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20 *Attorneys for Las Vegas Development Fund, LLC and*
21 *Robert Dzubula*

22 **UNITED STATES BANKRUPTCY COURT**
23 **DISTRICT OF NEVADA**

24 In re:
25 FRONT SIGHT MANAGEMENT, LLC
26 Debtor.

27 Case No. BK-S-22-11824-ABL
28 Chapter 11

RESPONSE TO STATUS REPORT

29 LAS VEGAS DEVELOPMENT FUND, LLC (“**LVDF**”) and Robert Dziubla (“Mr.
30 Dziubla”), by and through its attorneys Brian D. Shapiro, Esq., of the Law Office of Brian D.
31 Shapiro, LLC and Andrea M. Champion, Esq., of Jones Lovelock, respectfully submits their
32 response to the Debtor’s one-sided status report regarding the discovery dispute between the
33 parties and Debtor’s request to set a briefing schedule.

34 **MEMORANDUM OF POINTS AND AUTHORITES**

35 On Friday, July 15, 2022, the Debtor issued subpoenas to LVDF and Mr. Dziubla. An
36 initial meet and confer occurred on Monday, July 18, 2022. A second meet and confer occurred
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1 on Wednesday July 20, 2002. A variety of issues/concerns were discussed, including but not
2 limited to:

- 3 • Debtor's need for 2004 examinations and documents in light of the State Court's
4 previous estimation of LVDF's claim.
- 5 • Debtor's counsel's alleged inability to obtain documents from its own client or
6 Debtor's State Court Counsel and thus, counsel's decision to issue subpoenas for
7 copies of documents already produced by LVDF and Mr. Dziubla.
- 8 • LVDF and Mr. Dziubla's offer to have the third-party vendor that hosts the document
9 produced by LVDF and Mr. Dziubla create and provide an electronic copy of the
10 documents previously produced by LVDF and Mr. Dziubla for Debtor, at a cost to the
11 Debtor of approximately \$600.00. Debtor refused LVDF and Mr. Dziubla's offer.
- 12 • Debtor's failure to identify any additional information that Debtor did not obtain
13 through previous examinations and depositions of LVDF and Mr. Dziubla. LVDF and
14 Mr. Dziubla suggested that, to the extent Debtor's counsel had not obtained copies of
15 LVDF and Mr. Dziubla's prior testimony from its own client or its State Court
16 Counsel, that Debtor contact the court reporters for additional copies. The Debtor
17 refused LVDF and Mr. Dziubla's offer.
- 18 • The multiple protective orders entered in State Court that preclude Debtor from
19 seeking any information from LVDF, Mr. Dziubla, or any third-parties regarding
20 potential EB-5 investors, actual EB-5 investors, or certain information about foreign
21 placement consultants/agents and that preclude Debtor from seeking financial
22 information from LVDF (other than the amounts disbursed to Debtor and the dates of
23 disbursement) and Mr. Dziubla and the applicability of those orders as to Debtor's
24 document request and 2004 exams.
- 25 • The applicability of the 2004 exams in light of the pending adversary filed by the
26 Debtor against LVDF.

- 1 • The availability of counsel for any 2004 exams and potential rescheduling to
2 accommodate counsel’s unavailability.

3 A dispute arose as to the above items, as well as others. LVDF and Mr. Dziubla agreed
4 to file applicable motions to resolve the discovery disputes and suggested that the matters be heard
5 on shorten time with LVDF and Mr. Dziubla offering to contact this Court’s Clerk to find
6 available dates and times, including Debtor in said request.

7 LVDF and Mr. Dziubla proposed the following briefing schedule:

- 8 • Friday, July 29, 2022 – LVDF would file its applicable motions by such date.
9 • Friday, August 5, 2022 – Oppositions are due.
10 • Friday, August 12, 2022 – Replies are due
11 • Friday, August 19, 2022 – Proposed hearing date

12 However, after Debtor expressed concerns with having less time than optimal for its
13 Oppositions, LVDF and Mr. Dziubla offered to amend the briefing schedule to agreeable dates.
14 Debtor refused to provide any alternative dates for a briefing schedule.

15 In addition, the Debtor refused such offer to have the motions heard on shorten time.
16 Contrary to what is now requested in the Status Report, the Debtor expressly stated that it wanted
17 a full opportunity to address such issues and asked to have such matter heard on September 1,
18 2022. Following the meet and confers, LVDF and Mr. Dziubla again informed Debtor that its
19 offer to come to an agreeable hearing date and briefing schedule remained. Instead of responding
20 and working with LVDF and Mr. Dziubla to do the same, Debtor filed its “Status Report.”

21 LVDF and Mr. Dziubla still intend on filing applicable motions on or before Friday, July
22 29, 2022. However, pursuant to the Debtor’s verbal opposition to the shorten time request, LVDF
23 and Mr. Dziubla no longer intended to request that the motions be heard on shorten time.

24 To the extent that the Court is going to address the informal request for a briefing schedule
25 contained within the status report, LVDF and Mr. Dziubla again proposes the schedule indicated
26 above or a similar briefing schedule. In addition, understanding that Debtor’s counsel may not
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1 be available on August 19, 2022, LVDF and Mr. Dziubla have no objection to a hearing date as
2 soon as can be accommodated by this Court thereafter.

3 Dated 7-22-2022

/s/ Nicole Lovelock, Esq.

Nicole E. Lovelock, Esq.

Andrea M. Champion, Esq.

Brian D. Shapiro, Esq.

Attorneys for LVDF and Robert Dziubla

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CERTIFICATE OF SERVICE

On July 22, 2022, this pleading was served upon all registered user in accordance with the Court’s CM/ECF service. Such registered users for this case included the parties listed below.

Dated 7-22-2022

/s/ Nicole Lovelock, Esq.

Nicole E. Lovelock, Esq.

Andrea M. Champion, Esq.

Brian D. Shapiro, Esq.

Attorneys for LVDF and Robert Dziubla

Served Upon the Following Registered Users

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