

**IN THE SUPREME COURT
OF THE STATE OF NEVADA**

FRANCISCO SILVA, AN
INDIVIDUAL,

Appellant,

vs.

ED CLAY, AN INDIVIDUAL;
SCOTT NELSON, AN
INDIVIDUAL; DEDDRICK
PERRY, AN INDIVIDUAL; AND
CPI MANAGEMENT GROUP,
LLC,

Respondent.

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Supreme Court Case No. 90651

District Court: A-25-909767-B

APPEAL

**From the Eighth Judicial District Court
The Honorable Maria A. Gall**

APPELLANT'S APPENDIX VOLUME 2

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Dated: October 21, 2025

Respectfully submitted,

/s/ Xyzlo Lee

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, on October 21 2025, I caused to be served a true and correct copy of the foregoing **Appellant's Appendix Volume 2** by the method indicated:

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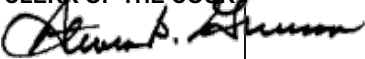
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DISTRICT COURT
CLARK COUNTY, NEVADA

FRANCISCO SILVA,
Plaintiff,

CASE NO. A-25-909767-B
DEPT. IX

vs.

ED CLAY,
Defendant.

BEFORE THE HONORABLE MARIA GALL, DISTRICT COURT JUDGE
TUESDAY, APRIL 15, 2025
RECORDER'S TRANSCRIPT OF HEARING:
PRELIMINARY INJUNCTION HEARING

APPEARANCES:

For the Plaintiff: VANCE R. BOHMAN, ESQ.
XYZIO LEE, ESQ.

For the Defendants: PETER S. CHRISTIANSEN, ESQ.
WHITNEY BARRETT, ESQ.
JEFFERY A. BENDAVID, ESQ.

RECORDED BY: GINA VILLANI, COURT RECORDER

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Las Vegas, Nevada, Tuesday, April 15, 2025

[Hearing began at 11:21 a.m.]

THE COURT: Page seven, Case Number A-25-909767-B,
Francisco Silva versus Ed Clay.

Come on up.

MR. BOHMAN: Good morning, Your Honor. V.R. Bohman on
behalf of Mr. Silva. With me is my associate Xyzio Lee.

THE COURT: All right.

MR. LEE: Good morning, Your Honor. Xyzio Lee, bar
number 16912, appearing for Plaintiff Francisco Silva.

THE COURT: Good morning.

MR. CHRISTIANSEN: Good morning, Judge. Pete
Christiansen and Whitney Barrett for the defendants.

MR. BENDAVID: Good morning, Your Honor. Jeff Bendavid,
also on behalf of the defendants.

THE COURT: Good morning, Ms. Barrett.

MS. BARRETT: Good morning.

THE COURT: All right. Good morning to everyone. So thank
you for patiently waiting. I apologize. That took even longer than I
thought.

MR. CHRISTIANSEN: Is that like a divorce case?

THE COURT: It is a divorce case.

MR. CHRISTIANSEN: It's torture.

THE COURT: They're already divorced, but they continued

1 living together after the divorce.

2 MR. CHRISTIANSEN: Well, see what that getcha.

3 THE COURT: All right. So we are here today on Plaintiff's
4 motion for a preliminary injunction.

5 Would -- Mr. Bohman, you want to hear my inclinations or you
6 want to get stuck into it?

7 MR. BOHMAN: Your Honor, I am never inclined to waste the
8 court's time. If you'd like to start with your inclinations, so I can craft my
9 remarks, I'd appreciate it.

10 THE COURT: All right. It's long.

11 MR. BOHMAN: Yes, Your Honor.

12 THE COURT: So Mr. Christiansen -- I don't think you've been
13 before me yet, but Mr. Christiansen, Mr. Bendavid know.

14 So my understanding is Plaintiff is looking for a preliminary
15 injunction based solely on the conversion claim against the -- against
16 three of the individual defendants, Clay, Nelson, and Perry. So I'm
17 inclined to deny the injunctive request at this time.

18 So let me explain. With regard to the merits, first, it's not
19 entirely clear to me what constitutes the transaction by which Silva
20 provided the stem cells and cell lines at issue to CPI. I think that there's
21 a real dispute of fact as to whether it was merely an informal or unwritten
22 license for use that Silva could withdraw at any time or a capital or other
23 contribution.

24 I think Silva bears the burden on this motion and his evidence
25 in this regard, I find a bit thin and vague. For instance, he states in his

1 declaration that he gave limited consent for CPI to use the duplicated
2 cells, but he provides no details on what constitutes the limited consent.
3 Suppose I could draw an inference. He could withdraw it -- the limited
4 consent is withdrawal at any time. That's not even stated.

5 The text messages and Spanish language email that I, unless
6 I missed it, I don't think it's been translated, don't really move the mark
7 for me, neither does the letter from BioRestorative.

8 On this point, I want to briefly mention the California case that
9 Defendants cited, *Moore versus Regents of University of California*. It's
10 51 Cal. 3d 120, decided at 141.

11 So in speaking about conversion, I'm going to -- I want to
12 reject the notion that cell lines, kind of as a per se matter, can't be
13 converted. First, *Moore* is factually distinct from this case. And even
14 there, the California court did not go so far as to say cell lines can never
15 be converted. *Moore* was a factually specific case.

16 I pulled the case. I read the case. I don't know if you realize
17 how long this case is. It's 43 single-sided pages.

18 So it's factually specific is the way I read it. Its decision has
19 been distinguished by a number of other courts that have cited to it since
20 1990. *Moore* was one where the patient's cells were knowingly
21 extracted, the doctor then used them in medical research. The
22 California court had to decide whether to extend the tort of conversion to
23 biomaterial and found that under the facts of that case, the better option
24 was to rest on the statute for disposal of biomaterial and/or I think there
25 was a breach of fiduciary duty claim against the doctor for the doctor's

1 failure to advise the patient on what would happen to his biomaterial.

2 I don't think you could say, for instance, in the hypothetical
3 situation, I'm sleeping at night, somebody comes and extracts my cells
4 unknowingly and then starts doing whatever with them. I'm not sure that
5 I don't have a claim for conversion, as well as some criminal issues
6 there at that point. So, you know, I think *Moore* is very factually
7 distinctive.

