Nominal Defendant.  
28

Case No. A-25-909767-B  
Dept. 9

CHRISTIANSEN  
— TRIAL LAWYERS —





1           3.       In Plaintiff’s First Amended Verified Complaint (“FAVC”), Plaintiff alleges that  
2 he “supplied the CPI clinic” with five vials of original stem cells derived from the umbilical cords  
3 of Plaintiff’s children, and that the CPI clinic has created and injected into its customers duplicates  
4 of those original stem cells using protocols and techniques created by Plaintiff. FAVC, ¶¶ 52-56.

5           4.       Plaintiff’s Application for Preliminary Injunction sought to enjoin the Member  
6 Defendants from continuing to use the original cell vials, duplicated stem cells, and processes  
7 used to duplicate the stem cells.

8           5.       The Court finds that Plaintiff must show both a likelihood of success on the merits  
9 and irreparable harm before a preliminary injunction will issue.

10          6.       In support of his Application for Preliminary Injunction, Plaintiff argued and  
11 presented a declaration stating that he provided the original stem cells and processes to CPI on a  
12 “conditional basis” wherein he could “withdraw” his consent for their use at any time.

13          7.       Conversely, Defendants provided a declaration that Plaintiff had provided the  
14 original cells and processes as part of Plaintiff’s contribution in exchange for his 25%  
15 membership interests in CPI.

16          8.       In light of the competing declarations submitted by the parties, the Court finds that  
17 there is a real dispute of fact as to the terms of the underlying transaction between Plaintiff and  
18 the Member Defendants through which Plaintiff provided the stem cells and cell duplication  
19 processes to CPI.

20          9.       The Court further finds that Plaintiff did not present sufficient evidence to  
21 persuade the Court that Plaintiff entered into a transaction with Member Defendants whereby he  
22 could unilaterally “withdraw his consent” for the use of the stem cells or processes at any time.

23          10.       The Court also finds that Plaintiff has not identified any wrongful act committed  
24 by the Member Defendants amounting to conversion of the stem cells or processes outside the  
25 course and scope of their membership and management of CPI. Plaintiff’s claim for conversion  
26 cannot proceed against the Member Defendants in their individual capacity.

27          11.       The Court further finds that underlying transaction in which the stem cells were  
28 provided to CPI was monetary, as Plaintiff received a 25% membership interest in CPI as part of

1 the exchange for providing them. In fact, the Court finds that Plaintiff alleges he will not be able  
2 to capitalize on an expiring opportunity to enter an exclusive licensing arrangement with another  
3 entity for use of the stem cell lines as one of the bases for seeking the injunction.

4 12. The Court finds that monetary damages would sufficiently address the claimed  
5 missed opportunity costs and do not provide a basis for irreparable harm.

6 13. The Court also finds that Plaintiff does not have a privacy interest in the stem cell  
7 lines provided to CPI, or that Plaintiff can individually assert his children's privacy interests  
8 where he has not brought this case on his children's behalf.

9 14. The Court further finds that, even if Plaintiff could assert a privacy interest,  
10 Plaintiff has still failed to show irreparable harm because he already alienated those privacy  
11 interests when Plaintiff willingly gave up his children's cells in order to capitalize on them.

12 15. As such, the Court finds that Plaintiff has not demonstrated a likelihood of  
13 succeeding on the merits of his conversion claim against the Member Defendants and that  
14 Plaintiff would not suffer irreparable harm for which there is no adequate remedy at law in the  
15 absence of an injunction.

16 **CONCLUSIONS OF LAW**

17 16. Nevada Courts have long held that a preliminary injunction is only proper where  
18 the moving party has demonstrated: (1) that he will suffer irreparable harm for which  
19 compensatory damages would not suffice in the absence of a preliminary injunction, and (2) that  
20 he has a reasonable likelihood of success on the merits of his claims. *See, e.g., Excellence Cmty.*  
21 *Mgmt., LLC v. Gilmore*, 131 Nev. 347, 350, 351 P.3d 720, 722 (2015); *Dangberg Holdings Nev.,*  
22 *L.L.C. v. Douglas County*, 115 Nev. 129, 142, 978 P.2d 311, 319 (1999).

23 17. The Court rejects Plaintiff's argument that NRS 33.010 relieves Plaintiff from  
24 showing the common law requirements for a preliminary injunction providing that an applicant  
25 must show both a likelihood of success on the merits and irreparable harm before a preliminary  
26 injunction will issue.

