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12 Attorneys for Chapter 11 Debtor  
 13 and Debtor in Possession

14 **UNITED STATES BANKRUPTCY COURT**  
 15 **FOR THE DISTRICT OF NEVADA**

16 In re:	Case No. 22-11824-abl
17 Front Sight Management LLC,	Chapter 11
18 Debtor.	

19 **NOTICE OF INTENT TO ISSUE SUBPOENAS**

20 Front Sight Management LLC, the chapter 11 debtor and debtor in possession herein, by and  
 21 through its counsel of record, BG Law LLP, hereby provides notice of intent to issue subpoenas to  
 22 the following parties: (i) Las Vegas Development Fund LLC; and (ii) Robert Dziubla. Copies of the  
 23 subpoenas are attached hereto as Exhibits 1, 2, 3 and 4.

24 DATED: July 15, 2022 BG LAW LLP

25 By: /s/ Jessica S. Wellington  
 26 Steven T. Gubner  
 27 Susan K. Sefflin  
 28 Jessica S. Wellington  
 Attorneys for Chapter 11 Debtor  
 and Debtor in Possession

# **EXHIBIT “1”**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT
District of Nevada

In re Front Sight Management, LLC
Debtor

Case No. 22-11824-abl

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Person(s) Most Knowledgeable for Las Vegas Development Fund, LLC

[X] Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

Table with 2 columns: PLACE (Via Zoom - Instructions to Follow Separately) and DATE AND TIME (August 1, 2022 at 9:30 a.m. PT)

The examination will be recorded by this method: By audio and/or video technology in addition to stenographically

[ ] Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 7/15/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Front Sight Management, LLC, who issues or requests this subpoena, are:

Steven T. Gubner, BG Law LLP, 300 S. 4th Street, Suite 1500, Las Vegas, NV 89101; sgubner@bg.law; (702) 835-0800

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# **EXHIBIT “2”**

B2570 (Form 2570 – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/15)

**UNITED STATES BANKRUPTCY COURT**

District of Nevada

In re Front Sight Management, LLC,  
Debtor

Case No. 22-11824-abl

(Complete if issued in an adversary proceeding)

Chapter 11

\_\_\_\_\_  
Plaintiff

v.

Adv. Proc. No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To: **Las Vegas Development Fund, LLC**

**Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **PLEASE SEE EXHIBIT 1**

PLACE <b>BG Law LLP, 300 S. 4th Street Suite 1500 Las Vegas, NV 89101</b> <b>or electronically via DropBox or similar application</b>	DATE AND TIME <b>July 29, 2022 at 9:30 a.m. PT</b>
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**Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 7/15/2022

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing (*name of party*) Front Sight Management, LLC, who issues or requests this subpoena, are: Steven T. Gubner, BG Law LLP, 300 S. 4th Street, Suite 1500, Las Vegas, NV 89101; sgubner@bg.law; (702) 835-0800

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:



**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

1                   **EXHIBIT 1 TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR**  
2                   **OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR**  
3                   **ADVERSARY PROCEEDING)**

4   **I.**

5   **INSTRUCTION AND PRELIMINARY STATEMENT**

6                   The following instructions shall be considered to be applicable to all demands for production  
7 of documents contained herein:

8                   A.       In producing documents and things, you are requested to furnish all documents  
9 known or available to you, regardless of whether these documents are in your possession, custody or  
10 control or are possessed by any subsidiary or affiliated entities, officers, directors, agents,  
11 employees, representatives, investigators, or by your attorneys or their agents, employees,  
12 representatives or investigators.

13                   B.       In producing documents, any comment, notation, or marking appearing on any  
14 document and not a part of the original is to be considered a separate document, and any draft,  
15 preliminary form or superseded version of any document is also to be considered a separate  
16 document.

17                   C.       In producing documents, all documents should be produced in the same order as they  
18 are kept or maintained.

19                   D.       In producing documents, all documents should be produced in the file, folder,  
20 envelope or other container in which the documents are kept or maintained. If for any reason said  
21 container cannot be produced, please produce copies of all labels or other identifying markings.

22                   E.       In producing documents, documents attached to each other must not be separated.

23                   F.       In producing documents, if you assert any privilege concerning the identification or  
24 production of any of the documents described below, or if you object to the identification or  
25 production of any such documents on any grounds, or if you for any reason contend that any of the  
26 documents described below are not subject to discovery for any reason, then specify in detail in your  
27 response, the precise grounds for the objection, privilege, or other contention which you make in this  
28 regard, and describe in detail the document or documents as to which you assert this privilege,

1 objection or contention. Such description shall include a statement of the general nature of the  
2 document, the name of each person who executed it, the name of each person who has received the  
3 original or copies of it, the name of each person who has seen the original or any copies of it, the  
4 name of each person with whom it was discussed, and a general description of the nature and  
5 contents of the documents. Finally, you should identify and produce for inspection and copying all  
6 documents which fit the description set forth below as to which you do not assert any such privilege,  
7 objection or contention.

8 G. In producing documents, the words “and” and “or” shall be construed conjunctively  
9 or disjunctively, whichever makes the request more inclusive. The term “any” includes the word  
10 “all”; the term “all” includes the word “any.” The terms “all,” “each,” and “every” shall be  
11 construed so as to make the request more inclusive.

12 **II.**

13 **DEFINITIONS**

14 A. The terms “YOU” and “YOUR” shall refer to Las Vegas Development Fund, LLC, a  
15 Nevada limited liability company, its officers, directors, managers, members, employees, agents  
16 and/or representatives acting on its behalf.

