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12  
13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In re:

16 FRONT SIGHT MANAGEMENT, LLC  
Debtor.

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

17  
18 **REPLY IN SUPPORT OF MOTION TO**  
**QUASH 2004 EXAMS AND SUPBOENAS**  
**TO PRODUCE DOCUMENTS AND**  
19 **REQUEST FOR A PROTECTIVE ORDER**

20  
21 **MEMORANDUM OF POINTS AND AUTHORITES**

22 **I. INTRODUCTION**

23 Debtor is attempting to use Rule 2004 to evade the protection of the discovery rules for  
24 Adversary Proceedings and Contested Proceedings. The law precludes Debtor from doing exactly  
25 what it is trying to do.

26 The Adversary Proceeding has been ongoing for the past four years. During that time, Debtor  
27 had the opportunity to adduce testimony from LVDF and Mr. Dziubla for a collective six days and  
28 Debtor received over 30,000 pages of documents from LVDF and Mr. Dziubla—the vast majority of

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1 which were produced in response to the hundreds of requests for production of documents made by  
2 Debtor. Noticeably absent from Debtor’s Opposition is any declaration from Debtor or its counsel  
3 stating that it does not have the record from the last four years or the documents LVDF produced in  
4 response to Debtor’s prior requests. Instead, Debtor acts as though it has never conducted discovery  
5 on its contentions that LVDF and Mr. Dziubla engaged in wrongdoing. But Debtor did.

6 Debtor’s Subpoenas and requests for 2004 examinations are intended to both duplicate the  
7 prior discovery and to end route the discovery rules and standing orders in the Adversary Proceeding.  
8 In fact, Debtor’s Opposition demonstrates that it continues to seek information to which it knows it is  
9 not entitled and to ask for a fourth bite at the apple, asking this Court to consider issues anew that  
10 were already ruled on and then re-affirmed multiple times by the State Court.

11 Debtor’s requests are not only improper, but Debtor also attempts to lay blame at LVDF and  
12 Mr. Dziubla’s feet, claiming that their motion for protective order has delayed this case for at least 30  
13 days (but likely more). The Debtor, by filing bankruptcy and agreeing to terms to a Debtor in  
14 Possession Loan, voluntarily created its own time limitations and the burdens that come with such  
15 limitations. To blame LVDF as a cause of the Debtor’s prospective failure to comply with its own  
16 self-imposed deadlines is a fallacious argument. The subpoenas were served on Friday, July 15, 2022,  
17 and *one business day* after the service of the subpoenas, an initial meet and confer occurred. As the  
18 parties were unable to agree to a resolution, a motion for a protective order and/or motion to quash  
19 was filed. LVDF offered to file the motions on shorten time, but such offer was declined because the  
20 Debtor wanted a fully noticed motion to address such issues.

21 Debtor has failed to give this Court a sufficient reason to completely set aside the protections  
22 of the discovery rules in the Adversary Proceeding. Moreover, Debtor has failed to give this Court a  
23 sufficient reason to set aside the State Court’s multiple Protective Orders. In fact, Debtor’s request is  
24 not properly raised through its Opposition. Put simply, LVDF and Mr. Dziubla have dutifully engaged  
25 in discovery in the Adversary Proceeding and Debtor’s attempts to waste time and resources to  
26 duplicate efforts and violate Court Orders through use of Rule 2004 cannot be permitted.

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1 **II. LEGAL ARGUMENT**

2 **A. Debtor’s Failure to Pay the Witness Fee Warrants a Granting of the Motion.**

3 The Debtor does not dispute that when it served the Subpoenas, it did not provide the  
4 mandatory witness fee. Rather, the Debtor states that “if and when, the LVDF Parties confirm their  
5 attendance at the Rule 2004 examinations, the Debtor will tender such witness fee prior to the  
6 examination.” ECF No. 322 at 20:15-18.<sup>1</sup>

7 Contrary to the Debtor’s contention that it can later tender a witness fee, service of a subpoena  
8 for a 2004 exam must be made contemporaneously with the witness fee to comply with Fed. R. Civ.  
9 P. 45(b)(1). Fees must be tendered concurrently with the subpoena. *CF & I Steel Corp. v. Mitsui &*  
10 *Co. Inc. (U.S.A.)*, 713 F.2d 494, 496 (9th Cir. 1983). “The failure to pay witness and mileage fees,  
11 required by Fed.R.Civ.P. 45(b)(1) renders service incomplete.” *In re Stratosphere Corp. Securities*  
12 *Litigation*, 183 F.R.D. 684, 687 (D. Nev. 1999) (upholding the court's granting of motion to quash  
13 subpoena on basis of invalid service due to no tendering of witness and mileage fees, stating "[t]he  
14 language is clear and the interpretation adopted by the district court is supported by widely accepted  
15 treatises on civil procedure," and therefore holding the plain meaning of the rule "requires  
16 simultaneous tendering of witness fees and the reasonably estimated mileage allowed by law with  
17 service of a subpoena."); *In re Dennis*, 330 F.3d 696, 704 (4th Cir. 2003) ("The conjunctive form of  
18 the rule indicates that proper service requires not only personal delivery of the subpoena, but also  
19 tendering of the witness fee and a reasonable mileage allowance . . . [a]ccordingly, the subpoena was  
20 not properly served."); *Brown v. Hendler*, No. 09 Civ. 4486(RLE), 2011 WL 321139, at \*2 (S.D.N.Y.  
21 Jan. 31, 2011) (quashing subpoena where party failed to tender travel and witness fees).

22 As a matter of law, the subpoenas are ineffective, and the Court should grant the motion to  
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25 <sup>1</sup> All references to “ECF No.” are to the number assigned to the documents filed in the above-captioned bankruptcy case  
26 as they appear on the docket maintained by the clerk of court. All references to “AECF No.” are to the number assigned  
27 to the documents filed in the adversary case number 22-01116-abl. All references to “Section” or “§§ 101-1532” are to  
28 the provisions of the Bankruptcy Code. All references to “FRCP” are to the Federal Rules of Civil Procedure. All  
references to “FRE” are to the Federal Rules of Evidence. All references to “LR” are to the Local Rules of Practice within  
the Nevada Bankruptcy Court.

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1 quash because the Debtor failed to comply with Fed. R. Civ. 45(a)(1), made applicable by Bankruptcy  
2 Rule 9016 in that it failed to tender the witness fees at the same time as the service of the subpoena.

3 **B. LVDF and Mr. Dziubla Timely Objected to the Subpoenas.**

4 The Debtor next takes issue with the fact that LVDF and Mr. Dziubla did not object to their  
5 applications for 2004 exams. But Debtor's requests were made on an ex-parte basis. A party to be  
6 examined may oppose the examination by a motion to quash the subpoena. *In re Dinubilo*, 177 B.R.  
7 932, 943 (E.D. Cal. 1993) *citing to Matter of Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill 1985). Once  
8 a motion to quash has been filed, *the examiner bears the burden of proving that good cause exists for*  
9 *taking the requested discovery.* *Wilcher*, 56 B.R. at 434 (citing *Freeman v. Seligson*, 405 F.2d 1326,  
10 1336 (D.C. Cir. 1968)). LVDF and Mr. Dziubla had no obligation to object before they received the  
11 actual Subpoenas and here, for good reason because the Debtor's Subpoenas (particularly, the  
12 document Subpoenas) were broader than Debtor's ex parte applications for 2004 exams. LVDF and  
13 Mr. Dziubla could not consider Debtor's Subpoenas until they were served and then met and conferred  
14 with Debtor only *one business day* after the service of the Subpoenas.

15 **C. Debtor Has Not Met its Burden of Providing Good Cause For Taking the**  
16 **Requested Discovery.**

17 The Debtor argues that good cause exists because: (1) the Adversary Proceeding is stayed; (2)  
18 the requests are not related to the Adversary Proceeding but rather related to the treatment of the claim  
19 under the Debtor's chapter 11 plan and an anticipated claim objection; (3) the Law of the Case  
20 Doctrine is not applicable; and (4) Debtor has not had a chance to conduct this discovery before. The  
21 Debtor's arguments are misleading at best.

22 **1. The Adversary Proceeding is Not Stayed.**

23 The Debtor initiated the lawsuit against LVDF in State Court and then removed that action  
24 to the bankruptcy court, which created the Adversary Proceeding. The Adversary Proceeding as  
25 applicable to LVDF's causes of action against the Debtor and property of the estate are stayed;  
26 however, the entire action is not stayed. In particular, the action by the Debtor against LVDF and  
27 Dziubla is not stayed, the non-estate actions are not stayed, and the Debtor has the ability to proceed  
28 on the Estate actions (i.e., the fraudulent transfer actions). *In re White*, 186 B.R. 700, 704 (9th Cir.

1 BAP 1995) (“[T]he automatic stay is inapplicable to suits by the bankrupt (‘debtor,’ as he is now  
 2 called)”) (citing to *Martin -Trigona v. Champion Federal Savings & Loan Ass’n.*, 892 F.2d 575, 577  
 3 (7th Cir. 1989)). Unequivocally, the Debtor as well as the Piazza entities recognize that the matter is  
 4 not stayed because both have filed motions in the Adversary Proceeding.<sup>2</sup> Accordingly, the assertion  
 5 that the Adversary Proceeding is stayed for all purposes is inaccurate.

6 **2. It is Improper to Use a 2004 Exam Order While There is an Adversary and/or**  
 7 **Contested Proceeding Pending.**

8 Once an adversary proceeding or contested proceeding is pending, the use of Rule 2004 as a  
 9 discovery mechanism related to the **issues in the adversary proceeding is improper.** *In re Dinubilo*,  
 10 177 B.R. 932, 941 (E.D. Cal. 1993) (emphasis added); *In re Enron Corp.*, 281 B.R. 836, 840-41  
 11 (Bankr. S.D.N.Y. 2002) (“Courts have imposed limits on the use of Rule 2004 examinations . . . under  
 12 the well recognized rule that once an adversary proceeding or contested matter is commenced,  
 13 discovery should be pursued under the Federal Rules of Civil Procedure and not by Rule 2004”). A  
 14 request for a 2004 exam is viewed as an “end run” around normal discovery rules.

15 Here, the Debtor filed suit against LVDF and there is currently an Adversary Proceeding and  
 16 a contested proceeding pending by virtue of the Chapter 11 Plan and Disclosure Statement Objection.  
 17 See ECF No. 270, 271 and 324. The use of an order for a 2004 exam to accomplish an end around on  
 18 discovery protections within an Adversary Proceeding and Contested Proceeding (which Debtor  
 19 essentially concedes in its’ Opposition it is doing) is improper. The Debtor is attempting to evade the  
 20 protection of the discovery rules for Adversary Proceedings and Contested Proceedings by utilizing  
 21 the 2004 exam. For instance, the Debtor, in lieu of proceeding in the Adversary Proceeding in which  
 22 there is a protective order, asserts that such protective order is not binding outside of the Adversary  
 23 Proceeding. Notwithstanding, the Debtor does not cite to any order or case law that permits the  
 24 utilization of Rule 2004 to evade standing protective orders entered in the Adversary Proceeding.