8 So presuming that cell lines, including under the facts of this
9 case, lends itself to a conversion claim, I'm also, to Defendant's point,
10 I'm not sure how that claim stands against Clay, Nelson and Perry, as
11 opposed to the company, CPI. I'm actually very, very confused on this
12 point. So I'm going to need, you know, at the very least, Plaintiffs
13 should -- of course make their record because this is going to be
14 immediately appealable, but try to persuade me legally on that point.

15 Also, presuming a conversion claim is properly maintained
16 against the individual Defendants and presuming I could find a likelihood
17 of success on the merits, I don't see irreparable harm.

18 The transaction underlying -- the underlying transaction was a
19 monetary transaction of some type. And Silva even admits that he
20 needs the injunction so he can capitalize on an exclusive licensing
21 arrangement with another entity. So, in my view, Silva's inability to
22 capitalize on the arrangement can be measured in money for that harm.
23 I understand that there's another harm alleged.

24 Silva also raises privacy interests for both himself and his
25 children. So I reject Silva's individual privacy interests. If these stem

1 cells, and then the cell lines created from the stem cells, are indeed from
2 his children, I don't think Silva can assert his own privacy interests.

3 I understand how genetics works. For instance, 50 percent of
4 my genetic material is in my kid's genes. So I understand his genetic
5 material, and presumably the mother's genetic material, is in the
6 children's cells. But allowing a parent to assert their own interests would
7 create this result where a child can never alienate their cells without their
8 parents' permission. So, you know, I question whether Silva can assert
9 his children's interests here. But, you know, he also hasn't brought this
10 case on his children's behalves. So that's another issue I have. And so
11 presuming that privacy interests, you know, he can assert that interest.
12 By the way, he's alienated that interest, whether he can unalienate that
13 interest in some way, because it's under a revocable license on behalf of
14 his children, the case isn't brought on behalf of the children.

15 That brings me to another point, which I just mentioned. Silva
16 willingly gave up his children's cells in order to capitalize on them. So, in
17 my view, what he's really objecting to is continued capitalization of the
18 cells.

19 Fourth, in order to grant preliminary injunctive relief, I do find
20 that I have to find that Silva has to show both the likelihood of success
21 on the merits and irreparable harm, and this court has to weigh the
22 equities. This is the 33.010 issue that came up in the papers. Those
23 cases citing to 33.010 generally require a probability of prevailing on the
24 merits and irreparable injury absent the relief.

25 I know that there's an alternative test used by some courts,

1 including our federal courts. I'm actually not certain if Nevada courts
2 have used the alternative test. But even if I were to employ that
3 alternative test, it requires serious questions to be raised and the
4 balance of hardship tipping sharply in the movant's favor. But in either
5 case, there can't be an adequate remedy at law, and I just -- I do not
6 understand under the facts here how there's not an adequate monetary
7 remedy.

8 Okay. Mr. Bohman.

9 MR. BOHMAN: Yes, Your Honor. I appreciate the court
10 giving me some guidance about how best to address things.

11 Would the court prefer I stay here? Come up there?

12 THE COURT: Wherever you're most comfortable. I don't
13 mind.

14 MR. BOHMAN: I appreciate it, Your Honor.

15 So a few items. The court referenced the idea of a
16 transaction. I'll just sort of tick through the court's points in order, if that's
17 acceptable. The idea of a transaction regarding the cells. There's no
18 cognizable evidence of any transaction, right? Whether -- the court
19 suggested, well, perhaps there's an unwritten license. Well, their
20 position is that there's no ability to revoke that license, et cetera, which
21 argument runs face first in the statute of frauds. It can't be unwritten
22 because it's intended to be perpetual, okay? So that can't be it.

23 Well, then when were these negotiations purportedly
24 occurring? Well, they say in their briefing.

25 THE COURT: Well, Mr. Bohman --

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MR. BOHMAN: Yes.

THE COURT: -- let me interrupt you. There has to be some -- there is some transaction. Even your client alludes to it. It's what the nature of the transaction is. And you're right, there's no cognizable evidence, including from your client who bears the burden. I have very little information from your client as to what happened.

MR. BOHMAN: So, Your Honor, when a startup company, take Microsoft, starts in someone's garage, there's no argument that there was a transaction that they could set up shop in the garage, right? This is simply an individual providing consent. The nature of the doctrine of consent simply means I am unable to bring a claim for conversion. I have consented, therefore you have a defense, but it confers no rights, no ownership whatsoever. And the law recognizes that those sorts of actions can be taken by those who own property without any sort of conferral of any sort of ownership or other right.

And so there simply is no transaction here. There is simply consent that was subsequently withdrawn. And due to both parole evidence rules, as well as the statute of frauds, there can be no other agreement, nor has there been any evidence, at least cognizable evidence, that contends otherwise. So there cannot be this sort of transaction.

We talked for a moment about the consent doctrine, its effect. We agree with the court that *Moore* is factually distinct, although we think it actually weighs in our favor.

In terms of the individual liability of a member, the court in

1 *Gardner* is fairly clear. What can't happen is, say, for example, so let's
2 take *Gardner*, there's an individual who nearly drowns at the facility, and
3 there is a lawsuit brought against the individual members for negligence.
4 The court says, well, that would be fine if you alleged that they
5 individually did something that would have resulted in some sort of
6 liability. But here we're assuming that the members, which are entities,
7 not individuals, aren't standing over the kiddie pool, they're not doing
8 whatever it is that resulted in the harm.

9 THE COURT: I understand the *Gardner* case. I understand
10 like individual members can be liable, especially if they're acting outside
11 the scope of the entity they're acting on behalf of. But what is the
12 evidence here that Clay, Nelson, and Perry are doing anything outside
13 of CPI?

14 MR. BOHMAN: So, Your Honor, so there's two points there,
15 the first is that the law does not require them to act outside, that's one
16 way they can be individually liable. But they can also be individually
17 liable merely if they engage personally in the requisite conduct.

18 So I'm looking at *Gardner* here, right? And it talks about the
19 statutes don't shield members for liability for personal negligence, which
20 was the claim at issue in *Gardner*, obviously not here. And then the
21 court says that they need to specify how an individual act or omission by
22 member LLC's contributed to injuries. Quote: a member remains
23 responsible for his or her acts or omissions to the extent they would be
24 actionable against the member, if the person were acting in their
25 individual capacity.

1 THE COURT: Exactly, in their individual capacity, as opposed
2 to in their capacity as a member.

3 MR. BOHMAN: So --

4 THE COURT: This comes up -- this case, by the way, is -- I
5 don't know if it's the motion of today, but it's frequently being cited these
6 days by the trial lawyer's bar to do exactly what you're trying to do. And
7 I routinely deny it.