17 B. “COMMUNICATIONS” shall mean correspondence, telephone conversations,  
18 person-to-person conversations, memoranda, e-mails (including text messages, correspondence and  
19 the like), facsimiles, telegrams, press releases, announcements, audio and video recordings and all  
20 other forms of communicating language or thought.

21 C. “DEBTOR” shall refer to debtor Front Sigh Management, LLC, its officers, directors,  
22 managers, members, employees, agents and/or representatives acting on its behalf.

23 D. “DOCUMENTS” shall mean and refer to the definition of “writing” set forth in  
24 Federal Rule of Evidence 1001, and includes the original and any non-identical duplicates, and both  
25 sides thereof, no matter how produced, prepared, stored, recorded, reproduced or transmitted, of  
26 handwriting, typewriting, printing, photostating, photographing, electronic mail (e-mail) and every  
27 other means of recording upon any tangible thing, documents stored in electronic form,  
28 computerized records, computer files and all other information capable of being retrieved from a

1 computer, and any other form of communication and representation, including letters, words,  
2 pictures, sounds, and symbols, or combinations thereof, and including correspondence, letters and  
3 other communications.

4 E. The term “LOAN” means and refers to that certain Construction Loan Agreement and  
5 Promissory Note dated October 6, 2016, as amended from time to time, entered into between YOU  
6 and the DEBTOR.

7 F. The phrase “POSSESSION, CUSTODY or CONTROL” applies to (a) a  
8 DOCUMENT in YOUR physical custody; (b) a DOCUMENT that YOU own in whole or in part; (c)  
9 a DOCUMENT that YOU have the right by contract, statute, or otherwise to use, inspect, examine,  
10 or copy on any terms; (d) a DOCUMENT for which YOU have any understanding (express or  
11 implied) that YOU may use, examine, or copy on any terms; or a DOCUMENT that YOU have, as a  
12 practical matter, the ability to use, inspect, examine, or copy.

13 G. The term “PROPERTY” means and refers to that certain 550 acres of raw land in  
14 Pahrump, Nevada, owned by the DEBTOR.

15 H. “REGARDING” shall mean, pertaining to, mentioning, discussing, including,  
16 summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with,  
17 embodying, evidencing, constituting, concerning, reporting, purporting or involving an act  
18 occurrence, event, transaction, fact, thing or course of dealing.

19 I. “RELATING,” “RELATED TO,” “EVIDENCING,” or “DEMONSTRATING” shall  
20 mean supporting, refuting, undermining, constituting, pertaining to, in connection with, reflecting,  
21 referring to, based upon, evidencing, demonstrating, stating or in any manner logically, factually,  
22 indirectly or directly, or in any other way connecting to the matter addressed in the request.

23 J. “RELEVANT PERIOD” shall mean the period of time between January 1, 2012  
24 through and including the present date.

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**III.**

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**DOCUMENTS TO BE PRODUCED**

**REQUEST FOR PRODUCTION NO. 1:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL RELATED TO the LOAN, other than COMMUNICATIONS with YOUR counsel.

**REQUEST FOR PRODUCTION NO. 2:**

All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL RELATED TO the LOAN, other than COMMUNICATIONS with YOUR counsel.

**REQUEST FOR PRODUCTION NO. 3:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING a detailed accounting of the LOAN, including principal, interest, sub-totaled monthly.

**REQUEST FOR PRODUCTION NO. 4:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING a detailed accounting of any and all attorneys' fees incurred related to the LOAN, sub-totaled monthly.

**REQUEST FOR PRODUCTION NO. 5:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING YOUR calculation of interest under the LOAN.

**REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING expenses paid by YOU RELATED TO the LOAN, including, but not limited to, expenses that were added to the balance of the LOAN and expenses paid by YOU directly.

**REQUEST FOR PRODUCTION NO. 7:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING payments made by the DEBTOR to YOU on account of the LOAN.

**REQUEST FOR PRODUCTION NO. 8:**

All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING payments made by the DEBTOR to YOU on account of the Immigrant Investor Program.

1 **REQUEST FOR PRODUCTION NO. 9:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
3 disposition of the payments made by the DEBTOR to YOU on account of the LOAN.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
6 disposition of the payments made by the DEBTOR to YOU on account of the Immigrant Investor  
7 Program.

8 **REQUEST FOR PRODUCTION NO. 11:**

9 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
10 YOUR allegation that the DEBTOR is in default under the LOAN.

11 **REQUEST FOR PRODUCTION NO. 12:**

12 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
13 EVIDENCING YOUR allegation that the DEBTOR is in default under the LOAN.

14 **REQUEST FOR PRODUCTION NO. 13:**

15 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
16 YOUR allegation that the DEBTOR was in default under the LOAN in 2018.

17 **REQUEST FOR PRODUCTION NO. 14:**

18 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
19 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2018.

20 **REQUEST FOR PRODUCTION NO. 15:**

21 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
22 YOUR allegation that the DEBTOR was in default under the LOAN in 2019.

23 **REQUEST FOR PRODUCTION NO. 16:**

24 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
25 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2019.

26 **REQUEST FOR PRODUCTION NO. 17:**

27 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
28 YOUR allegation that the DEBTOR was in default under the LOAN in 2020.

1 **REQUEST FOR PRODUCTION NO. 18:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
3 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2020.

4 **REQUEST FOR PRODUCTION NO. 19:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING  
6 insurance policies in YOUR POSSESSION, CUSTODY, OR CONTROL, RELATED TO the  
7 PROPERTY.