25 Conversely, Courts continuously hold that using Rule 2004 in pending litigation is improper  
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<sup>2</sup> The Debtor has filed a Motion for Entry of an Order Confirming Terminating Sanctions Order is Void. AECF No. 51.  
 The Piazza Entities have filed a Motion for Reconsideration of the Terminating Sanctions Order. AECF No. 72.

1 when it may be an attempt to gain an advantage by bypassing the procedural safeguards provided by  
 2 the discovery rules of the Federal Rules of Civil Procedure. *Intercontinental Enters., Inc. v. Keller (In*  
 3 *re Blinder, Robinson & Co.)*, 127 B.R. 267, 274 (D. Colo. 1991), *aff'd on other grounds sub nom. See*  
 4 *also, In re National Assessment, Inc.*, 547 B.R. 63, 65 (Bankr. W.D.N.Y. 2016); *In re Okla. Automatic*  
 5 *Door, Co.*, 599 B.R. 167 (Bankr. W.D. Okla. 2019). Arguing form over substance, the Debtor states  
 6 that the discovery is needed as a basis of its anticipated claim objection. However, the Adversary  
 7 Proceeding filed by the Debtor is synonymous with the Debtor's objection to LVDF's claim. In fact,  
 8 the complaint that the Debtor filed alleges similar if not identical concerns and directly attacks the  
 9 validity of LVDF's claim, and the discovery that was obtained in the Adversary Proceeding is identical  
 10 to the requests in the 2004 exam (as discussed below). Therefore, by necessity, a Court would have  
 11 to determine the amount and validity of LVDF's claim within such Adversary Proceeding.  
 12 Consequently, the attempt to use Rule 2004 as an end around to obtain discovery is improper and the  
 13 motion to quash and/or for a protective order should be granted.

### 14 **3. The Protective Orders are in Effect.**

15 The Debtor also argues that under the law of the case doctrine, a court is generally precluded  
 16 from reconsidering an issue previously decided by the same court, or a higher court in the identical  
 17 case." *Ingle v. Cir. City*, 408 F.3d 592, 594 (9th Cir. 2005) (citation and internal quotation marks  
 18 omitted). "This doctrine has developed to maintain consistency and avoid reconsideration of matters  
 19 once decided during the course of a single continuing lawsuit." *Id.* (citation and internal quotation  
 20 marks omitted). As such, this Court may "dissolve or modify injunctions, orders and all other  
 21 proceedings which have taken place in state court prior to removal. *See In re Maseda v. Honda Motor*  
 22 *Co., Ltd.* 861 F.2d 1248, 1252 (11th Cir. 1988).

23 LVDF agrees that the Law of the Case Doctrine is not applicable in that this Court could,  
 24 subject to objections and defenses, reconsider and/or set aside the protective court orders. Despite the  
 25 possibility that this Court may reconsider and/or set aside the protective orders in the Adversary  
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1 Proceeding, *the Debtor has not filed such request.*<sup>3</sup> Accordingly, the protective orders are valid and  
2 binding upon the parties.

3 Moreover, even if the Court were to reconsider the Protective Orders based on Debtor’s  
4 Opposition (which it should not do), it should not set aside the Protective Orders as Debtor requests.  
5 The arguments Debtor makes in advance of setting aside all *four* of the Protective Orders entered in  
6 the State Court are the *same* arguments that the Court previously rejected in entering the Protective  
7 Orders.<sup>4</sup> But saying the same thing again does not make irrelevant information become relevant.

8 Debtor also intentionally misconstrues the Court’s Protective Orders in order to read them  
9 more narrowly than they were intended (and to justify their Subpoena requests related to the EB-5  
10 Investors and potential investors).<sup>5</sup> But these arguments have also been rejected numerous times in  
11 the past.<sup>6</sup> Put simply, the Protective Orders cover *any and all* discovery regarding the EB-5 investors  
12 and potential investors.<sup>7</sup>

13 Finally, Debtor contends there has “been a change in applicable law”—namely, that discovery  
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15 <sup>3</sup> However, the Piazza Entities have filed a Motion to Reconsider the Terminating Sanctions Order and the Debtor has  
16 filed a Motion to Set Aside the Terminating Sanctions Order. AECF No. 43 and 72. The Parties, therefore, are aware on  
17 the proper procedure to request this Court to set aside and/or reconsider the order. Rather than filing such a motion to have  
18 this Court reconsider the protective orders, Debtor chose to simply ignore the protective orders and to demand LVDF and  
19 Mr. Dziubla violate standing protective orders.

20 <sup>4</sup> Debtor contends that the information sought from LVDF and Mr. Dziubla “goes directly to (i) LVDF’s pre-Construction  
21 Loan Agreement (“CLA”) representations regarding its *bona fides*, (ii) LVDF’s claim of experience raising funds from  
22 EB-5 investors, and (iii) how LVDF used funds received pursuant to the CLA, including, without limitation, for so-called  
23 “marketing” purposes.” ECF No. 322 at 3:17-21. Debtor *made these same arguments to the State Court* in opposition to  
24 LVDF’s Motions for Protective Order. *See* ECF No. 309-12 at 15-19 (arguing that information about the EB-5 investors,  
25 prospective investors, foreign placement consultants and the EB5 Parties’ communications and documents exchanged  
26 and/or shared with the same is relevant to Debtor’s fraud and civil conspiracy claims because it is relevant to “either the  
27 truth or falsehood of Defendants’ representations to [Debtor]” and to demonstrate that “Defendants never intended to  
28 market the project.”). The State Court also rejected these arguments later in entering the subsequent Protective Orders,  
affirming the original June 30, 2020 Order. *See* ECF No. 309-8 and 309-9.

<sup>5</sup> Debtor repeatedly implies that the Protective Orders only “preclude information about the EB-5 Investors or potential  
investors.” ECF No. 322 at 12:4-5; *see id. (ibid)*.

<sup>6</sup> When Debtor previously then feigned ignorance of the Court’s Protective June 30, 2020 Protective Order and previously  
claimed that it was limited to precluding discovery on only the EB-5 investors and potential investors’ identities and  
investment information—as Debtor again now contends—the Court repeatedly reaffirmed that Debtor was not entitled  
to *any* discovery as to the EB-5 investors and potential investors and that its June 30, 2020 Protective Order was not so  
limited. *See* ECF Nos. 309-8, 309-9, and 309-10.

<sup>7</sup> That includes, but is not limited to, the substance of communications with potential investors. So, Debtor’s charts  
presented in the Opposition are not helpful and LVDF and Mr. Dziubla will not respond to them unless requested by the  
Court.

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1 sought under Rule 2004 is more expansive than discovery sought under Nevada law—warranting the  
 2 Protective Orders be set aside. While LVDF and Mr. Dziubla do not dispute that discovery under  
 3 Rule 2004 is broad, as Debtor’s own Opposition recognizes, Rule 2004 “may not be used for  
 4 ‘purposes of abuse or harassment’ and it ‘cannot stray into matters which are not relevant to the basic  
 5 inquiry.’” ECF No. 322 at 7:8-11 (quoting *In re Washington Mut., Inc.*, 408 B.R. 45, 49-50 (Bankr.  
 6 D. Del. 2009). In this case, Debtor is attempting to “stray into matters which are not relevant to the  
 7 basic inquiry”—which EB-5 Investors did or did not choose to become involved in LVDF has no  
 8 bearing whatsoever on LVDF’s claim or either Debtor’s fraud claims against LVDF or Debtor’s  
 9 anticipated objection to LVDF’s claim (which are one and the same).<sup>8</sup>

10 Debtor is aware, and has been aware, for years that LVDF and Mr. Dziubla treat information  
 11 about their EB-5 Investors with the utmost protection.<sup>9</sup> Debtor has, and is now continuing, to attempt  
 12 to exploit this pressure point for LVDF and Mr. Dziubla only to harass them; not to obtain any  
 13 discovery that is actually relevant to LVDF’s claim. Neither basis is proper under Rule 2004.<sup>10</sup>

14 **4. Debtor’s Subpoenas are Duplicative of Discovery it Has Already Obtained.**

15 Finally, as explained in the Motion, the 2004 examinations and Subpoenas are harassing  
 16 because Debtor’s Subpoena is duplicative of the discovery already conducted in this case. Debtor  
 17 already has the documents that are responsive to its Subpoena with only the exception of documents  
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21 <sup>8</sup> Debtor claims, albeit in passing, that the real parties in interest are the investors and, as such, it is entitled to unfettered  
 22 information about the investors (including, but not limited to, their immigration status) to assess LVDF’s claim. *See* ECF  
 23 No. 322 at 11:3-7. Only LVDF has filed a claim. The investors and Mr. Dziubla have not. *See generally* Claims Register.

24 <sup>9</sup> *See generally* ECF No. 309-3.

25 <sup>10</sup> Debtor also completely ignores the Court’s July 10, 2020 Protective Order in its Opposition and contends that it needs  
 26 LVDF’s financial to assess wrongdoing for “marketing” LVDF was paid to do. In doing so, Debtor intentionally conflates  
 27 LVDF with EB5IA. EB5IA is the only entity Debtor paid for marketing which is why the State Court only permitted  
 28 Debtor to seek discovery on EB5IA’s financial information and not the other parties (including LVDF and Mr. Dziubla).  
*See* ECF No. 56; *see also* ECF No. 309-1; *see also* Mot. for Prot. Order Regarding the Defs.’ Private Fin. Info., filed May  
 18, 2020. While Debtor has filed multiple docket entries, lodging the State Court proceedings in the Adversary Proceeding,  
 in doing so, Debtor has failed to provide an index for the state court docket. In addition, there are hundreds, if not  
 thousands of pages that are simply blank. *See e.g.* AECF No. 12-1 and 12-2. As a result, LVDF is unable to find the AECF  
 Nos. for the State Court orders and briefs referenced in this Motion. Therefore, LVDF has attached the pertinent filings  
 and exhibits thereto as exhibits to this Motion or referenced other filings in this case, for ease of reference. A courtesy  
 copy of the Mot. for Prot. Order Regarding the Defs.’ Private Fin. Info. is attached hereto as **Exhibit 1**.