27 18. Here, Plaintiff has failed to demonstrate a likelihood of success on his conversion  
28 claim against Member Defendants and failed to demonstrate that he will suffer irreparable harm

1 in the absence of the injunction. However, even if the Court were to employ the alternative  
2 sliding-scale approach used by the federal courts, the balance of hardship here does not tilt sharply  
3 in Plaintiff's favor. As such, the Court concludes that Plaintiff's Application for Preliminary  
4 Injunction must be denied.

5 19. In order to succeed on his conversion claim, Plaintiff must show that Member  
6 Defendants: (1) wrongfully exerted dominion over Plaintiff's property, (2) in denial of or  
7 inconsistent with Plaintiff's rights or title thereto, or in derogation, exclusion, or defiance of such  
8 rights. *Winchell v. Schiff*, 124 Nev. 938, 944, 193 P.3d 946, 950 (2008).

9 20. Here, the Court concludes that Plaintiff has not demonstrated a likelihood of  
10 succeeding on the merits of his conversion claim against the Member Defendants.

11 21. The Court concludes that Plaintiff did not present sufficient evidence to persuade  
12 the Court that Plaintiff entered into a transaction with Member Defendants whereby he could  
13 unilaterally withdraw his consent for the use of the stem cells or processes at any time.

14 22. Furthermore, a member or manager of a limited liability company cannot be held  
15 liable for the acts of the entity simply as a result of being a member or manager under Nevada  
16 law. NRS 86.381; *Gardner v. Henderson Water Park, LLC*, 133 Nev. 391, 393-94, 399 P.3d 350,  
17 351 (2017). The Court rejects Plaintiff's interpretation of *Gardner* and concludes that Plaintiff  
18 has not identified any wrongful act committed by the Member Defendants amounting to  
19 conversion of the stem cells or processes outside the course and scope of their membership and  
20 management of CPI. The Court thus concludes that Plaintiff's claim for conversion cannot  
21 proceed against the Member Defendants in their individual capacity.

22 23. As such, the Court concludes that Plaintiff has not demonstrated a likelihood of  
23 success on the merits of his conversion claim against the Member Defendants and Plaintiff's  
24 Application for Preliminary Injunction must be denied.

25 24. However, even presuming Plaintiff has properly maintained his conversion claim  
26 against the Member Defendants and that the Court could find a likelihood of success on the merits,  
27 the Court concludes that Plaintiff's Application for Preliminary Injunction must still be denied  
28 because Plaintiff has failed to demonstrate irreparable harm.



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Dated this 29th day of April, 2025.

Dated this 29th day of April, 2025.

Respectfully submitted by:

Approved as to form:

**CHRISTIANSEN TRIAL LAWYERS**

**SNELL & WILMER L.L.P.**

*/s/ Peter S. Christiansen, Esq.*

*/s/ V.R. Bohman, Esq.*

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*Attorneys for Defendants, Clay, Nelson, and  
Perry and Nominal Defendant CPI*



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Francisco Silva, Plaintiff(s)

CASE NO: A-25-909767-B

7 vs.

DEPT. NO. Department 9

8 Ed Clay, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/30/2025

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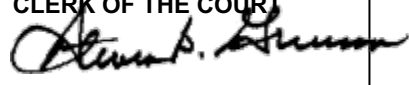
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26 *Attorneys for CPI Management Group, LLC,*  
27 *and Defendants, Clay, Nelson, and Perry*

28 **IN THE EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY NEVADA**

Francisco Silva, an individual,  
Plaintiff,

vs.

Ed Clay, an individual; Scott Nelson, an individual;  
Deddrick Perry, an individual;  
Julie Freeman, an individual; Doe  
Defendants 1 – 10;

Defendants,

CPI Management Group, LLC, a Nevada  
limited liability company;

Nominal Defendant.

Case No. A-25-909767-B  
Dept. 9

**NOTICE OF ENTRY OF ORDER**  
**DENYING PLAINTIFF'S**  
**APPLICATION FOR PRELIMINARY**  
**INJUNCTION**

**CHRISTIANSEN**  
— TRIAL LAWYERS —



1                    **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF’S APPLICATION FOR**  
2                    **PRELIMINARY INJUNCTION**

3                    PLEASE TAKE NOTICE that an Order Denying Plaintiff’s Application for Preliminary  
4 Injunction was entered in the above captioned case on April 30, 2025, a copy of which is attached  
5 hereto as **Exhibit 1**.