8 MR. BOHMAN: So, Your Honor, as we mentioned in our
9 briefing, outside of *Gardner*, in similar context, individual members are
10 routinely held liable for injunctive relief if they directly participate, in this
11 case, in deceptive acts or have the authority to control them. The
12 holding of *Gardner*, as well as these other cases that are cited in our
13 papers, are that -- and while a member can say, hey, I had no part in
14 that thing that happened over there, so I can't be liable. But if I decided
15 to take that action, or I took it, then I can be liable.

16 And here we know that it's the members that are taking these
17 actions. It's the members that control how CPI uses its property. That is
18 explicit.

19 THE COURT: Well, it's always the members or the manager.
20 It's always, right? It's always the members or managers.

21 MR. BOHMAN: Not necessarily. Let me --

22 THE COURT: Who else is acting on behalf of the LLC?

23 MR. BOHMAN: -- let me explain that's not true, Your Honor.
24 Let's go, if we could, to Exhibit A, to the Operating Agreement. The
25 Operating Agreement's attached a few different places.

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THE COURT: I have it.

MR. BOHMAN: Perfect.

So if we go to Exhibit A, and we go to the member's relative interests, there's two types of actions that can be taken under the Operating Agreement. I'm happy to walk the court through them, if that's useful. One requires 51 percent of the interests agree on any particular action; the other requires 100 percent.

Here, it is undisputable that at least Mr. Clay and one other -- because Mr. Silva has been stripped of his interest purportedly, although we'll show the court in subsequent hearings how that's wholly improper -- has to act.

THE COURT: I don't have to decide that today, right?

MR. BOHMAN: Correct.

THE COURT: Okay.

MR. BOHMAN: But Mr. Clay, who owns 37.5 percent, can't reach even the 51 percent without someone else. Now maybe one of the other members is going to jump up and say, but I abstained, I said it was a bad idea. But at least Mr. Clay and one other personally acted, and that's how we know that they're individually liable. They're acting personally.

THE COURT: But they're acting on behalf of CPI. The stem cells were given to CPI. They're acting on behalf of CPI. And whatever they're doing to them, these processes, duplicating them, injecting them into people. How are they acting in their individual capacity, as opposed to their capacity as a member or manager of CPI?

1 MR. BOHMAN: And, Your Honor, the issue is, and I won't
2 belabor the point, but our position is, and I think it's strongly supported
3 by the case law, that they are not required to act outside their capacity.
4 It is what they individually choose to do in whatever capacity. They can't
5 hide behind immunity or the shield that is the LLC.

6 Moving on, Your Honor. In terms of the stem cells at issue,
7 and there was some question and confusion, and I am not an expert
8 witness, but to explain to the court our understanding we believe will be
9 borne out by expert testimony at some point.

10 THE COURT: Right.

11 MR. BOHMAN: As the court's aware, you have a sperm, you
12 have an egg, they come together, and then that forms the placenta, the
13 umbilical cord, and then ultimately the fetus. The cells come --

14 THE COURT: I mean, there's a few steps usually before then,
15 but yes, eventually.

16 MR. BOHMAN: Correct, Your Honor.

17 THE COURT: Yes. Like --

18 MR. BOHMAN: So these cells are taken from the placenta
19 and the umbilical cord, not from the children. So the privacy interest for
20 the children, which Nevada recognizes that parents have a need to
21 protect those sorts of interests.

22 THE COURT: But it's taken from the mother's umbilical cord,
23 but is there any dispute that it's the children's stem cells?

24 MR. BOHMAN: So they are not the children's stem cells, they
25 are genetically identical to the children. Does that make sense?

1 THE COURT: Okay. So I understand -- and we're using
2 these words interchangeably here. Like, for instance, when we talk
3 about Mr. Silva's cells, we might talk about that the cells are from him,
4 and we might talk about he owns them, right? There's two different
5 things. So I understand what you're saying, when we're saying the
6 children's stem cells, we're talking about are they identical, meaning
7 they reflect the children's genetic material.

8 MR. BOHMAN: Correct.

9 THE COURT: But then also who owns them? And so I have
10 no idea who owns the stem cells in the umbilical cord. Has any court
11 decided that who gets to alienate them? Like if there's a market, I
12 assume there is a market for stem cells, who gets to sell them?

13 MR. BOHMAN: So, Your Honor, we are not aware that the
14 court has decided that issue. We have looked. Our assumption, under
15 common law principles, are that they will be jointly owned by the
16 individuals who created it, that would be Mr. Silva and his wife jointly,
17 and they would both have rights in that material.

18 THE COURT: Are you telling me that if I have a kid, I can't, as
19 the person who had the umbilical cord inside me, I would need the dad's
20 permission?

21 MR. BOHMAN: Your Honor, no court has decided that.

22 THE COURT: I don't either. I don't know.

23 MR. BOHMAN: I don't know either.

24 THE COURT: I was just wondering in case I have another
25 kid.

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MR. BOHMAN: Understood, Your Honor.

So the idea that cells belong to the children is inaccurate. It's that they are genetically identical, and therefore concern their privacy rights, and then Mr. Silva and/or his wife's interests in those cells.

In terms of the law, the standard for injunctive relief, the case law is quite clear. What we can't do is graft on language that the legislature considered but rejected. It is unmistakably clear that they considered irreparable harm when they passed NRS 33.010, because they included it in sub two. They did not include it in sub one and sub three, and therefore it would be a violation of not only the black letter of the statute, which the court is empowered to interpret and apply, but also of clear legislative intent to hold otherwise. And, respectfully, Your Honor, would be fairly apparent reversible error.

And the last thing, in terms of the balance of the hardships. Mr. Silva has these privacy interests that we've discussed, but also opposing counsel has asserted repeatedly that they could use somebody else's cells, that they can supposedly acquire appropriately at low to no cost and very easily. And so in terms of balance of hardships, there's any hardship to Mr. Silva, it would weigh in his favor.

Happy to discuss any of those points further, Your Honor, if it's helpful.

THE COURT: I feel like I did have a question, which I've forgotten. And I apologize. Oh, this is more -- I don't think this is really relevant, but it touches upon what you just said -- and I'll ask the other side this as well -- which is it seems that people really, even from the

1 exhibits, that people really like Mr. Silva's cells. And I'm using that term
2 colloquially now. I don't know who these cells belong to at this point.
3 But the cells that Mr. Silva provided, that people really like them.