1 that are either (i) privileged or (ii) subject to a Protective Order.<sup>11</sup> Debtor does not state otherwise in  
 2 its Opposition or even attempt to explain why it is trying to force LVDF and Mr. Dziubla to incur  
 3 additional expense and cost when they have already spent millions of dollars in discovery in this  
 4 case.

5 Instead, Debtor glosses over the history of discovery in this case as though it never happened.  
 6 Debtor fails to address what additional testimony it needs from LVDF and Mr. Dziubla that it has  
 7 not already obtained. And, in perhaps the most specious argument presented in the Opposition,  
 8 Debtor contends that the only documents that LVDF and Mr. Dziubla have produced to Debtor are  
 9 those they “may use to support their claims or defenses” and not those that they “would produce in  
 10 response to specific requests propounded by the Debtor.” ECF No. 322 at 19:17-20:2. Finally, Debtor  
 11 implies that LVDF and Mr. Dziubla have suggested that they sort through 32,000 documents to  
 12 determine which documents are relevant to the requests in the Subpoenas. *Id.* At 20:2-4.

13 Debtor fails to tell the Court that it has served hundreds (if not thousands) of written discovery  
 14 requests upon the Defendants in the Adversary Action. Debtor also fails to advise the Court that  
 15 under Nevada law, LVDF and Mr. Dziubla were required, pursuant to NRCP 34(b)(2), to respond to  
 16 each request by producing documents and organizing and labeling documents to correspond to the  
 17 categories of the requests. LVDF and Mr. Dziubla have done so, producing thousands of documents  
 18 in response to those requests and, consistent with their obligations under NRCP 34(b)(2), have further  
 19 identified documents in response to Debtor’s requests (when not objectionable).<sup>12</sup> In other words,  
 20 *LVDF and Mr. Dziubla have already done all of this work and it has been in Debtor’s possession **for***  
 21 ***years.***

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23 <sup>11</sup> There may be some limited recent loan statements and supporting documents to be produced. LVDF and Mr. Dziubla  
 24 intend to have those produced through HOLO Discovery if and when Debtor requests that HOLO Discovery provide an  
 electronic load file at Debtor’s expense.

25 <sup>12</sup> *See gen.* Decl. of John P. Aldrich, Esq., in Support of Front Sight Management, LLC’s Motion for Case-Dispositive  
 26 Sanctions and Stat. of Facts, filed on Nov. 24, 2021 at Ex. 49 (Def. LVDF’s Fifth Suppl. Resps. To Pl.’s Third Set of  
 RFPs, served Aug. 6, 2020), a courtesy copy of which is attached hereto as **Exhibit 2**; *id.* at Ex. 50 (LVDF’s Second  
 27 Suppl. And Corrected Resps. To Pl.’s First Set of Interrogs., served Sept. 21, 2020), a courtesy copy of which is attached  
 hereto as **Exhibit 3**; *id.* at Ex. 101 (Def. Robert Dziubla’s Second Suppl. Resps. to Pl.’s Fifth Set of RFPs, served July  
 30, 2020), a courtesy copy of which is attached hereto as **Exhibit 4**; *id.* at Ex. 102 (Def. Robert Dziubla’s First Suppl.  
 28 Resps. to Pl.’s First Set of Interrogs., served Sept. 21, 2020), a courtesy copy of which is attached hereto as **Exhibit 5**.

1 Debtor's Subpoenas are merely duplicative of the discovery already sought by Debtor and  
 2 responded to by LVDF and Mr. Dziubla. Below are just a few examples of how the Subpoenas are  
 3 duplicative (or nearly duplicative) of discovery already in Debtor's possession:

Request from Subpoena	Prior Request(s) Made by Debtor	Documents Produced by LVDF and Mr. Dziubla to Debtor in Response to Prior Request(s)
<p>4 Request No. 1: All            5 DOCUMENTS in YOUR            6 POSSESSION, CUSTODY            7 or CONTROL RELATED            8 TO the LOAN, other than            9 COMMUNICATIONS with            10 YOUR counsel.             11 ECF No. 309-1 at 8:2-4.</p>	<p>Request No. 154: Please            produce a copy of all            documents, writings, and/or            communications that were            authored by, sent by, and/or            in possession of control of            LVDF, that discuss,            memorialize, and/or mention            the formation of, or the terms            and conditions of, the CLA            or other Loan Documents (as            defined in the CLA).             Ex. 2 at 53:26-54:4.</p>	<p>LVDF <i>produced and            specifically identified</i>            thousands of pages in            response for Debtor.             Ex. 2 at 54:17-57:5.</p>
<p>Request Nos 3-10: requesting            documents reflecting the            amounts due under the Loan,            including but not limited to:            principal, interest, attorneys'            fees, expenses, and any and            all payments made by Debtor.             ECF No. 309-1 at 8:8-9:7</p>	<p>Request Nos. 190, 203-208:            requesting all statements            from LVDF's loan processor            and all documents reflecting            the amounts due under the            Loan, including but not            limited to: current interest,            past due interest, current            legal/attorneys' fees, past due            legal/attorneys' fees, past due            foreclosure costs, and late            fees.             Ex. 2 at 101:19-103:16,            115:2-120:28.</p>	<p>LVDF <i>produced and            specifically identified</i>            documents to each request in            response for Debtor.             Ex. 2 at 102:8-16, 115:2-            120:28.</p>
<p>Request No. 11: All            DOCUMENTS in YOUR            POSSESSION, CUSTODY or            CONTROL EVIDENCING            YOUR allegation that the            DEBTOR is in default under            the Loan.</p>	<p>Request No. 173: Please            produce all documents that            relate to LVDF's allegation            that Front Sight failed to            comply with its performance            obligations under the CLA            section 1.7(e)-Improper Use</p>	<p>LVDF <i>produced and            specifically identified</i>            thousands of pages in            response to each request.             Ex. 2 at 78:5-92:6.</p>

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<p>Request No. 12: All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL EVIDENCING YOUR allegation that the DEBTOR is in default under the LOAN.</p> <p>Request Nos. 13-18 (requesting the same as to the years 2018-2020).</p> <p>ECF No. 309-1 at 9:8-10:3.</p>	<p>of Loan Proceeds.</p> <p>Request No. 174: same but as to section 3.2(b) – Failure to Provide Government Approved Plan.</p> <p>Request No. 175: same but as to section 5.1-Failure to Timely Complete Construction.</p> <p>Request No. 176: same but as to section 5.2-Material Change of Costs, Scope, or Timing of Work.</p> <p>Request No. 177: same but as to section 5.27-Refusal to Comply Regarding Senior Debt.</p> <p>Request No. 178: same but as to section 3.2(a)-Failure to Provide Monthly Project Costs.</p> <p>Request No. 179: same but as to section 5.10-Failure to Notify in Event of Default.</p> <p>Request No. 180: same but as to section 5.4-Refusal to Allow Inspection of Records.</p> <p>Request No. 181: same but as to section 3.3-Refusal to Allow Inspection of the Project.</p> <p>Request No. 182: same but as to section 1.7(f)-Failure to Provide EB-5 Information.</p> <p>Ex. 2 at 78:5-9, 79:15-18, 82:2-5, 82:10-13, 83:18-22, 86:6-10, 87:16-20, 89:2-6,</p>	<p>If anything, Debtor’s current requests, made in the Subpoena are vague and are less helpful to Debtor than their prior discovery requests because a response to Subpoena Request Nos. 1 and 12 would require Debtor to wade through thousands of pages of documents. In contrast, Debtor’s prior requests for production identified each breach alleged by LVDF so that LVDF’s responses helpfully identify those documents that relate to each alleged breach of the CLA by Debtor.</p>
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	90:1-5, 90:26-91:2.	
<p>Request No. 19 and 20 requesting insurance policies in LVDF and Mr. Dziubla’s possession, custody, or control.</p> <p>ECF No. 309-1 at 10:4-11.</p>		<p>Pursuant to NRCPC 16.1(A)(v), LVDF and Mr. Dziubla have already confirmed that they are not insured in this matter and therefore there are no policies to produce.</p> <p><i>See</i> ECF No. 311-4 at 11:6-7.</p>
<p>Request No. 22: All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or refute each and every representation that YOU made to the DEBTOR REGARDING the LOAN.</p> <p>Request No. 23: All COMMUNICATIONS in YOUR POSSESSION, CUSTODY or CONTROL that support or refute each and every representation that YOU made to the DEBTOR REGARDING the LOAN.</p> <p>ECF No. 309-1 at 9:16-21.</p>	<p>Request Nos. 113-130 to LVDF: each requesting documents that “support or relate to the truthfulness of” various representations allegedly made to Debtor.</p> <p>Ex. 2 at 2:18-25, 4:9-16, 6:1-7, 7:21-27, 8:19-25, 9:19-23, 10:17-23, 11:19-25, 13:4-9, 14:7-12, 15:6-11, 16:6-11, 17:13-18, 18:22-19:3, 21:10-21, 21:22-27, 23:2-7, 24:4-11.</p> <p>Request Nos. 101-109, 111-</p> <p>Ex. 4 at 2:18-24, 4:1-7, 5:11-17, 6:22-27, 7:17-22, 9:13-16, 10:7-12, 11:3-8, 11:4-8, 12:22-26, 13:19-23, 14:22, 15:21-28, 18:1-11, 19:9-15, 20:11-15, 21:11-16,</p>	<p>LVDF <i>produced and specifically identified</i> thousands of pages in response to <i>each</i> request.</p> <p>Ex. 2 at 2:25-25:10; Ex. 4 at 2:25-11:26, 13:1-21:7.</p> <p>If anything, Debtor’s current requests, made in the Subpoena are vague and are less helpful to Debtor than their prior discovery requests because a response to Subpoena Request Nos. 22 and 23 would require Debtor to wade through thousands of pages of documents and match-up documents to each alleged representation made by LVDF and Mr. Dziubla. In contrast, Debtor’s prior requests for production identified each alleged representation separately so that the responses specifically identify the documents relating to each alleged representation.</p>
<p>Request No. 26: All DOCUMENTS in YOUR POSSESSION, CUSTODY or CONTROL that support or refute each and every</p>	<p>Request No. 140: Please provide copies of all documents which demonstrate each and every representation you have made</p>	<p>Because the Court’s June 30, 2020 Order states that Debtor is not entitled to conduct discovery as to the investors, LVDF did not respond to that</p>