6                    Dated this 5<sup>th</sup> day of May, 2025.

7                    **CHRISTIANSEN TRIAL LAWYERS**

8                    */s/ Whitney J. Barrett, Esq.*

9                    PETER S. CHRISTIANSEN, ESQ.

10                  WHITNEY J. BARRETT, ESQ.

11                  *Attorneys for CPI Management Group, LLC,*  
12                  *and Defendants, Clay, Nelson, and Perry*

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CHRISTIANSEN  
— TRIAL LAWYERS —



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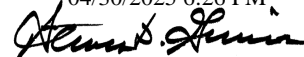
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of CHRISTIANSEN TRIAL LAWYERS, and that on this 5<sup>th</sup> day of May, 2025, I caused the foregoing document entitled NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF’S APPLICATION FOR PRELIMINARY INJUNCTION to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

*/s/ Amy Larsen*  
An employee of Christiansen Trial Lawyers



# EXHIBIT 1



CLERK OF THE COURT

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15 *Attorneys for CPI Management Group, LLC,*

16 *and Defendants, Clay, Nelson, and Perry*

17 **EIGHTH JUDICIAL DISTRICT COURT**  
18 **CLARK COUNTY NEVADA**

19 Francisco Silva, an individual,

20 Plaintiff,

21 vs.

22 Ed Clay, an individual; Scott Nelson, an  
23 individual; Deddrick Perry, an individual;  
24 Julie Freeman, an individual; Doe  
25 Defendants 1 – 10;

26 Defendants,

27 CPI Management Group, LLC;

28 Nominal Defendant.

Case No. A-25-909767-B

Dept. 9

CHRISTIANSEN  
— TRIAL LAWYERS —





1           3.       In Plaintiff’s First Amended Verified Complaint (“FAVC”), Plaintiff alleges that  
2 he “supplied the CPI clinic” with five vials of original stem cells derived from the umbilical cords  
3 of Plaintiff’s children, and that the CPI clinic has created and injected into its customers duplicates  
4 of those original stem cells using protocols and techniques created by Plaintiff. FAVC, ¶¶ 52-56.

5           4.       Plaintiff’s Application for Preliminary Injunction sought to enjoin the Member  
6 Defendants from continuing to use the original cell vials, duplicated stem cells, and processes  
7 used to duplicate the stem cells.

8           5.       The Court finds that Plaintiff must show both a likelihood of success on the merits  
9 and irreparable harm before a preliminary injunction will issue.

10          6.       In support of his Application for Preliminary Injunction, Plaintiff argued and  
11 presented a declaration stating that he provided the original stem cells and processes to CPI on a  
12 “conditional basis” wherein he could “withdraw” his consent for their use at any time.

13          7.       Conversely, Defendants provided a declaration that Plaintiff had provided the  
14 original cells and processes as part of Plaintiff’s contribution in exchange for his 25%  
15 membership interests in CPI.

16          8.       In light of the competing declarations submitted by the parties, the Court finds that  
17 there is a real dispute of fact as to the terms of the underlying transaction between Plaintiff and  
18 the Member Defendants through which Plaintiff provided the stem cells and cell duplication  
19 processes to CPI.

20          9.       The Court further finds that Plaintiff did not present sufficient evidence to  
21 persuade the Court that Plaintiff entered into a transaction with Member Defendants whereby he  
22 could unilaterally “withdraw his consent” for the use of the stem cells or processes at any time.

23          10.       The Court also finds that Plaintiff has not identified any wrongful act committed  
24 by the Member Defendants amounting to conversion of the stem cells or processes outside the  
25 course and scope of their membership and management of CPI. Plaintiff’s claim for conversion  
26 cannot proceed against the Member Defendants in their individual capacity.

27          11.       The Court further finds that underlying transaction in which the stem cells were  
28 provided to CPI was monetary, as Plaintiff received a 25% membership interest in CPI as part of

1 the exchange for providing them. In fact, the Court finds that Plaintiff alleges he will not be able  
2 to capitalize on an expiring opportunity to enter an exclusive licensing arrangement with another  
3 entity for use of the stem cell lines as one of the bases for seeking the injunction.