4 Is there anything -- I mean, he likes them too, it seems like he
5 wants to capitalize on them. Just for my own knowledge, because I
6 don't really know that much about stem cell therapy -- although I did see
7 a big billboard driving by the airport yesterday where another stem cell
8 therapy was being advertised -- what -- do you know what's particularly
9 special about these cells?

10 MR. BOHMAN: So, Your Honor, my understanding is,
11 obviously not an expert witness, et cetera, but my understanding is the
12 challenge with these cells is that it is unknown when you first extract and
13 modify them, as Mr. Silva did before consenting to CPI's use, how
14 effective they will be. You have hopes, you have informed guesses, but
15 then the proof comes about as they are actually used.

16 THE COURT: Oh, so it's the efficacy.

17 MR. BOHMAN: And Mr. Silva's cells have proven to be
18 effective.

19 THE COURT: Okay.

20 MR. BOHMAN: And so that is -- frankly, that's the competitive
21 advantage. Other people are still trying to prove their cells are effective,
22 and so the window is closing for Mr. Silva to benefit from having already
23 proven that.

24 THE COURT: Okay. Who's arguing for this side?

25 MR. CHRISTIANSEN: I will, Judge.

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THE COURT: Okay.

MR. CHRISTIANSEN: And I'll try to be brief and just kind of focus the court on -- go back with the court on what you talked about.

There's been no competent evidence presented to you on who owns what, what agreement was made, and it's their burden, they got to carry that and they haven't done it. I mean, not even the affidavit say here's the process that I own, that these individuals, that -- this is a conversion claim for injunction -- and a request for an injunction and against individuals who -- I'm super fluent in the *Gardner* case, being housed with Campbell & Williams. I know that case pretty cold.

THE COURT: You just walk down the hall.

MR. CHRISTIANSEN: Yeah, just walk down the hall.

The note, I mean, and I can talk to you factually about all of it. You're spot on, right? Guys like me, and the plaintiff's bar, are forever trying to use *Gardner* to say, well, I want to go after individuals. But if they're acting in their capacity as a member of an LLC, that's not allowed. And that's -- all the allegations are that the three gentlemen, Clay, --

THE COURT: Perry.

MR. CHRISTIANSEN: -- Perry, and Nelson were acting in their capacities, LLC. And then, as evidence of that, respectfully, opposing counsel points you to the voting percentages laid out in the Operating Agreement, which is proof positive they're acting in their capacity as members. I mean, that's not an example of individual liability.

1 In *Gardner*, one of the members also owned a construction
2 company that had built -- I mean, there's all kinds of factual distinctions
3 in *Gardner*. But your interpretation of *Gardner* is correct.

4 We laid out for -- and why they haven't sued -- why they
5 haven't named CPI in the injunction is beyond me, because, Judge, they
6 wrote -- this is Exhibit 3 to the complaint, the demand letter they write.

7 Let me see if I can get it. Your staff was laughing at me to
8 turn on the overhead again in your department. They said it hasn't been
9 used since last time I was here.

10 THE COURT: I think that's true.

11 THE COURT RECORDER: Try the zoom.

12 MR. CHRISTIANSEN: Zoom. Auto-tune?

13 MR. BENDAVID: Oh, you got it.

14 MR. CHRISTIANSEN: All right. The letter's written to CPI.
15 This is the foolish, we withdraw our consent, our license that we've
16 already gave you, or we use as capital contribution to become a
17 member of CPI. It's written to CPI. It's not written to these guys
18 individually.

19 And then the request -- I mean, let's -- of some interest, is
20 what they want in their demand letter, Judge, they want two Mexican
21 entities, two entities in Mexico -- over which you have no jurisdiction,
22 they are Mexican companies set up in Mexico -- they want them to
23 destroy all of these cells. That's the remedy they're seeking in their own
24 demand letter.

25 And so what you've got essentially, Your Honor, is an end run

1 attempt, because they know the court has no jurisdiction over the lab or
2 the hospital in Mexico, to go after individuals that, by their own letter,
3 they know are acting in the, you know, are just members of CPI who
4 they have a dispute with.

5 The dispute with CPI is an argument for a different day.
6 Today is: Does Silva get an injunction against individual members that
7 he has no privity to contract with, that he didn't give you agreement, that
8 he doesn't say what he sold, you know, the processes that are his? I
9 mean, what patents his? He didn't tell you that. And then that's kind
10 of -- you'll figure out --

11 THE COURT: Well, you know, you know the processes, that's
12 a whole different --

13 MR. CHRISTIANSEN: Right. But --

14 THE COURT: -- you know, there's sort of the material issue.

15 MR. CHRISTIANSEN: Correct.

16 THE COURT: And there's, you know, the injunction against
17 the processes issue.

18 MR. CHRISTIANSEN: And you don't have any of it, is my
19 point.

20 THE COURT: I mean, I don't think you need a patent. Like,
21 isn't there a patent at common law still?

22 MR. CHRISTIANSEN: Judge, way over my pay grade right
23 now.

24 THE COURT: I don't --

25 MR. CHRISTIANSEN: No idea.

1 THE COURT: There's not a patent claim in front of me today.

2 MR. CHRISTIANSEN: Correct.

3 THE COURT: It's a conversion claim so.

4 MR. CHRISTIANSEN: But what you correctly identified is
5 there are at least two different companies, BioRestorative and
6 Stemedica, that Mr. Silva's peddling or selling or whatever you want to
7 call it, these stem cell lines through. And one of them has a
8 non-compete agreement, says you can't be involved with a company like
9 CPI. Which is kind of funny, right? That he's getting 2.4 million for
10 working with CPI when he's employed by another company that says
11 you can't do that. But set that all aside.

12 THE COURT: Also not in front of me, right?

13 MR. CHRISTIANSEN: Correct.

14 THE COURT: Okay.

15 MR. CHRISTIANSEN: There is no irreparable harm. This is
16 all money. It can be corrected. I mean, he talks to you about, you know,
17 in their papers they argue that this is, the need for the injunction is so,
18 because the window is closing and he needs to further capitalize, that's
19 money.