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1 representation that YOU 2 made to any actual, potential, 3 or prospective investor REGARDING the LOAN.  4 Request No. 27: requesting the same but as to 5 communications  6 ECF No. 309-1 at 11:1-8. 7 8 9	to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5 investor, including representations prior to investment and updates since investment.  Ex. 2 at 39:15-19.	portion of the request.  However, because the Court allowed limited information regarding the foreign placement agents, LVDF produced and specifically identified hundreds of documents to that portion of this request that sought documents regarding representations to agents of potential EB-5 investors.  Ex. 2 at 40:4-13.
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10 Debtor does not appear to dispute that the Subpoenas re-plow the same ground as the  
 11 discovery already completed and in its possession. Noticeably absent from Debtor’s Opposition is  
 12 any declaration from Debtor or its counsel that it is *not* in possession of the discovery file, the prior  
 13 deposition transcripts, the Court hearing transcripts, or the written discovery responses and requests.  
 14 *See generally* ECF No. 322. Debtor’s silence is telling. Also telling is the fact that Aldrich Law Firm,  
 15 Debtor’s state counsel, remains listed as counsel of record in the State Court and has never filed a  
 16 proof of claim or attorney lien against the file. *See generally* Claims Register; ECF No. AECF No.  
 17 17-23, 25-42. Pursuant to RCP 1.4(a), Mr. Aldrich remains obliged to keep his client informed about  
 18 the case and to “[p]romptly comply with reasonable requests for information.” There is nothing in  
 19 the record to suggest that Mr. Aldrich has not discharged his ethical duties in providing Debtor with  
 20 the entirety of the discovery file, including LVDF and Mr. Dziubla’s document productions and  
 21 discovery responses.<sup>13</sup>

22 In addition, Debtor’s feigned need for the discovery sought to “focus upon the validity of  
 23 LVDF’s claim” to explain why “its claim [has] more than double[d] in size” is belied by the fact that  
 24 ***Debtor already issued a subpoena to LVDF’s loan processor and itself produced over three-***  
 25

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26  
 27 <sup>13</sup> If Debtor had discharged Mr. Aldrich (which LVDF and Mr. Dziubla have no evidence of), he would still be obligated,  
 28 to “immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong  
 to or were prepared for that client.” NRS 7.055(1).

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1 *thousands of pages of documents reflecting the amounts incurred under LVDF's loan.*<sup>14</sup> See  
 2 Exhibit M to Def./Countercl.'s Reply in Support of Mot. for Prot. Order re: Subpoenas for Depo. and  
 3 Prod. of Docs. to Immigr. Investor Agent # 1, Immigr. Investor Agent #2, Immigr. Investor Agent #  
 4 3, and Immigr. Investor Agent # 4 (Decl. of Andrea M. Champion), a courtesy copy of which is  
 5 attached hereto as **Exhibit 6** at ¶ 6 ("In September 2020, Front Sight issued a Notice of Intent to Issue  
 6 Subpoena for Deposition and Production of Documents to NES. NES is LVDF's loan processor."),  
 7 ¶ 10 (On November 4, 2020, Front Sight produced over 3,000 documents from NES."); Exhibit N to  
 8 Def./Countercl.'s Reply in Support of Mot. for Prot. Order re: Subpoenas for Depo. and Prod. of  
 9 Docs. to Immigr. Investor Agent # 1, Immigr. Investor Agent #2, Immigr. Investor Agent # 3, and  
 10 Immigr. Investor Agent # 4 (Pl.'s Ntc. of Intent to Issue Subpoena for Depo. and Prod. of Docs. to  
 11 NES Financial, served Sept. 4, 2020), a courtesy copy of which is attached as **Exhibit 7**.

12 Finally, while Debtor claims that the discovery sought pursuant to the Subpoenas is directly  
 13 related to the amount and veracity of LVDF's claims and that was "not directly at issue in the  
 14 Removed Action," LVDF and Mr. Dziubla query why, if it was not at issue in the Adversary Action,  
 15 Debtor sought discovery on the exact same topics for the past four years. Debtor's distinction  
 16 between its affirmative fraud claims and its anticipated objection to LVDF's claim is one without a  
 17 difference. Debtor's objection to LVDF's claim will be that LVDF is not entitled to the entire amount  
 18 because LVDF allegedly fraudulently induced Debtor to enter into the CLA, because LVDF allegedly  
 19 made misrepresentations to Debtor about the amounts it would loan to Debtor and LVDF's ability to  
 20 raise the "up to" \$75 Million dollar loan, and because LVDF has allegedly inflated its fees and  
 21 penalties. But that is the same basis of Debtor's affirmative fraud claim against LVDF, Mr. Dziubla  
 22 (and the other Defendants). If anything, a comparison of Debtor's Opposition with the briefing on  
 23 the various protective orders below only demonstrates that its claim objection is no different than its  
 24 fraud claim because it makes the exact same arguments. *Compare* ECF No. 322 with ECF No. 309-  
 25 10 and 309-12.

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26  
 27 <sup>14</sup> Debtor also falsely states that "LVDF has refused to produce any documents detailing its accounting of any of the over  
 28 -\$5 million in fees/penalties or application of the Debtor's payments to LVDF." *Compare* ECF No. 322 at 8:8-10 with Ex.  
 2 at 101:19-103:16, 115:2-120:28.

1 LVDF and Mr. Dziubla have been reasonable in their attempts to work with Debtor, offering  
2 to request the third-party vendor (HOLO Discovery) create another electronic load file for Debtor  
3 and providing Debtor with the information to obtain transcripts of LVDF and Mr. Dziubla’s  
4 testimony. LVDF and Mr. Dziubla were also willing to discuss what additional discovery Debtor  
5 actually needed (beyond what it already has). It is only Debtor that is being unreasonable in order to  
6 further harass LVDF and Mr. Dziubla. In light of Debtor’s long (and publicly) proclaimed strategy  
7 of “bleeding out” LVDF and Mr. Dziubla,<sup>15</sup> an order quashing the Subpoenas and 2004 exams, and  
8 protecting LVDF and Mr. Dziubla from improper, duplicative efforts, is appropriate.

9 **III. CONCLUSION**

10 For the reasons set forth in the Motion and this Reply, LVDF and Mr. Dziubla respectfully  
11 request that the Court grant their Motion in its entirety.

12 Dated 8-25-2022

*/s/ Nicole E. Lovelock, Esq.*  
Nicole E. Lovelock, Esq.  
Andrea M. Champion, Esq.  
*Attorneys for LVDF*

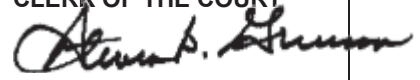
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28 <sup>15</sup> See AECF No. 88-5, 88-6.

# EXHIBIT 1



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CLERK OF THE COURT



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13 *Attorneys for Defendants/Counter-Claimant*  
14 LAS VEGAS DEVELOPMENT FUND LLC;  
EB5 IMPACT CAPITAL REGIONAL CENTER  
15 LLC; EB5 IMPACT ADVISORS LLC; ROBERT  
W. DZIUBLA; JON FLEMING; and  
16 LINDA STANWOOD

17 DISTRICT COURT  
18 CLARK COUNTY, NEVADA

19  
20 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

21 Plaintiff,

22 vs.

23 LAS VEGAS DEVELOPMENT FUND LLC, a  
24 Nevada Limited Liability Company; et al,

25 Defendants.  
26

27 AND ALL RELATED COUNTERCLAIMS.  
28

Case No. A-18-781084-B  
Dept. No. XVI

**MOTION FOR PROTECTIVE ORDER  
REGARDING THE DEFENDANTS'  
PRIVATE FINANCIAL INFORMATION**

**HEARING REQUESTED**

BAILEY ♦ KENNEDY  
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LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**MEMORADUM OF POINTS AND AUTHORITIES**

**I. Introduction**

Throughout the course of this litigation, Front Sight<sup>1</sup> has attempted to obtain the EB5 Parties<sup>2</sup> private financial information. Front Sight seeks this information to harass the EB5 Parties in its continuing efforts to weaponize discovery (and blast the EB5 Parties’ personal information to its 200,000 members), not for a legitimate reason in terms of the litigation. Their requests are equivalent to an audit of the EB5 Parties’ private financial information spanning an 8-year period and are *not* narrowly tailored to address the claims and defenses in this case. Being a party to litigation does not automatically unlock the door to the entirety of a party’s finances.

Front Sight does not have a right to see how every dollar is (and was) collected and spent by the EB5 Parties over the last eight years. This case does not require an analysis of the EB5 Parties’ day-to-day financial records. With the exception of EB5IA, there is no nexus between the claims asserted by Front Sight and the EB5 Parties’ finances and Front Sight is already in possession of EB5IA’s financial information.

This Court has already entered a protective order with regard to Front Sight’s prior subpoenas to the EB5 Parties’ financial institutions, recognizing that Front Sight does not have the “right to start looking at bank accounts.” Yet Front Sight has turned around, propounded nearly the same overly broad and intrusive requests upon the EB5 Parties, and somehow maintains that the EB5 Parties must respond to their demands. Therefore, the EB5 Parties now ask the Court to enter a protective order precluding Front Sight from obtaining the EB5 Parties’ private financial information.

**II. Procedural History**

**A. Front Sight Commences Suit After Breaching the CLA.**

As the Court is aware, this case relates to Front Sight’s claims that the EB5 Parties’ fraudulently induced it to enter into a Construction Loan Agreement (the “CLA”), by which LVD

<sup>1</sup> “Front Sight” refers to Front Sight Management, Inc.

<sup>2</sup> “EB5 Parties” refers to Las Vegas Development Fund, LLC (“LVD Fund”), EB5 Impact Capital Regional Center, LLC (“EB5IC”), EB5 Impact Advisors, LLC (“EB5IA”), Robert W. Dziubla, Jon Fleming, and Linda Stanwood, collectively.

1 Fund loaned Front Sight \$6,375,000 to expand Front Sight’s facilities in Pahrump, Nevada (the  
 2 “Project”). In other words, Front Sight is basically claiming that LVD Fund somehow forced Front  
 3 Sight and hoodwinked its two very experienced business leaders, Ignatius Piazza (owner) and Mike  
 4 Meacher (COO, and former banker for 25 years) to borrow \$6,375,000. But Front Sight has never  
 5 even offered to repay the loan and instead filed a spurious lawsuit because LVD Fund was seeking to  
 6 enforce various borrower covenants under the CLA.

7 EB5IA was responsible for marketing a potential interest in LVD Fund to foreign EB-5  
 8 investors so that LVD Fund, in turn, could loan that money to Front Sight. The parties agreed that  
 9 Front Sight would pay for the marketing costs associated with EB5IA’s efforts to secure EB-5  
 10 investors. Front Sight did in fact pay EB5IA for marketing but importantly did not pay Mr. Dziubla,  
 11 Mr. Fleming, or Ms. Stanwood for their involvement in the EB5 raise.<sup>3</sup>

12 The EB5 Parties maintain that Front Sight breached the CLA. On September 14, 2018, after  
 13 receiving LVD Fund’s notice of default on the CLA, Front Sight commenced this lawsuit alleging  
 14 that the EB5 Parties fraudulently induced it to enter into the CLA and the marketing agreement  
 15 between Front Sight and EB5IA, and that the EB5 Parties breached those same agreements.