8 **REQUEST FOR PRODUCTION NO. 20:**

9 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
10 insurer REGARDING insurance policies in YOUR POSSESSION, CUSTODY, OR CONTROL,  
11 RELATED TO the PROPERTY.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
14 work performed by YOU in furtherance of raising funds for the DEBTOR under the Immigrant  
15 Investor Program.

16 **REQUEST FOR PRODUCTION NO. 22:**

17 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or  
18 refute each and every representation that YOU made to the DEBTOR REGARDING the LOAN.

19 **REQUEST FOR PRODUCTION NO. 23:**

20 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL that support  
21 or refute each and every representation that YOU made to the DEBTOR REGARDING the LOAN.

22 **REQUEST FOR PRODUCTION NO. 24:**

23 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
24 actual, potential, or prospective investors REGARDING the LOAN.

25 **REQUEST FOR PRODUCTION NO. 25:**

26 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
27 agent and/or broker for any actual, potential, or prospective investors REGARDING the LOAN.

28

1 **REQUEST FOR PRODUCTION NO. 26:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or  
3 refute each and every representation that YOU made to any actual, potential, or prospective investors  
4 REGARDING the LOAN.

5 **REQUEST FOR PRODUCTION NO. 27:**

6 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL that support  
7 or refute each and every representation that YOU made to any actual, potential, or prospective  
8 investors REGARDING the LOAN.

9 **REQUEST FOR PRODUCTION NO. 28:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that identify each  
11 investor and/or investment transaction RELATED TO the DEBTOR, including, but not limited to,  
12 the identity of each investor, the country of origin of each investor, the date of the transaction, the  
13 amount of the investment, the source of the funds for the investment, the current immigration status  
14 of the investor, and the current status of the investment.

15 **REQUEST FOR PRODUCTION NO. 29:**

16 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
17 federal agency REGARDING the LOAN, including but not limited to communications with the  
18 United States Citizenship and Immigration Services (“USCIS”).

19 **REQUEST FOR PRODUCTION NO. 30:**

20 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent to or received  
21 by YOU from any federal agency REGARDING the LOAN.

22 **REQUEST FOR PRODUCTION NO. 31:**

23 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
24 and any third party REGARDING the LOAN, other than COMMUNICATIONS with YOUR  
25 counsel.

26 **REQUEST FOR PRODUCTION NO. 32:**

27 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent to or received  
28 by YOU from any third party REGARDING the LOAN.



1 **REQUEST FOR PRODUCTION NO. 33:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
3 source of any funds used by YOU to fund the LOAN, including but not limited to the identify of any  
4 EB-5 investors.

5 **REQUEST FOR PRODUCTION NO. 34:**

6 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
7 the source of any funds used by YOU to fund the LOAN, including but not limited to the identify of  
8 any EB-5 investors.

9 **REQUEST FOR PRODUCTION NO. 35:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sufficient to  
11 identify the number of EB-5 investors and the amount of funds they contributed to fund the LOAN.

12 **REQUEST FOR PRODUCTION NO. 36:**

13 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sufficient to  
14 identify the number of EB-5 investors and the amount of funds they contributed to fund the LOAN.

15 **REQUEST FOR PRODUCTION NO. 37:**

16 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
17 source of any funds received by YOU from EB-5 investors that provided funds for the LOAN,  
18 including but not limited to funds provided to Debtor, funds yet to be provided to Debtor, and funds  
19 received by YOU that have been used for purposes other than the principal of the LOAN, including  
20 but not limited to funds received by YOU or your affiliates, administrative fees, marketing fees,  
21 payments to migration companies, and payments to third-parties.

22 **REQUEST FOR PRODUCTION NO. 38:**

23 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
24 the source of any funds received by YOU from EB-5 investors that provided funds for the LOAN,  
25 including but not limited to funds provided to Debtor, funds yet to be provided to Debtor, and funds  
26 received by YOU that have been used for purposes other than the principal of the LOAN, including  
27 but not limited to funds received by YOU or your affiliates, administrative fees, marketing fees,  
28 payments to migration companies, and payments to third-parties.

1 **REQUEST FOR PRODUCTION NO. 39:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
3 date(s) through which any of YOUR EB-5 investors' capital must remain at risk, as it pertains to the  
4 LOAN.

5 **REQUEST FOR PRODUCTION NO. 40:**

6 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
7 the date(s) through which any of YOUR EB-5 investors' capital must remain at risk, as it pertains to  
8 the LOAN.

9 **REQUEST FOR PRODUCTION NO. 41:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to job  
11 creation resulting from the LOAN, including but not limited to expert reports and information  
12 submitted to USCIS.

13 **REQUEST FOR PRODUCTION NO. 42:**

14 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
15 job creation resulting from the LOAN, including but not limited to expert reports and information  
16 submitted to USCIS.

17 **REQUEST FOR PRODUCTION NO. 43:**

18 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to the  
19 number of jobs that must be created to sustain the EB-5 investors eligibility in the EB-5 program, as  
20 it pertains to the LOAN.

21 **REQUEST FOR PRODUCTION NO. 44:**

22 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
23 the number of jobs that must be created to sustain the EB-5 investors eligibility in the EB-5 program,  
24 as it pertains to the LOAN.

25 **REQUEST FOR PRODUCTION NO. 45:**

26 Any requests for evidence from USCIS received by YOU or any of YOUR EB-5 investors  
27 related to the LOAN.

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1 **REQUEST FOR PRODUCTION NO. 46:**

2 Any requests for evidence received by USCIS by YOU or any of YOUR EB-5 investors  
3 related to the LOAN.

4 **REQUEST FOR PRODUCTION NO. 47:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support YOUR  
6 requests for any DOCUMENTS from DEBTOR, as it relates to the EB-5 program or the EB-5  
7 investors, including but not limited to the basis for any DOCUMENTS you claim are needed by the  
8 EB-5 investors and/or to submit to USCIS.