20 THE COURT: He also brings up the privacy interest issue.

21 MR. CHRISTIANSEN: You know, Your Honor, my read of the
22 UCLA case, the long one, I wish I didn't -- never read it, but I did. Is
23 that --

24 THE COURT: Oh, *Moore*?

25 MR. CHRISTIANSEN: Yes.

1 THE COURT: *Versus the Regents?*

2 MR. CHRISTIANSEN: Yes.

3 Is that, in that case, Your Honor, what is natural, or not
4 man-made, there may be some privacy interest in. But when something
5 becomes man-made, or a third or fourth iteration of man-made, I use the
6 word "synthetic", synthetically created material, that, for the courts,
7 anywhere, to say there's a privacy interest to that -- and forget about
8 whose privacy interest, the kids, the parents, because they haven't
9 established that, which goes to their failure of meeting their burden --
10 that that would open a can of worms, the likes of which we've never
11 seen, because four generations down, whose is it? In fact --

12 THE COURT: I mean, my real issue here, and I'll say this to
13 the other side as well.

14 MR. CHRISTIANSEN: Sure.

15 THE COURT: Is that it's the example I gave. If I was sleeping
16 and someone came and took my genetic material without my
17 permission, I might have a problem with that.

18 MR. CHRISTIANSEN: Of course.

19 THE COURT: You might have a problem, too.

20 MR. CHRISTIANSEN: Of course. But if --

21 THE COURT: But it was willingly given over, is my issue.

22 MR. CHRISTIANSEN: Right.

23 THE COURT: And I've always thought about this. What
24 happens when you willingly give something over and it's just being
25 duplicated at that point?

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MR. CHRISTIANSEN: Correct. And if you take --

THE COURT: What's the privacy interest?

MR. CHRISTIANSEN: -- and if you take that theory, that even if I willingly gave it over, I still have a right to get it back, what about all the people that were injected with it? Arguably, they got to give it back, too, right? I mean, he got paid --

THE COURT: I assume that's not possible?

MR. CHRISTIANSEN: It is not.

THE COURT: Like, I mean, I don't know.

MR. CHRISTIANSEN: That's just taking the same short-sighted logic to its natural conclusion. There is no privacy interest, once you given it away. He admits, I mean, look at the letter, he says, I gave it. I mean, it says it over and over and over.

THE COURT: It's in the declaration as well. He says -- but he says he gave limited consent.

MR. CHRISTIANSEN: Where's -- it's his burden. He hasn't met the burden of the balancing of the equities, as your Honor said they haven't met. If there's damages to be had, it's monetary damages, which he can be repaired by under the statutes. Not to mention that if you have a conversion claim, you can't under NRS 600A.090 when you have a claim for -- it says: except for otherwise provided in section two, this chapter displaces conflicting tort. Tort, right, which is conversion.

THE COURT: But can they say it in the alternative at this stage of the case?

MR. CHRISTIANSEN: I don't think you can. Once --

1 THE COURT: Well, what happens if I dismiss that claim?
2 What happens if I dismiss the trade secret?

3 MR. CHRISTIANSEN: Then I'd have to go with it, right?

4 THE COURT: Don't you have a motion to dismiss? I don't
5 actually know. I haven't read your motion to dismiss.

6 MR. CHRISTIANSEN: There's motions to dismiss coming.
7 But I'm here to talk about --

8 THE COURT: Yeah.

9 MR. CHRISTIANSEN: -- an injunction --

10 THE COURT: Yeah.

11 MR. CHRISTIANSEN: -- against three individuals only acting
12 in their capacity as members. They just haven't met their burden and
13 you should -- your inclination was right. I won't belabor the point.

14 THE COURT: Do you want to say something about 33.010?

15 MR. CHRISTIANSEN: Judge, I think your analysis was
16 correct under the statute.

17 THE COURT: All right. Let me hear from Mr. Bohman.

18 MR. BOHMAN: Yes, Your Honor.

19 At minimum, it is clear from the evidence presented and
20 there's substantial circumstantial -- let me say it differently. There's
21 substantial circumstantial evidence that Mr. Silva, who is undoubtedly
22 the progenitor of the cells --

23 THE COURT: Oh, I like that word.

24 MR. BOHMAN: -- also owns them. That's why CPI and TAMs
25 reached out asking for licensing agreements, et cetera, that were

1 rejected. That's why these other entities have acknowledged, including
2 BioRestorative, who they alleged before this litigation was filed, oh, no,
3 you don't own the cells, it's BioRestorative. Well, clearly that's not true
4 either. It's crystal clear they don't own the cells and all the evidence, the
5 only evidence, is that we do.

6 My esteemed opposing counsel talked about a license, as
7 we've said, there is no such thing anywhere in evidence. The statute of
8 frauds and parole evidence precludes such a license.

9 In addition, regarding the Mexican entities, as the court is well
10 aware, agents of an adjoined party are similarly bound by injunctive
11 relief.

12 Let's talk for a moment about the process here, and it's
13 alleged in detail in the complaint and elsewhere, what Mr. Silva did was
14 he took -- he extracted cells and then manipulated them for efficacy for
15 this purpose. Those are called the master cells under the complaint.
16 Those master cells were then used to create a portion that we, in the
17 complaint, called the original cells. And it is those original cells that are
18 duplicated ad infinitum.

19 THE COURT: I did read your complaint, by the way so.

20 MR. BOHMAN: I'm so grateful, Your Honor. Thank you.

21 Okay. So --

22 THE COURT: Well, I had to, it was verified, right?

23 MR. BOHMAN: It is true.

24 THE COURT: It was your evidence.

25 MR. BOHMAN: Yes, it is.

1 THE COURT: Okay.

2 MR. BOHMAN: And so, Your Honor, the idea that somehow
3 these continue to morph over time is not true. The whole point of the
4 cells is that they don't morph over time. You're getting the same
5 benefits --

6 THE COURT: But that's the point of -- I understand that's the
7 point of cell lines is that -- I mean, I think that's part of the definition of a
8 cell line.

9 MR. BOHMAN: Correct.

10 THE COURT: But I didn't see anything about cells morphing.

11 MR. BOHMAN: Well, that was the argument that my
12 esteemed opposing counsel just made, that, oh, well, we're getting third
13 and fourth and fifth generations down, and now it no longer bears a
14 resemblance to the children's genetic code, when in fact it remains
15 identical. And there are still, again, those privacy interests.

16 Your Honor, I'm happy to respond to any additional items.
17 We've been clear about, and I think the law is clear, about the standard
18 for injunctive relief. I think that the harms are quite clear. I think the
19 court's aware of our positions.