16 **B. Front Sight Demands All of the EB5 Parties’ Financial Information in**  
 17 **Discovery.**

18 On July 10, 2019, Front Sight served the EB5 Parties with its First Set of Requests for  
 19 Production of Documents. Therein, Front Sight demanded that *each* of the EB5 Parties produce all  
 20 documents related to: “every payment and/or transfer of money or property made by [Front Sight] to  
 21 [the answering party] . . . including documents that show where or how that money or property was  
 22 used;” “every payment and/or transfer of money or property” between the EB5 Parties; “each and  
 23 every payment and/or transfer of money or property” received “by any foreign or immigrant  
 24 investor;” “the details of each and every EB-5 investor and/or investment transaction related to the  
 25 Front Sight project,” including but not limited to the identity of the EB-5 investor, their address, the  
 26

27 <sup>3</sup> Front Sight has paid interest on the loan and success fees to LVD Fund. But Front Sight is not entitled to know  
 28 how LVD Fund has spent that money, much like a mortgage holder has no right to ask a bank how it spends the interest  
 paid on his/her mortgage.

1 source of the funds (i.e., the EB-5 investor’s banking information); “monthly statements or other  
 2 period statements of accounts” for all “*checking, savings, brokerage, mutual fund, money market,*  
 3 *certificate of deposit, or other type of interest or account*” from 2013 to the present; “*documents*  
 4 *relating to bank accounts, whether, personal accounts or those belonging to or related to any*  
 5 *business entities . . .*”; and “*each and every financial transaction in which you have been*  
 6 *involved from 2012 to the present.*” (See Ex A, excerpts from LVD Fund’s Resp. to Pl.’s First Set  
 7 of Req. for Prod. of Docs., at Request Nos. 75, 76, 77, 78, 79, and 80; Ex. B., excerpts from Mr.  
 8 Dziubla’s Resp. to Pl.’s First Set of Req. for Prod. of Docs. at Req. Nos. 74, 75, 76, 77, 78, 82, 83,  
 9 86, 87, 89, 90, 92; Ex. C, excerpts from Mr. Fleming’s Resp. to Pl.’s First Set of Req. for Prod. of  
 10 Docs. at Req. Nos. 74, 75, 80, 81, 84, 85, 87, 88; Ex. D, excerpts from Ms. Stanwood’s Resp. to Pl.’s  
 11 First Set of Req. for Prod. of Doc. at Req. Nos. 71, 72, 73, 74, 75, 76, 84, 85, 87, 88; Ex. E, excerpts  
 12 from EB5IC’s Resp. to Pl.’s First Set of Req. for Prod. of Docs. at Req. Nos. 71, 72, 73, 74, 75)  
 13 (emphasis added). Because Front Sight sought to discover private, financial information that was  
 14 unrelated to this case—i.e., every financial transaction which the EB5 Parties were involved in from  
 15 2012 to the present, regardless of whether it related to the money paid by Front Sight to EB5IA—the  
 16 EB5 Parties objected and refused to produce all of their confidential, private financial information in  
 17 response. (*See id.*)

18 A few weeks later, on August 1, 2019, Front Sight then sought the production of the EB5  
 19 Parties’ tax returns. (*See* Ex. F, LVD Fund’s Resp. to Pl.’s Second Set of Req. for Prod. of Docs.;  
 20 Ex. G, Mr. Dziubla’s Resp. to Pl.’s Third Set of Req. for Prod. of Docs.; Ex. H, Mr. Fleming’s Resp.  
 21 to Pl.’s Second Set of Req. for Prod. of Docs.; Ex. I, Ms. Stanwood’s Resp. to Pl.’s Second Set of  
 22 Req. for Prod. of Docs.; Ex. J, EB5IC’s Resp. to Pl.’s Second Set of Req. for Prod. of Docs.; Ex. K,  
 23 EB5IA’s Resp. to Pl.’s Second Set of Req. for Prod. of Docs.) Again, the EB5 Parties objected and  
 24 refused to produce their confidential, private financial information. (*See id.*)

25 C. **Front Sight Subpoenas the EB5 Parties’ Financial Information From Banking**  
 26 **Institutions.**

27 Obviously unhappy with the EB5 Parties’ objections to its request, Front Sight then  
 28 subpoenaed the EB5 Parties’ financial information from the Bank of Hope, Open Bank, Signature

1 Bank, and Wells Fargo (the “Financial Subpoenas”). Importantly, the Financial Subpoenas were  
 2 equally broad and sought the production of all documents related to any and all financial accounts  
 3 related to the EB5 Parties (including Mr. Dziubla, Mr. Fleming, and Ms. Stanwood’s private  
 4 accounts, if any). (*See e.g.*, Defs’ Mot. to Quash Subpoena for Depo. and Docs. to Signature Bank  
 5 and/or Mot. for Prot. Order, filed 8/15/2019, at Ex. A; Defs’ Mot. to Quash Subpoena for Depo. and  
 6 Docs. to Open Bank and/or Mot. for Prot. Order, filed 8/15/2019, at Ex. A; Defs’ Mot. to Quash  
 7 Subpoenas for Depo. and Docs. to Signature Bank and/or Mot. for Prot. Order, filed 8/15/2019, at  
 8 Ex. A; Defs’ Mot. to Quash Subpoenas for Depo. and Docs. to Wells Fargo and/or Mot. for Prot.  
 9 Order, filed 8/15/2019, at Ex. A.) Given the intrusive nature of the Financial Subpoenas, on August  
 10 15, 2019, the EB5 Parties filed motions to quash the Financial Subpoenas and, alternatively, asked  
 11 the Court to enter a protective order regarding the Financial Subpoenas (the “Motions to Quash”).  
 12 (*See id.*)

13 On November 30, 2018, *long before* the Motions to Quash were heard, the EB5 Parties  
 14 produced an accounting of the money paid by Front Sight to EB5IA. (*See* Ex. L, Notice of  
 15 Accounting by Def. EB5 Impact Advisors, LLC, served 11/30/2018.). That accounting included the  
 16 production of EB5IA’s financial information specifically reflecting the payments of money from  
 17 Front Sight to EB5IA and the actual expenditures made by EB5IA.<sup>4</sup>

18 **D. The Court Grants the EB5 Parties’ Motions to Quash, Finding That Front Sight**  
 19 **Is Not Entitled to All of the EB5 Parties’ Financial Information.**

20 On October 9, 2019, the parties appeared before the Court on the Motions to Quash. During  
 21 that hearing, the Court rejected Front Sight’s contention that it was entitled to *all of* the EB5 Parties’  
 22 financial information and distinguished this case from the partnership dispute cases upon which  
 23 Front Sight relied, finding that Front Sight’s fraudulent inducement and breach of contract claims  
 24 did not “give [Front Sight] the right to start looking at all [of the EB5 Parties’] bank accounts.”  
 25 10/9/2019 Hr’g Tr. at pg. 122:7-22. Front Sight’s counsel took issue with the accounting provided  
 26 by EB5IA at the hearing so the Court did comment that Front Sight could seek a small amount of  
 27

28 <sup>4</sup> The EB5 Parties subsequently supplemented the accounting in August 2019.

1 financial information from the EB5 Parties but *only if* it was related to their misrepresentations about  
2 how the money paid to EB5IA was spent and the requests were “*specific laser-like request[s] for*  
3 *production of documents.*” *Id.* at 123:18-124:22 (emphasis added). Formal orders granting the EB5  
4 Parties’ Motions to Quash were filed on December 3, 2019.

5 **E. Front Sight Again Demands All of the EB5 Parties’ Financial Information.**

6 Notwithstanding the Court’s orders on the Motions to Quash, following the October 9, 2019  
7 hearing, Front Sight persisted in demanding all of the EB5 Parties’ financial information without  
8 limitation. On October 30, 2019, Front Sight served another round of Requests for Production of  
9 Documents, which included many of the same, verbatim demands from its First Set of Requests for  
10 Production of Documents and the Financial Subpoenas. Again, Front Sight demanded all of the EB5  
11 Parties’ financial information. (*See e.g.*, Ex. M, excerpts from LVD Fund’s Third Suppl. Resp. to  
12 Front Sight’s Third Set of Req. for Prod. of Docs. to LVD Fund at Req. Nos. 134, 135, 136, 137,  
13 138, 160, 161, 163, 172, 187, 188, 189, 190, 191, 192, 194, 202; Ex. N, excerpts from Mr. Dziubla’s  
14 Suppl. Resp. to Pl’s Fifth Set of Req. for Prod. of Docs., at Req. Nos. 121, 122, 123; Ex. O, excerpts  
15 from Mr. Fleming’ Suppl. Resp. to Pl’s Fifth Set of Req. for Prod. of Docs., at Req. Nos. 115, 116,  
16 117, 118, 123, 124, 130, 135, 136, 137, 138, 141; Ex. P, excerpts from Ms. Stanwood’s Suppl. Resp.  
17 to Pl’s Third Set of Req. for Prod. of Docs., at Req. Nos. 113, 114, 115, 116, 121, 122, 128, 133,  
18 134, 135, 136, 137; Ex. Q, excerpts from EB5IC’s Suppl. Resp. to Pl’s Third Set of Req. for Prod. of  
19 Docs., at Req. Nos. 109, 110, 111, 112, 113, 114, 120, 121, 130, 135, 136, 137, 138, 142). Instead  
20 of propounding “specific laser-like requests” as required by the Court, Front Sight tried to make an  
21 end-run on the Court’s prior order by demanding the EB5 Parties produce (among other things) “all  
22 bank statements and other documents” related to any “financial account[s] with” the very entities  
23 that Front Sight had sought to subpoena (and that the Court had quashed). (*See* Ex. M at 187-192,  
24 194; Ex. N at Req. Nos. 141-144; Ex. O at Req. Nos. 135-138; Ex. Pat Req. Nos. 133-136; Ex. Q, at  
25 Req. Nos. 135-138.) Again, the EB5 Parties objected to these requests as improperly seeking  
26 private, confidential information unrelated to the case. (*See id.*)

27 Still undeterred, Front Sight then sought the same broad financial information via  
28 interrogatories. On November 11, 2019, Front Sight propounded its First Set of Interrogatories on

1 each of the EB5 Parties. In those interrogatories, Front Sight again demanded the production of all  
 2 of the EB5 Parties' financial information. (*See* Ex.R, excerpts from LVD Fund's Resp. to Pl.'s First  
 3 Set of Interrogs. at 5 (demanding "all facts" and "all documents" related to every transfer of money  
 4 by LVD Fund to another Defendant), 6 (the same as to transfers from any other Defendant to LVD  
 5 Fund), 17, 18, 19, 21, 22, 32 (*demanding that the responding party "identify any and all financial  
 6 accounts at Bank of Hope, Signature Bank, Wells Fargo Bank, or Open Bank pertaining to [the  
 7 responding party] and/or for which [the responding party is] the beneficiary, signatory, and/or  
 8 account holder . . . and all documents which relate to said accounts"*) (emphasis added); Ex.S,  
 9 excerpts from Mr. Dziubla's Resp. to Pl.'s First Set of Interrogs. at Resp. Nos. 13, 14, 16, 20; Ex.T,  
 10 excerpts from Mr. Fleming's Resp. to Pl.'s First Set of Interrogs. at Resp. Nos. 20, 21, 22, 26; Ex.U,  
 11 excerpts from Ms. Stanwood's Resp. to Pl.'s First Set of Interrogs. at Resp. Nos. 5, 6, 8, 11; Ex.V,  
 12 excerpts from EB5IC's Resp. to Pl.'s First Set of Interrogs. at Resp. Nos. 5, 6, 13, 14, 16, 17). Yet  
 13 again, the EB5 Parties objected.