9 **REQUEST FOR PRODUCTION NO. 48:**

10 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL that support  
11 YOUR requests for any DOCUMENTS from DEBTOR, as it relates to the EB-5 program or the EB-  
12 5 investors, including but not limited to the basis for any DOCUMENTS you claim are needed by  
13 the EB-5 investors and/or to submit to USCIS.

14 **REQUEST FOR PRODUCTION NO. 49:**

15 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
16 immigration status of any of the EB-5 investors providing funds for the LOAN, including but not  
17 limited to whether they have submitted and/or received approval of their form I-526 or I-829, and  
18 whether they have been granted conditional residence status.

19 **REQUEST FOR PRODUCTION NO. 50:**

20 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
21 the immigration status of any of the EB-5 investors providing funds for the LOAN, including but not  
22 limited to whether they have submitted and/or received approval of their form I-526 or I-829, and  
23 whether they have been granted conditional residence status.

24 **REQUEST FOR PRODUCTION NO. 51:**

25 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to the  
26 source of the \$2.7 million that YOU sought to loan to the DEBTOR, on or about March 11, 2022,  
27 including whether those funds were obtained from EB-5 investors.  
28

1 **REQUEST FOR PRODUCTION NO. 52:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
3 the source of the \$2.7 million that YOU sought to loan to the DEBTOR, on or about March 11,  
4 2022, including whether those funds were obtained from EB-5 investors.

5 **REQUEST FOR PRODUCTION NO. 53:**

6 All demands, complaints, arbitration demands, lawsuits, or communications or documents  
7 threatening legal action from any EB-5 investors or third-parties, excluding the DEBTOR, related to  
8 the LOAN.

9 **REQUEST FOR PRODUCTION NO. 54:**

10 All I-526 or I-829 approvals or denials received by YOU, YOUR affiliates, or EB-5  
11 investors, RELATED TO the LOAN.

12 **REQUEST FOR PRODUCTION NO. 55:**

13 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL created by the EB5  
14 Impact Advisors LLC REGARDING the LOAN.

15 **REQUEST FOR PRODUCTION NO. 56:**

16 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that YOU sent to  
17 the EB5 Impact Advisors LLC REGARDING the LOAN.

18 **REQUEST FOR PRODUCTION NO. 57:**

19 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent by the EB5  
20 Impact Advisors LLC to any actual, potential, or prospective investor REGARDING the LOAN.

21 **REQUEST FOR PRODUCTION NO. 58:**

22 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sent by the  
23 EB5 Impact Advisors LLC to any actual, potential, or prospective investor REGARDING the  
24 LOAN.

25 **REQUEST FOR PRODUCTION NO. 59:**

26 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL created by the EB5  
27 Impact Capital Regional Center LLC REGARDING the LOAN.

28

1 **REQUEST FOR PRODUCTION NO. 60:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that YOU sent to  
3 the EB5 Impact Capital Regional Center LLC REGARDING the LOAN.

4 **REQUEST FOR PRODUCTION NO. 61:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent by the EB5  
6 Impact Capital Regional Center LLC to any actual, potential, or prospective investor REGARDING  
7 the LOAN.

8 **REQUEST FOR PRODUCTION NO. 62:**

9 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sent by the  
10 EB5 Impact Capital Regional Center LLC to any actual, potential, or prospective investor  
11 REGARDING the LOAN.

12 **REQUEST FOR PRODUCTION NO. 63:**

13 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
14 requirements under the Immigrant Investor Program RELATED TO the LOAN.

15 **REQUEST FOR PRODUCTION NO. 64:**

16 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL RELATED  
17 TO the requirements under the Immigrant Investor Program RELATED TO the LOAN.

18 **REQUEST FOR PRODUCTION NO. 65:**

19 All DOCUMENTS, including, but not limited to, bank statements, manuals, operating  
20 procedures, memoranda, circulars, announcements, and emails, that establish, govern, amend, or  
21 otherwise control YOUR receipt, handling, control, utilization, and/or distribution of the money  
22 received from the actual, potential, or prospective investors and/or EB-5 visa applicants RELATED  
23 TO the LOAN.

24 **REQUEST FOR PRODUCTION NO. 66:**

25 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING  
26 YOUR allegation that the DEBTOR violated the *Order Granting Las Vegas Development Fund*  
27 *LLC's Application for a Temporary Restraining Order and Motion for Preliminary Injunction to*  
28 *Prevent Transfer, Waste, and Destruction of Las Vegas Development Fund, LLC's Security and*

1 *Collateral*, entered in the styled *Front Sight Management LLC v. Las Vegas Development Fund*  
2 *LLC, at al.*, Case No. A-18-781084-B, in the Eighth Judicial District Court, Clark County, Nevada.

3 **REQUEST FOR PRODUCTION NO. 67:**

4 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
5 REGARDING YOUR allegation that the DEBTOR violated the *Order Granting Las Vegas*  
6 *Development Fund LLC's Application for a Temporary Restraining Order and Motion for*  
7 *Preliminary Injunction to Prevent Transfer, Waste, and Destruction of Las Vegas Development*  
8 *Fund, LLC's Security and Collateral*, entered in the styled *Front Sight Management LLC v. Las*  
9 *Vegas Development Fund LLC, at al.*, Case No. A-18-781084-B, in the Eighth Judicial District  
10 Court, Clark County, Nevada.