20 Is there anything else I can do that's helpful to the court?

21 THE COURT: No. Thank you.

22 Thank you to both counsel. Really great briefing and
23 argument by both sets of counsel. Very interesting issues here,
24 including issues that I think touch on bioethics, which we didn't get into
25 that much either.

1 I'm going to deny the motion for preliminary injunction. Who
2 over on this side of the V is going to prepare the order?

3 MR. CHRISTIANSEN: Ms. Barrett will prepare the order, Your
4 Honor.

5 MS. BARRETT: I will.

6 THE COURT: Okay. Ms. Barrett.

7 MR. CHRISTIANSEN: Got to keep the organized one's in
8 charge.

9 THE COURT: Okay. So, you know, I set forth most of my
10 inclinations at the beginning. The one thing that I'll, a finding, or -- and
11 these are all preliminary findings -- that I'll slightly walk back is that it's
12 not entirely clear to me whether or not Mr. Silva can assert his -- while it
13 remains not entirely clear to me whether Mr. Silva can assert his
14 children's privacy interests, it's also not entirely clear to me that his -- he
15 doesn't have some type of ownership interest in the stem cells removed
16 from the umbilical cord of the children's mother.

17 But that's really not an issue I need to reach today because
18 my findings on the merits stand. I don't think Plaintiffs have come
19 forward and persuaded this court that they have a reasonable probability
20 of succeeding on the merits here and that is for -- largely for two
21 reasons. One, I don't have sufficient evidence of what the underlying
22 transaction constituted. I know Plaintiff's counsel argued that there
23 wasn't a transaction, but it belies credulity to say that there was no
24 transaction. There was some type of transaction. There was some type
25 of exchange that occurred here. And it's just not entirely clear to the

1 court what the terms of that exchange was.

2 And without that information, without at least, you know,
3 something more than computing declarations of the parties at this stage
4 that creates a real dispute of fact, the court's unable to assess what that
5 probability of succeeding on the merits are, and certainly is not
6 persuaded that Plaintiffs have a probability of succeeding on the merits
7 of their conversion claim.

8 With regard to the statute of frauds issues that was raised, I
9 don't recall that being raised in the papers. But even to the extent there
10 is a statute of frauds issue, the question isn't necessarily, you know,
11 whether or not the license was granted in perpetuity. Perhaps if it -- if it
12 was, and if that's what Defendants end up alleging at a later stage of the
13 case, perhaps there is a statute of frauds issue. But the basic point I'm
14 trying to make today is that I simply do not have evidence that
15 persuades me that this was the type of transaction where Mr. Silva could
16 withdraw his consent at any time for the use.

17 In addition to that, I find that -- or separate from that, I'm not
18 convinced that the conversion claim and injunctive relief can proceed
19 only against Clay, Nelson, and Perry, as opposed to the company CPI. I
20 reject the interpretation of *Gardner* that Plaintiff has proffered here.

21 Moving on to the likelihood of -- sorry, moving on from the
22 likelihood of success on the merits and to irreparable injury, I find that
23 this is the type where there is an adequate remedy at law. Just
24 presuming for the sake of the motion that Mr. Silva does retain privacy
25 interests in these cells, or at some point had privacy interests in the

1 cells, I find that he would have given up those privacy interests when he
2 provided the cells and the cell lines to CPI.

3 Accordingly, I reject any irreparable injury -- irreparable injury
4 argument based on the privacy interests. To the extent there is injury
5 based on privacy interests, it's already been -- injuries already occurred.

6 With regard to the monetary argument, monetary argument in
7 itself, the capitalization argument about another exclusive licensing
8 arrangement, is the definition of adequate remedy at law.

9 With regard to 33.010, in looking at that statute, when I read
10 subsection one, which states: When it shall appear by the complaint
11 that the plaintiff's entitled to the relief demanded, and such relief or any
12 part thereof consists in restraining the commission or continuance of the
13 act complained of, either for a limited period or perpetually. I don't read
14 that as saying that it's to the exclusion of -- or reads out the requirement
15 there be irreparable injury. We have longstanding case law that for
16 injunctive relief there cannot be an adequate remedy at law.

17 Two, I think subsection two merely reiterates the point that
18 when there's irreparable injury, that the court can institute an injunction.
19 There's a similar interpretation with regard to subsection three. And,
20 frankly, subsections two and three may go to that alternative test that the
21 federal courts use, which says that there has to be a serious question
22 raised and a significant tilting of the hardships in plaintiff's favor. And I
23 simply don't find that here where there is an adequate remedy at law.

24 All right. So Ms. Barrett will prepare findings of facts and
25 conclusions of law and order denying the injunction consistent with my

1 oral pronouncement, as well as consistent with any relevant points and
2 authorities that are raised in the briefs.

3 So let me explain that. You don't have to stick to only my
4 words. If it was just my words, I could copy and paste my minute order
5 and do an FFCL. I want authority in the brief, and I want any other
6 points that are relevant to make my oral pronouncement effective.

7 Please ensure that Mr. Bohman has an opportunity to review
8 and comment on that.

9 The order to me is due in two weeks. We'll do an in-chamber
10 status check on the 2nd to ensure receipt of the order.

11 This is a preliminary injunction, so I encourage you all to get
12 the order in as soon as possible, including so that Plaintiff can decide
13 whether or not to take an immediate appeal from the denial of the
14 preliminary injunction, because I want them to have that right, okay?

15 MR. BOHMAN: Thank you, Your Honor.

16 MS. BARRETT: Will do.

17 THE COURT: All right. Thank you very much.

18 MR. CHRISTIANSEN: Thank you, Your Honor. Have a good
19 day.

20 MS. BARRETT: Thank you, Your Honor.

21 THE COURT: Thank you to all counsel.

22 MR. BENDAVID: Thank you.

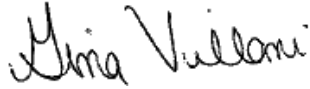
23 THE COURT: Appreciate you all.

24 [Hearing concluded at 12:00 p.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX

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

19 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.

Respectfully submitted by:

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Dated this 29th day of April, 2025.

Approved as to form:

SNELL & WILMER L.L.P.

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Francisco Silva, Plaintiff(s)

CASE NO: A-25-909767-B

vs.