14 **F. Front Sight Contends That the EB5 Parties Are Required to Fully Respond to**  
 15 **the Responses That Improperly Seek Their Financial Information.**

16 Front Sight has since moved to compel the EB5 Parties' responses to both the Third Set of  
 17 Requests for Production of Documents and the First Set of Interrogatories, arguing that the EB5  
 18 Parties have waived their valid objections to all of the requests (including but not limited to those  
 19 requests that seek the EB5 Parties' private, financial information). After lengthy meet and confer  
 20 efforts between the parties to work through the issues related to the Third Set of Requests for  
 21 Production of Documents, and after status checks to discuss the same with the Court, on March 25,  
 22 2020, the Court entered an order granting in part Front Sight's motion to compel. However, the  
 23 Court reserved judgment on the EB5 Parties' financial information for another day. (*See* 3/25/2020  
 24 Order Grant. Pls' Mot. to Compel.)

25 On April 13, 2020, the EB5 Parties filed a Motion for Protective Order related to the EB-5  
 26 Investors and Foreign Placement Consultants' information, including but not limited to, the terms of  
 27 payment and information regarding how LVD Fund utilized the interest and success fees it was paid  
 28 for securing and disbursing the loan proceeds. The Court has already ruled that the EB-5 Investors'

1 information (including names, contact information, and banking information) is not subject to  
2 discovery. (See 5/13/2020 Ct. Mins.).

3 On April 27, 2020, Front Sight filed a Motion for Sanctions for Violation of Court Orders  
4 Related to Defendants’ Responses to Plaintiff’s Requests for Production of Documents. Within that  
5 Motion, Front Sight incorrectly implies that the Court overruled the EB5 Parties’ valid objections to  
6 the above requests which seek the production of the EB5 Parties’ private financial information and  
7 that the EB5 Parties have failed to comply with that order by producing complete financial  
8 information. Therefore, the EB5 Parties now bring this motion to clarify that the prior ruling on the  
9 Motions to Quash should apply to Front Sight’s subsequent requests for the same information, and to  
10 enter a protective order on the discovery demands.

11 **III. Argument**

12 **A. Standard of Decision.**

13 The Court may, for good cause, issue an order precluding or limiting discovery. NRC P 26(c)  
14 governs protective orders and provides in pertinent part:

15 (c) When Required. On motion or on its own, the court must limit the frequency or  
16 extent of discovery otherwise allowed by these rules or by local rule if it determines  
17 that:

- 18 (i) the discovery sought is unreasonably cumulative or duplicative, or  
can be obtained from some other source that is more convenient, less  
burdensome, or less expensive;
- 19 (ii) the party seeking discovery has had ample opportunity to obtain  
the information by discovery in the action; or
- 20 (iii) the proposed discovery is outside the scope permitted by Rule  
21 26(b)(1).

22 The Court has “very broad discretion in fashioning [protective] orders. See *McDowell v.*  
23 *Calderon*, 197 F.3d 1253, 1256 (9th Cir. 1999). Protective orders serve as a “safeguard for the  
24 protection of parties and witnesses in view of the broad discovery rights authorized in Rule 26(b).”  
25 *United States v. Columbia Broad Sys., Inc.*, 666 F.2d 364, 369 (9th Cir. 1982).

26 Although NRC P 26(b) is broad, it is not without limits. “*If the discovery sought is not*  
27 *relevant, the court should restrict discovery by issuing a protective order.*” *Monte H. Greenawalt*  
28 *Revocable Tr. v. Brown*, No. 2:12-CV-01983-LRH, 2013 WL 6844760, at \*3 (D. Nev. Dec. 19,



1 2013) (emphasis added); *see also Navel Orange Admin. Comm. v. Exeter Orange Co.*, 722 F.2d 449,  
 2 454 (9th Cir. 1983) (affirming issuance of a protective order precluding discovery of irrelevant  
 3 information).

4 **B. The Court's Order on the Motions to Quash Should Apply to Front Sight's**  
 5 **Discovery Demands for the EB5 Parties' Financial Information.**

6 Front Sight intentionally chose to disregard this Court's prior conclusion that Front Sight's  
 7 blanket requests for *all* of the EB5 Parties' private, financial information was neither admissible nor  
 8 likely to lead to the discovery of admissible evidence. (10/9/19 Hr'g Tr. at 122:20-123:6) ("I just  
 9 don't think that gives you the right to start looking at all bank accounts. I just don't. . . it should be  
 10 more laser like and focused than just a broad, Hey, Signature Bank, I want all the stuff. Right?  
 11 Because I don't think that's proper. I really don't. *There's privacy issues there. There's issues as to*  
 12 *whether it's relevant or not*, and that's kind of how I see that.") (emphasis added). Instead, Front  
 13 Sight has now served discovery demands seeking the very same information that the Court  
 14 previously protected in granting the Motions to Quash: all bank statements for LVD Fund, Mr.  
 15 Dziubla, Mr. Fleming, Ms. Stanwood, EB5IC, and all of the EB5 Parties' tax records. Front Sight  
 16 cannot intentionally circumvent the Court's prior order by propounding the same requests through  
 17 written discovery. Therefore, the EB5 Parties now seek an order protecting the EB5 Parties'  
 18 financial information.

19 **C. Front Sight Improperly Seeks to Rummage Through the EB5 Parties' Financial**  
 20 **Information.**

21 Through the discovery requests, Front Sight seeks *the entire universe* of documents  
 22 reflecting the financial wherewithal of the EB5 Parties over the last 8 years. Front Sight has no  
 23 basis for reviewing bank statements and credit card statements for Mr. Dziubla, Mr. Fleming, Ms.  
 24 Stanwood, LVD Fund, and EB5IC—particularly for Mr. Dziubla, Mr. Fleming, and Ms.  
 25 Stanwood's personal accounts. The EB5 Parties (particularly the individual parties) should not, for  
 26 example, have to justify their day-to-day spending habits over the last 8 years (they will  
 27 undoubtedly be asked to do so in future depositions if these types of financial documents are  
 28 ordered to be produced).

1 ///

2 Bank statements and credit card statements contain private, personal information unrelated  
3 to the claims and defenses at issue in this matter. For example, those statements will show how  
4 much money the EB5 Parties pay for legal bills unrelated to this case, utilities, meals, etc. None of  
5 that information will assist the trier of fact in determining whether the EB5 Parties allegedly  
6 fraudulently induced Front Sight to loan \$6,375,000 from LVD Fund.

7 Put another way, there is absolutely no nexus between Front Sight's claims and the EB5  
8 Parties' financial information. The EB5 Parties certainly recognize and acknowledge that Front  
9 Sight paid EB5IA for creating the platform and marketing expenses, and that Front Sight has  
10 alleged that EB5IA has misspent at least a portion of the funds paid to it. However, EB5IA has  
11 already provided an accounting of the funds it received from Front Sight. As the Court has already  
12 recognized, the private, financial information of the other EB5 Parties is irrelevant to Front Sight's  
13 claims for relief.

14 The Court has already recognized that Front Sight does not have "the right to start looking at  
15 all bank accounts." (10/9/2019 Hr'g Tr. at 122: 19-22.) Front Sight only continues to demand this  
16 information—time and time again—to harass the EB5 Parties. Because their requests are blanket  
17 and not targeted (evoking the undertones of a fishing expedition), they are improper.

18 **D. The EB5 Parties' Tax Returns Are Not Discoverable.**

19 Tax returns are only discoverable if the information sought is (i) relevant; and (ii) "not  
20 readily obtainable from other sources." *Acosta v. Wellfleet Commc'ns, LLC*, No. 2:16-cv-02353-  
21 GMN-GWF, 2017 WL 5180425, at \* 8 (D. Nev. Nov. 8, 2017). The party seeking the discovery  
22 must show a compelling need for tax returns and other financial information. *See, e.g., Klein v.*  
23 *Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.) ("Although Nevada law  
24 does not recognize a privilege with respect to tax returns, the Nevada Supreme Court has recognized  
25 limitations on the discovery of information contained in tax returns to avoid an invasion into the  
26 litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist. Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977)  
27 ("carte blanche discovery of financial information is an excessive invasion of privacy interest");  
28 *Hetter v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994) ("public policy suggests that tax

1 returns or financial status not be had for the mere asking.").

2 Front Sight has no basis for obtaining tax returns, whether personal returns for Mr. Dziubla,  
3 Mr. Fleming, and Ms. Stanwood, or corporate returns for EB5IA or EB5IC. Invariably, if ordered to  
4 produce tax returns in this matter (corporate, personal, or both), Front Sight will scrutinize and  
5 second guess all deductions and exemptions, as well as income derived from other sources.

6 **E. Production of the EB5 Parties' Financial Information Would Result in the**  
7 **Disclosure of Information About the EB-5 Investors and the Foreign**  
8 **Consultants.**

9 The Court just recently determined that information about the EB-5 Investors—including  
10 their names, contact information, and financial information that would disclose information about  
11 the EB5 Investors—is protected. The Court is still determining whether the information related to  
12 the Foreign Placement Consultants, including financial information that would reflect payments  
13 made to the Foreign Placement Consultants, is also protected. As addressed in the EB5 Parties'  
14 April 13, 2020 Motion for Protective Order, the disclosure of the EB5 Parties' financial information  
15 would necessarily result in the disclosure of information about the EB-5 Investors and the Foreign  
16 Placement Consultants. (*See* Defs.' Mot. for Prot. Order Regarding Discovery of Consultants' and  
17 Individual Investors' Confidential Info, filed 4/13/2020) (seeking, among other things, a protective  
18 order as to the "terms of payment, and [ ] information regarding how Las Vegas Development  
19 Fund—i.e., the lender—utilized the interest and success fees it was paid for securing and disbursing  
20 the loan proceeds.")