4 12. The Court finds that monetary damages would sufficiently address the claimed  
5 missed opportunity costs and do not provide a basis for irreparable harm.

6 13. The Court also finds that Plaintiff does not have a privacy interest in the stem cell  
7 lines provided to CPI, or that Plaintiff can individually assert his children's privacy interests  
8 where he has not brought this case on his children's behalf.

9 14. The Court further finds that, even if Plaintiff could assert a privacy interest,  
10 Plaintiff has still failed to show irreparable harm because he already alienated those privacy  
11 interests when Plaintiff willingly gave up his children's cells in order to capitalize on them.

12 15. As such, the Court finds that Plaintiff has not demonstrated a likelihood of  
13 succeeding on the merits of his conversion claim against the Member Defendants and that  
14 Plaintiff would not suffer irreparable harm for which there is no adequate remedy at law in the  
15 absence of an injunction.

16 **CONCLUSIONS OF LAW**

17 16. Nevada Courts have long held that a preliminary injunction is only proper where  
18 the moving party has demonstrated: (1) that he will suffer irreparable harm for which  
19 compensatory damages would not suffice in the absence of a preliminary injunction, and (2) that  
20 he has a reasonable likelihood of success on the merits of his claims. *See, e.g., Excellence Cmty.*  
21 *Mgmt., LLC v. Gilmore*, 131 Nev. 347, 350, 351 P.3d 720, 722 (2015); *Dangberg Holdings Nev.,*  
22 *L.L.C. v. Douglas County*, 115 Nev. 129, 142, 978 P.2d 311, 319 (1999).

23 17. The Court rejects Plaintiff's argument that NRS 33.010 relieves Plaintiff from  
24 showing the common law requirements for a preliminary injunction providing that an applicant  
25 must show both a likelihood of success on the merits and irreparable harm before a preliminary  
26 injunction will issue.

27 18. Here, Plaintiff has failed to demonstrate a likelihood of success on his conversion  
28 claim against Member Defendants and failed to demonstrate that he will suffer irreparable harm

1 in the absence of the injunction. However, even if the Court were to employ the alternative  
2 sliding-scale approach used by the federal courts, the balance of hardship here does not tilt sharply  
3 in Plaintiff's favor. As such, the Court concludes that Plaintiff's Application for Preliminary  
4 Injunction must be denied.

5 19. In order to succeed on his conversion claim, Plaintiff must show that Member  
6 Defendants: (1) wrongfully exerted dominion over Plaintiff's property, (2) in denial of or  
7 inconsistent with Plaintiff's rights or title thereto, or in derogation, exclusion, or defiance of such  
8 rights. *Winchell v. Schiff*, 124 Nev. 938, 944, 193 P.3d 946, 950 (2008).

9 20. Here, the Court concludes that Plaintiff has not demonstrated a likelihood of  
10 succeeding on the merits of his conversion claim against the Member Defendants.

11 21. The Court concludes that Plaintiff did not present sufficient evidence to persuade  
12 the Court that Plaintiff entered into a transaction with Member Defendants whereby he could  
13 unilaterally withdraw his consent for the use of the stem cells or processes at any time.

14 22. Furthermore, a member or manager of a limited liability company cannot be held  
15 liable for the acts of the entity simply as a result of being a member or manager under Nevada  
16 law. NRS 86.381; *Gardner v. Henderson Water Park, LLC*, 133 Nev. 391, 393-94, 399 P.3d 350,  
17 351 (2017). The Court rejects Plaintiff's interpretation of *Gardner* and concludes that Plaintiff  
18 has not identified any wrongful act committed by the Member Defendants amounting to  
19 conversion of the stem cells or processes outside the course and scope of their membership and  
20 management of CPI. The Court thus concludes that Plaintiff's claim for conversion cannot  
21 proceed against the Member Defendants in their individual capacity.

22 23. As such, the Court concludes that Plaintiff has not demonstrated a likelihood of  
23 success on the merits of his conversion claim against the Member Defendants and Plaintiff's  
24 Application for Preliminary Injunction must be denied.

25 24. However, even presuming Plaintiff has properly maintained his conversion claim  
26 against the Member Defendants and that the Court could find a likelihood of success on the merits,  
27 the Court concludes that Plaintiff's Application for Preliminary Injunction must still be denied  
28 because Plaintiff has failed to demonstrate irreparable harm.