DEPT. NO. Department 9

Ed Clay, Defendant(s)

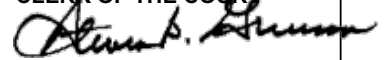
AUTOMATED CERTIFICATE OF SERVICE

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

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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; Dedrick 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 —



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

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

Dated this 5th day of May, 2025.

CHRISTIANSEN TRIAL LAWYERS

/s/ Whitney J. Barrett, Esq.
PETER S. CHRISTIANSEN, ESQ.
WHITNEY J. BARRETT, ESQ.
*Attorneys for CPI Management Group, LLC,
and Defendants, Clay, Nelson, and Perry*



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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 5th 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

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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**

19 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



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.

Respectfully submitted by:

CHRISTIANSEN TRIAL LAWYERS

/s/ Peter S. Christiansen, Esq.

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ADAMS & REESE
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Nashville, Tennessee 37203

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

Dated this 29th day of April, 2025.

Approved as to form:

SNELL & WILMER L.L.P.

/s/ V.R. Bohman, Esq.

V.R. Bohman, Esq.
Nevada Bar No. 13075
Xyzlo Lee, Esq.
Nevada Bar No. 16912
1700 South Pavilion Center Drive, Suite 700
Las Vegas, NV 89135

Attorneys for Plaintiff

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Francisco Silva, Plaintiff(s)

CASE NO: A-25-909767-B

vs.

DEPT. NO. Department 9

Ed Clay, Defendant(s)

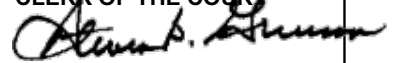
AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 4/30/2025

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10 *Attorneys for Plaintiff Francisco Silva*

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

13 Francisco Silva, an individual;
14
15 Plaintiff,

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

18 v.

19 Ed Clay, an individual; Scott Nelson, an
20 individual; Dedrick Perry, an individual;
21 Julie Freeman, an individual; Doe
22 Defendants 1 – 10;

23 **NOTICE OF APPEAL**

24 Defendants,

25 CPI Management Group, LLC, a Nevada
26 limited-liability company;
27 Nominal Defendant.

28 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

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18)
3 years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a
4 true and correct copy of the foregoing **NOTICE OF APPEAL** by method indicated below:

- 5 **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage
- 6 thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth
- 7 below.
- 8 **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic
- 9 filing and service upon the Court’s Service List for the above-referenced case.
- 10 **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of
- 11 the individual(s) listed below.

11 and addressed to the following:

12 Jeffery A. Bendavid, Esq.
 13 Jacqueline Vokoun, Esq.
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18 Aubrey B. Harwell III, Esq. (*PHV pending*)
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 22 *Attorneys for CPI Management Group, LLC,*
 23 *and Defendants Clay, Nelson, and Perry*

24 DATED this 16th day of May, 2025

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

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

Department 9

April 15, 2025 11:00 AM Preliminary Injunction Hearing

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

COURT CLERK: Wise, Kelli

RECORDER: Villani, Gina

REPORTER:

PARTIES PRESENT:

Jeffrey A. Bendavid Attorney for Defendant

Peter James Christiansen Attorney for Defendant

Vance R. Bohman Attorney for Plaintiff

Xyzlo Lee Attorney for Plaintiff

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

Case Information

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

Case Number
A-25-909767-B
File Date
01/10/2025

Court
Department 9
Case Type
NRS Chapters 78-89

Judicial Officer
Gall, Maria
Case Status
Open

Party

Plaintiff
Silva, Francisco

Active Attorneys ▼
Lead Attorney
Bohman, Vance R.
Retained

Attorney
Lee, Xyzlo
Retained

Attorney
Austin, Bradley
Retained

Defendant
Clay, Ed

Active Attorneys ▼
Attorney
Christiansen, Peter James
Retained

Lead Attorney
Bendavid, Jeffrey A.
Retained

Attorney
Vokoun, Jacqueline
Retained

Attorney
Barrett, Whitney
Retained

Defendant
Nelson, Scott

Active Attorneys ▼
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Vokoun, Jacqueline
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Defendant
Perry, Dedrick

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Vokoun, Jacqueline
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Defendant
Freeman, Julie

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Willson, Logan Gregory
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Defendant
CPI Management Group, LLC

Active Attorneys ▼
Attorney
Christiansen, Peter James
Retained

Lead Attorney
Bendavid, Jeffrey A.
Retained

Attorney
Barrett, Whitney
Retained

Events and Hearings

01/10/2025 Complaint (Business Court) ▼

Comment

[1] Verified Complaint

01/10/2025 Initial Appearance Fee Disclosure ▼

Comment

[2] Initial Appearance Fee Disclosure

01/10/2025 Summons Electronically Issued - Service Pending ▼

Comment

[3] Summons-Civil

02/24/2025 Initial Appearance Fee Disclosure ▼

Comment

[4] Initial Appearance Fee Disclosure

02/24/2025 Motion to Strike ▼

Comment

[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 ▼

Comment

[6] Clerk's Notice of Hearing

02/24/2025 Motion to Dismiss ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[9] Clerk's Notice of Hearing

02/25/2025 Clerk's Notice of Hearing ▼

Comment

[10] Notice of Hearing

02/25/2025 Clerk's Notice of Hearing ▼

Comment

[11] Notice of Change of Hearing

02/27/2025 Joinder ▼

Comment

[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 ▼

Comment

[13] Clerk's Notice of Hearing

02/28/2025 Joinder ▼

Comment

[14] 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)

02/28/2025 Clerk's Notice of Hearing ▼

Comment

[15] Notice of Hearing

03/07/2025 First Amended Complaint ▼

Comment

[16] Verified First Amended Complaint

03/07/2025 Motion for Preliminary Injunction ▼

Comment

[17] Application for Preliminary Injunction

03/10/2025 Clerk's Notice of Hearing ▼

Comment

[18] Notice of Hearing

03/10/2025 Motion ▼

Comment

[19] Motion to Serve Julie Freeman by Publication

03/13/2025 Order Shortening Time ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[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

03/19/2025 Motion to Continue ▼

Judicial Officer

Yeager, Bitá

Hearing Time

9:30 AM

Result

Granted

Comment

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

Parties Present ▲

Plaintiff

Attorney: Lee, Xyzlo

Attorney: Austin, Bradley

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

03/20/2025 Notice of Withdrawal of Motion ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[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)

03/21/2025 Notice of Withdrawal of Motion ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[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 ▼