21 **F. Front Sight's Requests Are Intended Solely to Harass the EB5 Parties.**

22 Front Sight continues to use discovery as a weapon against the EB5 Parties. Its written  
23 requests demanding the EB5 Parties' financial information are no different. It is not enough that Mr.  
24 Piazza just "wants" the EB5 Parties' financial information. Front Sight and Mr. Piazza have already  
25 demonstrated their intent to disseminate the EB5 Parties' (particularly Mr. Dziubla's) private  
26 information to Front Sight's members in order to call them to action against the EB5 Parties.

27 There is no clearer intent that Front Sight's requests are meant solely to harass the EB5  
28 Parties than it's "Emergency Action Alert" sent to its members last January. In that Emergency  
Action Alert, Front Sight told its followers that Mr. Dziubla was a "Lying, Two-Faced, Gun-

1 Grabbing Hillary Clinton Supporting, Con Man” and that “NOW” was the time for Front Sight’s  
2 members “to Demonstrate the[ir] Strength . . . by Giving this Traitor [Dziubla] What He Truly  
3 Deserves.” (Ex. W, Front Sight’s January 28, 2019 Emergency Action Alert.) Front Sight asked its  
4 200,000 members “to not only stop him in his tracks, but also give him what he truly deserves.” (*Id.*  
5 at pg. 1) Lest there be any confusion about what Front Sight was asking its members to do, Front  
6 Sight then published Mr. Dziubla’s name, home address, photographs of Mr. Dziubla in front of his  
7 home, commented on his “million dollar home,” and told its members that a private investigation  
8 apparently found that Mr. Dziubla held “significant financial assets.” (*Id.* at pg. 3-4.) Front Sight  
9 then went on to candidly admit to its members that Front Sight intended to “press our prosecution of  
10 the litigation like a blitzkrieg” and that it would “not ease [the] blistering legal attack” until the EB5  
11 Parties were forced “into financial ruin in bankruptcy court.” (*Id.* at pg. 5.)

12 There is no doubt that if Front Sight were to obtain additional personal information about the  
13 EB5 Parties, including their private, financial information, they would certainly use it to—once  
14 again—harass the EB5 Parties.

15 **IV. CONCLUSION**

16 For the reasons stated above, the EB5 Parties request that the Court extend its December 3,  
17 2019 orders regarding the Motions to Quash to the pending discovery requests and preclude Front  
18 Sight from discovering all of the EB5 Parties’ private, financial information.

19 DATED this 18<sup>th</sup> day of May, 2020.

20 BAILEY ❖ KENNEDY

21  
22 By: /s/ Andrea M. Champion  
23 JOHN R. BAILEY  
JOSHUA M. DICKEY  
ANDREA M. CHAMPION

24 *Attorneys for Defendants*  
25 LAS VEGAS DEVELOPMENT FUND  
26 LLC; EB5 IMPACT CAPITAL  
27 REGIONAL CENTER LLC; EB5 IMPACT  
28 ADVISORS LLC; ROBERT W.  
DZIUBLA; JON FLEMING; and LINDA  
STANWOOD

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 18<sup>th</sup> day of May, 2020, service of the foregoing **MOTION FOR PROTECTIVE ORDER REGARDING THE DEFENDANTS’ PRIVATE FINANCIAL INFORMATION** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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CATHERINE HERNANDEZ  
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Las Vegas, Nevada 89117

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FRONT SIGHT MANAGEMENT LLC

/s/ Josephine Baltazar  
Employee of BAILEY ❖ KENNEDY

**BAILEY ❖ KENNEDY**  
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# EXHIBIT A

# EXHIBIT A

1 **RRFP**  
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22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) DEFENDANT, LAS VEGAS DEVELOPMENT  
LAS VEGAS DEVELOPMENT FUND LLC, ) FUND LLC'S RESPONSES TO PLAINTIFF'S  
et al., ) FIRST SET OF REQUESTS FOR  
Defendants. ) PRODUCTION OF DOCUMENTS  
\_\_\_\_\_)

29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**  
30 **RESPONDING PARTY: Defendant, LAS VEGAS DEVELOPMENT FUND LLC**  
31 **SET NO: ONE**

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**GENERAL OBJECTIONS**

Defendant, **LAS VEGAS DEVELOPMENT FUND LLC** ("Responding party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. One) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's possession, custody or control, or refers to persons, entities, or events not known to them, on the grounds that such requests seek to require more of this defendant than any obligation imposed by law, would subject responding party to unreasonable and undue annoyance, oppression, burden and expense, and would seek to impose upon responding party an obligation to investigate or discover information or materials from third parties or persons which are equally accessible to propounding party.

2. Responding party objects to the requests on the ground that they have not completed investigation of the facts related to this matter, have not completed discovery in this action and have not completed preparation for any trial that may be held in this action. Any responses to the following document demands are based on documents currently known to responding party and are given without prejudice to responding party right to produce evidence of any subsequently discovered documents.

3. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents or information which would invade the protections afforded Responding party under the attorney-client privilege and/or work product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production of such protected information is not intended to be and shall not operate as a waiver of the applicable privilege. Any information withheld on the basis of such privilege will be identified on a privilege log.



1 burdensome and oppressive because it seeks documents that are already in possession of  
2 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
3 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
4 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is protected by rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 75:**

11 Please provide copies of any and all documents which show or in any way relate to each and  
12 every payment and/or transfer of money or property made by Plaintiff to you from 2012 to the  
13 present, including documents that show where or how that money or property was used after you  
14 received it.

15 **RESPONSE TO REQUEST NO. 75:**

16 Responding Party objects to this Document Request on grounds that it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or  
18 readily available to Requesting Party; it is compound as to issues and facts; it is duplicative to  
19 other Document Requests contained herein and herewith; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
21 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27  
28

1 **REQUEST NO. 76:**

2 Please provide copies of any and all documents which show or in any way relate to each and  
3 every payment and/or transfer of money or property made by you to any other Defendant in this  
4 matter, or entity controlled by any other Defendant in this matter, from 2012 to the present. This  
5 includes, but is not limited to, documentation related to any reimbursement, salary, or equity  
6 distribution from you to any other Defendant in this matter, or entity controlled by any other  
7 Defendant or entity in this matter.

8 **RESPONSE TO REQUEST NO. 76:**

9 Responding Party objects to this Document Request on grounds that it lacks foundation;  
10 is vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative  
11 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
12 because it seeks documents that are already in possession of Requesting Party or readily available  
13 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
14 product doctrine; and it purports to require Responding Party to disclose information that is a  
15 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
16 rights of privacy.

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21  
22 **REQUEST NO. 77:**

23 Please provide copies of any and all documents which show or in any way relate to each and  
24 every financial transaction and/or transfer of money or property made by you to any other person or  
25 entity, including any other Defendant, or made to you from any other person or entity, including any  
26 other Defendant, from 2012 to the present.

27 **RESPONSE TO REQUEST NO. 77:**

1            Responding Party objects to this Document Request on grounds that it is not reasonably  
2 proportional to the Injunction Issues; vague and ambiguous as to “any other person or entity;” it  
3 is compound as to issues and facts; it is duplicative to other Document Requests contained herein  
4 and herewith; it is burdensome and oppressive because it seeks documents that are already in  
5 possession of Requesting Party or readily available to Requesting Party; it seeks information  
6 protected by the attorney-client privilege and work product doctrine; and it purports to require  
7 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
8 commercially sensitive, or information that is protected by rights of privacy .

9            In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13  
14 **REQUEST NO. 78:**

15            Please provide copies of any and all documents which support, refute, or in any way  
16 relate to each and every payment and/or transfer of money or property made to you by any  
17 foreign or immigrant investor from 2012 to the present.

18 **RESPONSE TO REQUEST NO. 78:**

19            Responding Party objects to this Document Request on grounds that it lacks foundation;  
20 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
21 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
22 burdensome and oppressive because it seeks documents that are already in possession of  
23 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
24 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
25 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is protected by rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4 **REQUEST NO. 79:**

5 Please provide copies of any and all documents which in any way relate to each and every  
6 financial transaction in which you have been involved from 2012 to the present, including all  
7 underlying documentation to substantiate said transaction(s).

8 **RESPONSE TO REQUEST NO. 79:**

9 Responding Party objects to this Document Request on grounds that it is not reasonably  
10 proportional to the Injunction Issues; it is vague and ambiguous as to “involved;” it is duplicative  
11 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
12 because it seeks documents that are already in possession of Requesting Party or readily available  
13 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
14 product doctrine; and it purports to require Responding Party to disclose information that is a  
15 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
16 rights of privacy.

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21 **REQUEST NO. 80:**

22 Please provide copies of any and all documents which identify the details of each and every  
23 EB-5 investor and/or investment transaction related to the Front Sight project, including but not  
24 limited to the identity of the person or entity involved, the address of the person or entity investing,  
25 the country of origin of the person or entity investing, the contact person for the agent of the EB-5  
26 investor, the date of the transaction, the amount of the investment, the source of the funds for the  
27 investment, the current immigration status of the EB-5 investor, and the current status of the  
28

1 investment.

2 **RESPONSE TO REQUEST NO. 80:**

3 Responding Party objects to this Document Request on grounds that it is compound as to  
4 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
5 burdensome and oppressive because it seeks documents that are already in possession of  
6 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
7 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
8 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
9 information that is protected by rights of privacy .

10 In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14

15 **REQUEST NO. 81:**

16 Please provide copies of any and all documents which support, refute, or in any way relate  
17 to each and every representation you have made to any potential EB-5 investor of the Front Sight  
18 project, or agent of any potential EB-5 investor, including representations prior to investment and  
19 updates since investment.

20 **RESPONSE TO REQUEST NO. 81:**

21 Responding Party objects to this Document Request on grounds that it lacks foundation;  
22 is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or  
25 readily available to Requesting Party; it seeks information protected by the attorney-client  
26 privilege and work product doctrine; and it purports to require Responding Party to disclose  
27 information that is a trade secret, confidential, proprietary, commercially sensitive, or

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1 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is  
2 burdensome and oppressive because it seeks documents that are already in possession of  
3 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
4 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
5 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is protected by rights of privacy.