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# **EXHIBIT “3”**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

District of Nevada

In re Front Sight Management LLC Debtor

Case No. 22-11824-abl

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Robert Dziubla (Name of person to whom the subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

Table with 2 columns: PLACE (Via Zoom - Instructions to Follow Separately) and DATE AND TIME (August 1, 2022 at 1:00 p.m.)

The examination will be recorded by this method: By audio and/or video technology in addition to stenographically

Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 7/15/2022

CLERK OF COURT Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Front Sight Management LLC, who issues or requests this subpoena, are:

Steven T. Gubner, BG Law LLP, 300 S. 4th Street, Suite 1500, Las Vegas, NV 89101; sgubner@bg.law; (702) 835-0800

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# **EXHIBIT “4”**

B2570 (Form 2570 – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/15)

UNITED STATES BANKRUPTCY COURT

District of Nevada

In re Front Sight Management LLC  
Debtor

Case No. 22-11824-abl

(Complete if issued in an adversary proceeding)

Chapter 11

Plaintiff

Adv. Proc. No. \_\_\_\_\_

v.

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To: Robert Dziubla  
(Name of person to whom the subpoena is directed)

**Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: [See Exhibit 1 attached hereto.](#)

PLACE <a href="#">Via Zoom - Instructions to Follow Separately</a>	DATE AND TIME <u>07/29/22</u> <u>9:30 am</u>
---	---

**Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/15/22

CLERK OF COURT  
  
\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

OR  
  
  
\_\_\_\_\_  
Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Front Sight Management LLC, who issues or requests this subpoena, are:  
Steven T. Gubner, BG Law LLP, 300 S. 4th Street, Suite 1500, Las Vegas, NV 89101; sgubner@bg.law; (702) 835-0800

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

1 **EXHIBIT 1 TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR**  
2 **OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR**  
3 **ADVERSARY PROCEEDING)**

4 **I.**

5 **INSTRUCTION AND PRELIMINARY STATEMENT**

6 The following instructions shall be considered to be applicable to all demands for production  
7 of documents contained herein:

8 A. In producing documents and things, you are requested to furnish all documents  
9 known or available to you, regardless of whether these documents are in your possession, custody or  
10 control or are possessed by any subsidiary or affiliated entities, officers, directors, agents,  
11 employees, representatives, investigators, or by your attorneys or their agents, employees,  
12 representatives or investigators.

13 B. In producing documents, any comment, notation, or marking appearing on any  
14 document and not a part of the original is to be considered a separate document, and any draft,  
15 preliminary form or superseded version of any document is also to be considered a separate  
16 document.

17 C. In producing documents, all documents should be produced in the same order as they  
18 are kept or maintained.

19 D. In producing documents, all documents should be produced in the file, folder,  
20 envelope or other container in which the documents are kept or maintained. If for any reason said  
21 container cannot be produced, please produce copies of all labels or other identifying markings.

22 E. In producing documents, documents attached to each other must not be separated.

23 F. In producing documents, if you assert any privilege concerning the identification or  
24 production of any of the documents described below, or if you object to the identification or  
25 production of any such documents on any grounds, or if you for any reason contend that any of the  
26 documents described below are not subject to discovery for any reason, then specify in detail in your  
27 response, the precise grounds for the objection, privilege, or other contention which you make in this  
28 regard, and describe in detail the document or documents as to which you assert this privilege,

1 objection or contention. Such description shall include a statement of the general nature of the  
2 document, the name of each person who executed it, the name of each person who has received the  
3 original or copies of it, the name of each person who has seen the original or any copies of it, the  
4 name of each person with whom it was discussed, and a general description of the nature and  
5 contents of the documents. Finally, you should identify and produce for inspection and copying all  
6 documents which fit the description set forth below as to which you do not assert any such privilege,  
7 objection or contention.

8 G. In producing documents, the words “and” and “or” shall be construed conjunctively  
9 or disjunctively, whichever makes the request more inclusive. The term “any” includes the word  
10 “all”; the term “all” includes the word “any.” The terms “all,” “each,” and “every” shall be  
11 construed so as to make the request more inclusive.

12 **II.**

13 **DEFINITIONS**

14 A. The terms “YOU” and “YOUR” shall refer to Robert Dziubla, and any attorneys,  
15 agents and/or representatives acting on your behalf.

16 B. “COMMUNICATIONS” shall mean correspondence, telephone conversations,  
17 person-to-person conversations, memoranda, e-mails (including text messages, correspondence and  
18 the like), facsimiles, telegrams, press releases, announcements, audio and video recordings and all  
19 other forms of communicating language or thought.

20 C. “DEBTOR” shall refer to debtor Front Sigh Management, LLC, its officers, directors,  
21 managers, members, employees, agents and/or representatives acting on its behalf.

22 D. “DOCUMENTS” shall mean and refer to the definition of “writing” set forth in  
23 Federal Rule of Evidence 1001, and includes the original and any non-identical duplicates, and both  
24 sides thereof, no matter how produced, prepared, stored, recorded, reproduced or transmitted, of  
25 handwriting, typewriting, printing, photostating, photographing, electronic mail (e-mail) and every  
26 other means of recording upon any tangible thing, documents stored in electronic form,  
27 computerized records, computer files and all other information capable of being retrieved from a  
28 computer, and any other form of communication and representation, including letters, words,



1 pictures, sounds, and symbols, or combinations thereof, and including correspondence, letters and  
2 other communications.

3 E. The term “LOAN” means and refers to that certain Construction Loan Agreement and  
4 Promissory Note dated October 6, 2016, as amended from time to time, entered into between LVDF  
5 and the DEBTOR.