Comment
[30] Notice of Hearing

03/24/2025 Clerk's Notice of Hearing ▼

Comment
[31] Clerk's Notice of Hearing

03/25/2025 Affidavit of Service ▼

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

03/25/2025 Withdrawal of Motion ▼

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

03/27/2025 Motion to Strike ▼

Judicial Officer
Gall, Maria

Hearing Time
9:00 AM

Cancel Reason
Vacated

Comment
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 Motion to Dismiss ▼

Judicial Officer
Gall, Maria

Hearing Time
9:00 AM

Cancel Reason
Vacated

Comment
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 Motion to Dismiss ▼

Judicial Officer
Gall, Maria

Hearing Time
9:00 AM

Cancel Reason
Vacated

Comment
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 Joinder ▼

Judicial Officer
Gall, Maria

Hearing Time
9:00 AM

Cancel Reason
Vacated

Comment

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 NRCP 12(b)(5)

03/27/2025 Joinder ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

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)

03/31/2025 Opposition ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

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

04/07/2025 Stipulation and Order ▼

Comment

[37] Stipulation and Order to Continue Hearing on Defendants' Motions to Dismiss

04/07/2025 Notice of Entry of Stipulation and Order ▼

Comment

[38] Notice of Entry of Stipulation and Order to Continue Hearing on Defendants Motions to Dismiss

04/08/2025 Reply in Support ▼

Comment

[39] Reply in Support of Plaintiff's Application for Preliminary Injunction

04/09/2025 Minute Order ▼

Judicial Officer

Gall, Maria

Hearing Time

11:41 AM

Result

Minute Order - No Hearing Held

Comment

Re: April 15, 2025, Hearing Time Change

04/10/2025 Motion ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Cancel Reason

Vacated

AA304

Comment
Application for Preliminary Injunction

04/15/2025 Preliminary Injunction Hearing ▾

Judicial Officer
Gall, Maria

Hearing Time
11:00 AM

Result
Denied

Parties Present ▲
Plaintiff

Attorney: Bohman, Vance R.

Attorney: Lee, Xyzlo

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

Defendant

Attorney: Christiansen, Peter James

Attorney: Bendavid, Jeffrey A.

04/16/2025 Court Recorders Invoice for Transcript ▾

Comment
[40]

04/16/2025 Recorders Transcript of Hearing ▾

Comment
[41] Recorder's Transcript of Hearing: Preliminary Injunction Hearing. Heard on April 15, 2025

04/25/2025 Motion to Dismiss ▾

Comment
[42] Defendant Julie Freeman's Motion to Dismiss

04/25/2025 Clerk's Notice of Hearing ▾

Comment
[43] Notice of Hearing on [42] Defendant Julie Freeman's Motion to Dismiss

04/30/2025 Order Denying ▾

Comment
[44] Order Denying Plaintiff's Application for Preliminary Injunction

05/02/2025 Status Check ▾

Judicial Officer
Gall, Maria

Hearing Time
3:00 AM

Cancel Reason

Vacated

Comment

Status Check: Submission of Order (Preliminary Injunction)

05/05/2025 Notice of Entry of Order ▼

Comment

[45] Notice of Entry of Order Denying Plaintiff's Application for Preliminary Injunction

05/06/2025 Reply ▼

Comment

[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 ▼

Comment

[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 ▼

Comment

[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)

05/07/2025 Reply ▼

Comment

[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 Opposition to Motion to Dismiss ▼

Comment

[50] Plaintiff's Opposition to Defendant Julie Freeman's Motion to Dismiss

05/12/2025 Minute Order ▼

Judicial Officer

Gall, Maria

Hearing Time

8:39 AM

Result

Minute Order - No Hearing Held

Comment

Re: May 13, 2025, Hearing

05/13/2025 Motion to Dismiss ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Result

Under Advisement

Comment

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)

05/13/2025 Motion to Dismiss ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Result

Under Advisement

Comment

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)

05/13/2025 All Pending Motions ▾

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Result

Matter Heard

Parties Present ▲

Plaintiff

Attorney: Bohman, Vance R.

Attorney: Lee, Xyzlo

Defendant

Attorney: Bendavid, Jeffrey A.

Attorney: Vokoun, Jacqueline

Attorney: Barrett, Whitney

Defendant

Attorney: Bendavid, Jeffrey A.

Attorney: Vokoun, Jacqueline

Attorney: Barrett, Whitney

Defendant

Attorney: Bendavid, Jeffrey A.

Attorney: Barrett, Whitney

Attorney: Vokoun, Jacqueline

Defendant

Attorney: Willson, Logan Gregory

Defendant

Attorney: Bendavid, Jeffrey A.

Attorney: Barrett, Whitney

05/16/2025 Notice of Appeal ▾

Comment

[51] Notice of Appeal

05/16/2025 Case Appeal Statement ▾

Comment

[52] Case Appeal Statement

05/19/2025 Notice of Change of Hearing ▾

Comment

[53] Notice of Change of Hearing

05/29/2025 Minute Order ▾

Judicial Officer
Gall, Maria
 Hearing Time
10:32 AM
 Result
Minute Order - No Hearing Held
 Comment
Re: Case Management Conference Set

06/05/2025 Hearing ▾

Judicial Officer
Gall, Maria
 Hearing Time
9:30 AM
 Comment
Case Management Conference

06/10/2025 Motion to Dismiss ▾

Judicial Officer
Gall, Maria
 Hearing Time
9:30 AM
 Comment
Defendant Julie Freeman's Motion to Dismiss

Financial

Silva, Francisco

Total Financial Assessment	\$1,554.00
Total Payments and Credits	\$1,554.00

1/10/2025	Transaction Assessment			\$1,530.00
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1/10/2025	Efile Payment	Receipt # 2025-03293-CCCLK	Silva, Francisco	(\$1,530.00)
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5/16/2025	Transaction Assessment			\$24.00
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5/16/2025	Efile Payment	Receipt # 2025-39719-CCCLK	Silva, Francisco	(\$24.00)
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CPI Management Group, LLC

Total Financial Assessment	\$1,845.87
Total Payments and Credits	\$1,845.87

2/24/2025	Transaction Assessment			\$1,573.00
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2/24/2025	Efile Payment	Receipt # 2025-14311-CCCLK	CPI Management Group, LLC	(\$1,573.00)
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4/16/2025	Transaction Assessment			\$272.87
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4/16/2025	Online Payment	Receipt # 2025-29963-CCCLK	Christiansen Trial Lawyers	(\$272.87)
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