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Dated this 29th day of April, 2025.

Dated this 29th day of April, 2025.

Respectfully submitted by:

Approved as to form:

**CHRISTIANSEN TRIAL LAWYERS**

**SNELL & WILMER L.L.P.**

*/s/ Peter S. Christiansen, Esq.*

*/s/ V.R. Bohman, Esq.*

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Perry and Nominal Defendant CPI*

**CHRISTIANSEN**  
— TRIAL LAWYERS —



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Francisco Silva, Plaintiff(s)

CASE NO: A-25-909767-B

7 vs.

DEPT. NO. Department 9

8 Ed Clay, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/30/2025

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**NRS Chapters 78-89**

**COURT MINUTES**

**April 09, 2025**

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A-25-909767-B      Francisco Silva, Plaintiff(s)  
vs.  
Ed Clay, Defendant(s)

---

**April 09, 2025      11:41 AM      Minute Order**

**HEARD BY:** Gall, Maria      **COURTROOM:** Chambers

**COURT CLERK:** Kelli Wise

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- In order to accommodate the court's 9:00 AM law and motion calendar on April 15, 2025, as to matters that have arisen since the setting of the preliminary injunction hearing in this case, the court resets the preliminary injunction hearing from 10:30 AM to 11:00 AM, on April 15, 2025, including so that counsel do not have unnecessarily wait for the conclusion of the 9:00 AM calendar.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ kw 4.9.25

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**NRS Chapters 78-89**

**COURT MINUTES**

**April 15, 2025**

A-25-909767-B      Francisco Silva, Plaintiff(s)  
vs.  
Ed Clay, Defendant(s)

**April 15, 2025      11:00 AM      Preliminary Injunction  
Hearing**

**HEARD BY:** Gall, Maria      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Kelli Wise

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Bendavid, Jeffrey A.      Attorney  
                         Bohman, Vance R.      Attorney  
                         Christiansen, Peter James      Attorney  
                         Lee, Xyzlo      Attorney

**JOURNAL ENTRIES**

- Whitney Barrett, Esq. present on behalf of Defendant.

Court provided its initial inclinations. Arguments by Mr. Bohman and MR. Christansen on the merits and opposition of the injunction. Court expressed counsel presented great briefing and argument. Court stated its preliminary findings and ORDERED, preliminary injunction DENIED. Ms. Barrett to prepare the findings of fact and conclusion of law and order consistent with the oral pronouncements, as well as the points and authorities raised in the briefing. Court directed Ms. Barrett to ensure Mr. Bohman has the opportunity to review and comment. The order is due to the court in two weeks. COURT ORDERED, in-chambers' status check SET to ensure receipt of the order. Court encouraged counsel file the order as soon as possible.

05/02/2025 3:00 AM (CHAMBERS) STATUS CHECK: SUBMISSION OF ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**NRS Chapters 78-89**

**COURT MINUTES**

**May 12, 2025**

---

A-25-909767-B      Francisco Silva, Plaintiff(s)  
vs.  
Ed Clay, Defendant(s)

---

**May 12, 2025      8:39 AM      Minute Order**

**HEARD BY:** Gall, Maria      **COURTROOM:** Chambers

**COURT CLERK:** Kelli Wise

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The court issues this minute order to advise that Defendants' motions to dismiss scheduled for hearing on May 13, 2025, will be heard LAST on the court's 9:00 AM law and motion calendar. The parties are free to appear at 9:00 AM, but it is unlikely the court will hear the motions before 10:30 AM.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ kw 5.12.25



**A-25-909767-B**

Dismiss Plaintiff's Fifth, Sixth and Ninth Claims for Relief. COURT ORDERED, both Motions taken UNDER SUBMISSION; FURTHER, decision date SET.

06/06/2025 3:00 (CHAMBERS) DECISION

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION; DISTRICT COURT MINUTES

FRANCISCO SILVA,

Plaintiff(s),

vs.

ED CLAY; SCOTT NELSON; DEDDRICK PERRY,

Defendant(s),

CPI MANAGEMENT GROUP, LLC,

Nominal Defendant(s),

Case No: A-25-909767-B

Dept No: IX

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 19 day of May 2025.

Steven D. Grierson, Clerk of the Court

/s/ Shaun Salcedo

Shaun Salcedo, Deputy Clerk