6 F. The Term “LVDF” shall refer to Las Vegas Development Fund, LLC, a Nevada  
7 limited liability company, its officers, directors, managers, members, employees, agents and/or  
8 representatives acting on its behalf.

9 G. The phrase “POSSESSION, CUSTODY or CONTROL” applies to (a) a  
10 DOCUMENT in YOUR physical custody; (b) a DOCUMENT that YOU own in whole or in part; (c)  
11 a DOCUMENT that YOU have the right by contract, statute, or otherwise to use, inspect, examine,  
12 or copy on any terms; (d) a DOCUMENT for which YOU have any understanding (express or  
13 implied) that YOU may use, examine, or copy on any terms; or a DOCUMENT that YOU have, as a  
14 practical matter, the ability to use, inspect, examine, or copy.

15 H. The term “PROPERTY” means and refers to that certain 550 acres of raw land in  
16 Pahrump, Nevada, owned by the DEBTOR.

17 I. “REGARDING” shall mean, pertaining to, mentioning, discussing, including,  
18 summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with,  
19 embodying, evidencing, constituting, concerning, reporting, purporting or involving an act  
20 occurrence, event, transaction, fact, thing or course of dealing.

21 J. “RELATING,” “RELATED TO,” “EVIDENCING,” or “DEMONSTRATING” shall  
22 mean supporting, refuting, undermining, constituting, pertaining to, in connection with, reflecting,  
23 referring to, based upon, evidencing, demonstrating, stating or in any manner logically, factually,  
24 indirectly or directly, or in any other way connecting to the matter addressed in the request.

25 K. “RELEVANT PERIOD” shall mean the period of time between January 1, 2012  
26 through and including the present date.

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1 III.

2 **DOCUMENTS TO BE PRODUCED**

3 **REQUEST FOR PRODUCTION NO. 1:**

4 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL RELATED TO the  
5 LOAN, other than COMMUNICATIONS with YOUR counsel.

6 **REQUEST FOR PRODUCTION NO. 2:**

7 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL RELATED  
8 TO the LOAN, other than COMMUNICATIONS with YOUR counsel.

9 **REQUEST FOR PRODUCTION NO. 3:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
11 expenses paid by YOU RELATED TO the LOAN, including, but not limited to, expenses that were  
12 added to the balance of the LOAN and expenses paid by YOU directly.

13 **REQUEST FOR PRODUCTION NO. 4:**

14 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
15 payments made by the DEBTOR to YOU on account of the LOAN.

16 **REQUEST FOR PRODUCTION NO. 5:**

17 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
18 payments made by the DEBTOR to YOU on account of the Immigrant Investor Program.

19 **REQUEST FOR PRODUCTION NO. 6:**

20 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
21 disposition of the payments made by the DEBTOR to YOU on account of the LOAN.

22 **REQUEST FOR PRODUCTION NO. 7:**

23 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
24 disposition of the payments made by the DEBTOR to YOU on account of the Immigrant Investor  
25 Program.

26 **REQUEST FOR PRODUCTION NO. 8:**

27 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
28 YOUR allegation that the DEBTOR is in default under the LOAN.

1 **REQUEST FOR PRODUCTION NO. 9:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
3 EVIDENCING YOUR allegation that the DEBTOR is in default under the LOAN.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
6 YOUR allegation that the DEBTOR was in default under the LOAN in 2018.

7 **REQUEST FOR PRODUCTION NO. 11:**

8 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
9 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2018.

10 **REQUEST FOR PRODUCTION NO. 12:**

11 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
12 YOUR allegation that the DEBTOR was in default under the LOAN in 2019.

13 **REQUEST FOR PRODUCTION NO. 13:**

14 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
15 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2019.

16 **REQUEST FOR PRODUCTION NO. 14:**

17 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
18 YOUR allegation that the DEBTOR was in default under the LOAN in 2020.

19 **REQUEST FOR PRODUCTION NO. 15:**

20 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
21 EVIDENCING YOUR allegation that the DEBTOR was in default under the LOAN in 2020.

22 **REQUEST FOR PRODUCTION NO. 16:**

23 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING  
24 insurance policies in YOUR POSSESSION, CUSTODY, OR CONTROL, RELATED TO the  
25 PROPERTY.  
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1 **REQUEST FOR PRODUCTION NO. 17:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
3 insurer REGARDING insurance policies in YOUR POSSESSION, CUSTODY, OR CONTROL,  
4 RELATED TO the PROPERTY.

5 **REQUEST FOR PRODUCTION NO. 18:**

6 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING  
7 work performed by YOU in furtherance of raising funds for the DEBTOR under the Immigrant  
8 Investor Program.

9 **REQUEST FOR PRODUCTION NO. 19:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or  
11 refute each and every representation that YOU made to the DEBTOR REGARDING the LOAN.

12 **REQUEST FOR PRODUCTION NO. 20:**

13 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
14 actual, potential, or prospective investors REGARDING the LOAN.

15 **REQUEST FOR PRODUCTION NO. 21:**

16 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
17 agent and/or broker for any actual, potential, or prospective investors REGARDING the LOAN.

18 **REQUEST FOR PRODUCTION NO. 22:**

19 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or  
20 refute each and every representation that YOU made to any actual, potential, or prospective investors  
21 REGARDING the LOAN.

22 **REQUEST FOR PRODUCTION NO. 23:**

23 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that identify each  
24 investor and/or investment transaction RELATED TO the DEBTOR, including, but not limited to,  
25 the identity of each investor, the country of origin of each investor, the date of the transaction, the  
26 amount of the investment, the source of the funds for the investment, the current immigration status  
27 of the investor, and the current status of the investment.

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1 **REQUEST FOR PRODUCTION NO. 24:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
3 federal agency REGARDING the LOAN.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent to or received  
6 by YOU from any federal agency REGARDING the LOAN.

7 **REQUEST FOR PRODUCTION NO. 26:**

8 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL with any  
9 and any third party REGARDING the LOAN, other than COMMUNICATIONS with YOUR  
10 counsel.

11 **REQUEST FOR PRODUCTION NO. 27:**

12 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent to or received  
13 by YOU from any third party REGARDING the LOAN.

14 **REQUEST FOR PRODUCTION NO. 28:**

15 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent to or received  
16 by YOU from any third party REGARDING the LOAN.

17 **REQUEST FOR PRODUCTION NO. 29:**

18 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
19 source of any funds used by YOU to fund the LOAN, including but not limited to the identify of any  
20 EB-5 investors.

21 **REQUEST FOR PRODUCTION NO. 30:**

22 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
23 the source of any funds used by YOU to fund the LOAN, including but not limited to the identify of  
24 any EB-5 investors.

25 **REQUEST FOR PRODUCTION NO. 31:**

26 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sufficient to  
27 identify the number of EB-5 investors and the amount of funds they contributed to fund the LOAN.  
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1 **REQUEST FOR PRODUCTION NO. 32:**

2 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sufficient to  
3 identify the number of EB-5 investors and the amount of funds they contributed to fund the LOAN.

4 **REQUEST FOR PRODUCTION NO. 33:**

5 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
6 source of any funds received by YOU from EB-5 investors that provided funds for the LOAN,  
7 including but not limited to funds provided to Debtor, funds yet to be provided to Debtor, and funds  
8 received by YOU that have been used for purposes other than the principal of the LOAN, including  
9 but not limited to funds received by YOU or your affiliates, administrative fees, marketing fees,  
10 payments to migration companies, and payments to third-parties.

11 **REQUEST FOR PRODUCTION NO. 34:**

12 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
13 the source of any funds received by YOU from EB-5 investors that provided funds for the LOAN,  
14 including but not limited to funds provided to Debtor, funds yet to be provided to Debtor, and funds  
15 received by YOU that have been used for purposes other than the principal of the LOAN, including  
16 but not limited to funds received by YOU or your affiliates, administrative fees, marketing fees,  
17 payments to migration companies, and payments to third-parties.

18 **REQUEST FOR PRODUCTION NO. 35:**

19 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
20 date(s) through which any of YOUR EB-5 investors' capital must remain at risk, as it pertains to the  
21 LOAN.

22 **REQUEST FOR PRODUCTION NO. 36:**

23 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
24 the date(s) through which any of YOUR EB-5 investors' capital must remain at risk, as it pertains to  
25 the LOAN.

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1 **REQUEST FOR PRODUCTION NO. 37:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to job  
3 creation resulting from the LOAN, including but not limited to expert reports and information  
4 submitted to USCIS.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
7 job creation resulting from the LOAN, including but not limited to expert reports and information  
8 submitted to USCIS.

9 **REQUEST FOR PRODUCTION NO. 39:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to the  
11 number of jobs that must be created to sustain the EB-5 investors eligibility in the EB-5 program, as  
12 it pertains to the LOAN.

13 **REQUEST FOR PRODUCTION NO. 40:**

14 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
15 the number of jobs that must be created to sustain the EB-5 investors eligibility in the EB-5 program,  
16 as it pertains to the LOAN.

17 **REQUEST FOR PRODUCTION NO. 41:**

18 Any requests for evidence from USCIS received by YOU or any of YOUR EB-5 investors  
19 related to the LOAN.

20 **REQUEST FOR PRODUCTION NO. 42:**

21 Any requests for evidence received by USCIS by YOU or any of YOUR EB-5 investors  
22 related to the LOAN.

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1 **REQUEST FOR PRODUCTION NO. 43:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support YOUR  
3 requests for any DOCUMENTS from DEBTOR, as it relates to the EB-5 program or the EB-5  
4 investors, including but not limited to the basis for any DOCUMENTS you claim are needed by the  
5 EB-5 investors and/or to submit to USCIS.

6 **REQUEST FOR PRODUCTION NO. 44:**

7 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL that support  
8 YOUR requests for any DOCUMENTS from DEBTOR, as it relates to the EB-5 program or the EB-  
9 5 investors, including but not limited to the basis for any DOCUMENTS you claim are needed by  
10 the EB-5 investors and/or to submit to USCIS.

11 **REQUEST FOR PRODUCTION NO. 45:**

12 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL identifying the  
13 immigration status of any of the EB-5 investors providing funds for the LOAN, including but not  
14 limited to whether they have submitted and/or received approval of their form I-526 or I-829, and  
15 whether they have been granted conditional residence status.

16 **REQUEST FOR PRODUCTION NO. 46:**

17 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL identifying  
18 the immigration status of any of the EB-5 investors providing funds for the LOAN, including but not  
19 limited to whether they have submitted and/or received approval of their form I-526 or I-829, and  
20 whether they have been granted conditional residence status.

21 **REQUEST FOR PRODUCTION NO. 47:**

22 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL related to the  
23 source of the \$2.7 million that YOU sought to loan to the DEBTOR, on or about March 11, 2022,  
24 including whether those funds were obtained from EB-5 investors.

25 **REQUEST FOR PRODUCTION NO. 48:**

26 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL related to  
27 the source of the \$2.7 million that YOU sought to loan to the DEBTOR, on or about March 11,  
28 2022, including whether those funds were obtained from EB-5 investors.



1 **REQUEST FOR PRODUCTION NO. 49:**

2 All demands, complaints, arbitration demands, lawsuits, or communications or documents  
3 threatening legal action from any EB-5 investors or third-parties, excluding the DEBTOR, related to  
4 the LOAN.

5 **REQUEST FOR PRODUCTION NO. 50:**

6 All I-526 or I-829 approvals or denials received by YOU, YOUR affiliates, or EB-5  
7 investors, RELATED TO the LOAN.

8 **REQUEST FOR PRODUCTION NO. 51:**

9 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL created by the EB5  
10 Impact Advisors LLC REGARDING the LOAN.

11 **REQUEST FOR PRODUCTION NO. 52:**

12 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that YOU sent to  
13 the EB5 Impact Advisors LLC REGARDING the LOAN.

14 **REQUEST FOR PRODUCTION NO. 53:**

15 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent by the EB5  
16 Impact Advisors LLC to any actual, potential, or prospective investor REGARDING the LOAN.

17 **REQUEST FOR PRODUCTION NO. 54:**

18 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sent by the  
19 EB5 Impact Advisors LLC to any actual, potential, or prospective investor REGARDING the  
20 LOAN.

21 **REQUEST FOR PRODUCTION NO. 55:**

22 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL created by the EB5  
23 Impact Capital Regional Center LLC REGARDING the LOAN.

24 **REQUEST FOR PRODUCTION NO. 56:**

25 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that YOU sent to  
26 the EB5 Impact Capital Regional Center LLC REGARDING the LOAN.

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1 **REQUEST FOR PRODUCTION NO. 57:**

2 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL sent by the EB5  
3 Impact Capital Regional Center LLC to any actual, potential, or prospective investor REGARDING  
4 the LOAN.

5 **REQUEST FOR PRODUCTION NO. 58:**

6 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL sent by the  
7 EB5 Impact Capital Regional Center LLC to any actual, potential, or prospective investor  
8 REGARDING the LOAN.

9 **REQUEST FOR PRODUCTION NO. 59:**

10 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING the  
11 requirements under the Immigrant Investor Program RELATED TO the LOAN.

12 **REQUEST FOR PRODUCTION NO. 60:**

13 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL RELATED  
14 TO the requirements under the Immigrant Investor Program RELATED TO the LOAN.

15 **REQUEST FOR PRODUCTION NO. 61:**

16 All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL REGARDING  
17 YOUR allegation that the DEBTOR violated the *Order Granting Las Vegas Development Fund*  
18 *LLC's Application for a Temporary Restraining Order and Motion for Preliminary Injunction to*  
19 *Prevent Transfer, Waste, and Destruction of Las Vegas Development Fund, LLC's Security and*  
20 *Collateral*, entered in the styled *Front Sight Management LLC v. Las Vegas Development Fund*  
21 *LLC, at al.*, Case No. A-18-781084-B, in the Eighth Judicial District Court, Clark County, Nevada.

22 **REQUEST FOR PRODUCTION NO. 62:**

23 All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL  
24 REGARDING YOUR allegation that the DEBTOR violated the *Order Granting Las Vegas*  
25 *Development Fund LLC's Application for a Temporary Restraining Order and Motion for*  
26 *Preliminary Injunction to Prevent Transfer, Waste, and Destruction of Las Vegas Development*  
27 *Fund, LLC's Security and Collateral*, entered in the styled *Front Sight Management LLC v. Las*  
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1 *Vegas Development Fund LLC, at al.*, Case No. A-18-781084-B, in the Eighth Judicial District  
2 Court, Clark County, Nevada.

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### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 21650 Oxnard Street, Suite 500, Woodland Hills, CA 91367.

A true and correct copy of the foregoing document entitled: **NOTICE OF INTENT TO ISSUE SUBPOENAS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **July 15, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On *(date)* \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served):* Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

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

July 15, 2022  
Date

ABBIE AU  
Printed Name

/s/ Abbie Au  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **July 15, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- JASON BLUMBERG Jason.blumberg@usdoj.gov
- CHAPTER 11 - LV USTPRegion17.lv.ecf@usdoj.gov
- DAWN M. CICA dcica@carlyoncica.com,  
nrodriguez@carlyoncica.com;crobertson@carlyoncica.com;dmcica@gmail.com;dcica@carlyoncica.com;tosteen@carlyon  
cica.com;3342887420@filings.docketbird.com
- WILLIAM C DEVINE william@devine.legal, courtney@devine.legal;devinewr72773@notify.bestcase.com
- THOMAS H. FELL tfell@fennemorelaw.com, clandis@fennemorelaw.com;CourtFilings@fennemorelaw.com
- STEVEN T GUBNER sgubner@bg.law, ecf@bg.law
- BART K. LARSEN BLARSEN@SHEA.LAW, 3542839420@filings.docketbird.com
- NICOLE E. LOVELOCK nlovelock@joneslovelock.com, ljanuskevicius@joneslovelock.com
- EDWARD M. MCDONALD edward.m.mcdonald@usdoj.gov
- TRACY M. O'STEEN tosteen@carlyoncica.com,  
crobertson@carlyoncica.com;nrodriguez@carlyoncica.com;ccarlyon@carlyoncica.com
- TERESA M. PILATOWICZ tpilatowicz@gtg.legal, bknotices@gtg.legal
- SAMUEL A. SCHWARTZ saschwartz@nvfirm.com,  
ecf@nvfirm.com;schwartzsr45599@notify.bestcase.com;eanderson@nvfirm.com;samid@nvfirm.com
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