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11  
12 DATED: July 24, 2019

FARMER CASE & FEDOR

13  
14 /s/ Kathryn Holbert  
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# EXHIBIT B

# EXHIBIT B

1 **RRFP**

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14 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
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15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
18 Nevada Limited Liability Company, ) DEPT NO.: 16  
19 Plaintiff, )  
20 vs. ) DEFENDANT, ROBERT W. DZIUBLA’S  
21 LAS VEGAS DEVELOPMENT FUND LLC, ) RESPONSES TO PLAINTIFF’S FIRST SET OF  
et al., ) REQUESTS FOR PRODUCTION OF  
22 Defendants. ) DOCUMENTS  
23 )  
24 )

25 **PROPOUNDING PARTY:** Plaintiff, FRONT SIGHT MANAGEMENT LLC,  
26 **RESPONDING PARTY:** Defendant, ROBERT W. DZIUBLA  
27 **SET NO:** ONE  
28



**GENERAL OBJECTIONS**

1  
2 Defendant, **ROBERT W. DZIBULA**("Responding party" or "Defendant"), makes the following  
3 general objections, whether or not separately set forth in response to each document demand, to each  
4 and every definition and document demand in the Request for Production of Documents (Set No.  
5 One) of Plaintiff ("Propounding party"):

6           1.       Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate or discover  
12 information or materials from third parties or persons which are equally accessible to propounding  
13 party.

14           2.       Responding party objects to the requests on the ground that they have not completed  
15 investigation of the facts related to this matter, have not completed discovery in this action and have  
16 not completed preparation for any trial that may be held in this action. Any responses to the  
17 following document demands are based on documents currently known to responding party and are  
18 given without prejudice to responding party right to produce evidence of any subsequently  
19 discovered documents.

20           3.       Responding party objects to the requests generally, and to each and every individual  
21 request specifically, to the extent that the requests seek documents or information which would  
22 invade the protections afforded Responding party under the attorney-client privilege and/or work  
23 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
24 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
25 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
26 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
27 log.

1 4. Unless otherwise indicated, Responding Party will produce information regarding the  
2 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary  
3 Injunction Petition. (hereafter "Injunction Issues").

4 5 Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 6. The production of any documents or information by Responding Party is made  
8 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
9 documents containing confidential or proprietary information or trade secrets.

10 7. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements with  
12 others, or that would require Responding Party to violate the privacy interests of others.

13  
14 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST NO. 1:**

16 Produce copies any and all documents, writings and/or communications utilized or consulted  
17 in the answering of Plaintiff's First Set Interrogatories to Defendant Robert Dziubla.

18 **RESPONSE TO REQUEST NO. 1:**

19 Objection. This Document Request seeks information that does not exist as there has  
20 been no Interrogatories served on Responding Party.

21 **REQUEST NO. 2:**

22 Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's  
23 First Set of Interrogatories to Defendant Robert Dziubla.

24 **RESPONSE TO REQUEST NO. 2:**

25 Objection. This Document Request seeks information that does not exist as there has  
26 been no Interrogatories served on Responding Party.

27 **REQUEST NO. 3:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 Please provide copies of any and all documents which show or in any way relate to each and  
2 every payment and/or transfer of money or property made by Plaintiff to you, or to any entity  
3 controlled by you, from 2012 to the present, including documents that show where or how that  
4 money or property was used after you received it.

5 **RESPONSE TO REQUEST NO. 73:**

6 Responding Party objects to this Document Request on grounds that it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it is compound as to issues and facts; it is duplicative to other  
9 Document Requests contained herein and herewith; it seeks information protected by the  
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is protected by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 74:**

19 Please provide copies of any and all documents which show or in any way relate to each and  
20 every payment and/or transfer of money or property made to you, or any entity controlled by you,  
21 by any other Defendant in this matter from 2012 to the present. This includes, but is not limited to,  
22 documentation related to any reimbursement, salary, or equity distribution to you from any other  
23 Defendant in this matter, or entity controlled by any other Defendant or entity in this matter.

24  
25 **RESPONSE TO REQUEST NO. 74:**

26 Responding Party objects to this Document Request on grounds that it lacks foundation; is  
27 vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative to  
28 other Document Requests contained herein and herewith; it is burdensome and oppressive because

1 it seeks documents that are already in possession of Requesting Party or readily available to  
2 Requesting Party; it seeks information protected by the attorney-client privilege and work product  
3 doctrine; and it purports to require Responding Party to disclose information that is a trade secret,  
4 confidential, proprietary, commercially sensitive, or information that is protected by rights of  
5 privacy.

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 75:**

11 Please provide copies of any and all documents which show or in any way relate to each and  
12 every financial transaction and/or transfer of money or property made to you, or any entity, including  
13 any other Defendant, controlled by you, from any other person or entity, including any other  
14 Defendant, from 2012 to the present.

15 **RESPONSE TO REQUEST NO. 75:**

16 Responding Party objects to this Document Request on grounds that it is not reasonably  
17 proportional to the Injunction Issues; vague and ambiguous as to "any other person or entity;" it is  
18 compound as to issues and facts; it is duplicative to other Document Requests contained herein and  
19 herewith; it is burdensome and oppressive because it seeks documents that are already in possession  
20 of Requesting Party or readily available to Requesting Party; it seeks information protected by the  
21 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
22 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is protected by rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 76:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to each and every payment and/or transfer of money or property made to you, or any entity controlled  
3 by you, by any foreign or immigrant investor from 2012 to the present.

4 **RESPONSE TO REQUEST NO. 76:**

5 Responding Party objects to this Document Request on grounds that it lacks foundation; is  
6 vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and facts;  
7 it is duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 77:**

19 Please provide copies of any and all documents which in any way relate to each and every  
20 financial transaction in which you have been involved from 2012 to the present, including all  
21 underlying documentation to substantiate said transaction(s).

22 **RESPONSE TO REQUEST NO. 77:**

23 Responding Party objects to this Document Request on grounds that it is burdensome and  
24 oppressive because it is not reasonably proportional to the Injunction Issues; vague and ambiguous  
25 as to "each and every financial transaction;" it is compound as to issues and facts; it is duplicative  
26 to other Document Requests contained herein and herewith; it seeks information protected by the  
27 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
28 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or

1 information that is protected by rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 78:**

7 Please provide copies of any and all documents which identify the details of each and every  
8 EB-5 investor and/or investment transaction related to the Front Sight project referenced in the  
9 Second Amended Complaint, including but not limited to the identity of the person or entity  
10 involved, the address of the person or entity investing, the contact person for the agent of the EB-5  
11 investor, the country of origin of the person or entity investing, the date of the transaction, the  
12 amount of the investment, the source of the funds for the investment, the current immigration status  
13 of the EB-5 investor, and the current status of the investment.

14 **RESPONSE TO REQUEST NO. 78:**

15 Responding Party objects to this Document Request on grounds that it is compound as to  
16 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
17 burdensome and oppressive because it seeks documents that are already in possession of Requesting  
18 Party or readily available to Requesting Party; it seeks information protected by the attorney-client  
19 privilege and work product doctrine; and it purports to require Responding Party to disclose  
20 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
21 that is protected by rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request

26 **REQUEST NO. 79:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28 to each and every representation you have made to any potential EB-5 investor of the Front Sight

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 81:**

6 Please provide copies of any and all documents provided to you, or any entity controlled by  
7 you, by Plaintiff or any representative of Plaintiff at any time between 2012 and the present.

8 **RESPONSE TO REQUEST NO. 81:**

9 Responding Party objects to this Document Request on grounds that it is duplicative to other  
10 Document Requests contained herein and herewith; and it is burdensome and oppressive because  
11 it seeks documents that are already in possession of Requesting Party or readily available to  
12 Requesting Party.

13 **REQUEST NO. 82:**

14 Please produce all documents showing the use of funds paid by Plaintiff and received by you  
15 and/or your agents, and/or any entity controlled by you, including specifically providing the  
16 chronological tracing of the funds from the date of receipt to the transfer and/or use of the funds.

17 **RESPONSE TO REQUEST NO. 82:**

18 Responding Party objects to this Document Request on grounds that it is duplicative to other  
19 Document Requests contained herein and herewith; and it is burdensome and oppressive because  
20 it seeks documents that are already in possession of Requesting Party or readily available to  
21 Requesting Party.

22  
23 **REQUEST NO. 83:**

24 Please produce copies of all financial records generated from January 1, 2013 through the  
25 present date, inclusive, regarding any business in which you have or have had any legal or beneficial  
26 interest whatsoever since January 1, 2013. Responsive documents shall include, without limitation,  
27 general ledgers, QuickBooks, income, accounts receivable, inventory, payroll, bills, expenses,  
28 audited and unaudited financial statements, other ledgers, journals, bank account statements, check

1 registers, canceled checks, loan documents and the customer or client list.

2 **RESPONSE TO REQUEST NO. 83:**

3 Responding Party objects to this Document Request on grounds that it is burdensome and  
4 oppressive because it is not reasonably proportional to the Injunction Issues; vague and ambiguous  
5 as to multiple terms; it is compound as to issues and facts; it is duplicative to other Document  
6 Requests contained herein and herewith; it seeks information protected by the attorney-client  
7 privilege and work product doctrine; and it purports to require Responding Party to disclose  
8 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
9 that is protected by rights of privacy .

10 In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 84:**

15 Please produce all W-2 forms submitted to the Internal Revenue Service by you for each of  
16 the tax years from 2013 to present.

17 **RESPONSE TO REQUEST NO. 84:**

18 Responding Party objects to this Document Request on grounds that it is burdensome and  
19 oppressive because it is not reasonably proportional to the Injunction Issues;; and it seeks  
20 information protected by the attorney-client privilege and work product doctrine; and it purports to  
21 require Responding Party to disclose information that is a trade secret, confidential, proprietary,  
22 commercially sensitive, or information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 85:**

28 Please produce any and all communications between you and any other party to this litigation



1 in any way relating to Plaintiff, Plaintiff's project, or the EB-5 raise.

2 **RESPONSE TO REQUEST NO. 85:**

3 Responding Party objects to this Document Request on grounds that it is burdensome and  
4 oppressive because it is not reasonably proportional to the Injunction Issues; vague and ambiguous  
5 to "about Plaintiff;" it is compound; duplicative; and it seeks information protected by the  
6 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is protected by rights of privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13 **REQUEST NO. 86:**

14 Please produce all personal tax records from January 1, 2013 to the present. Plaintiff agrees  
15 that you may produce your response as "confidential" under the Stipulated Protective Order.

16 **RESPONSE TO REQUEST NO. 86:**

17 Responding Party objects to this Document Request on grounds that it is burdensome and  
18 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it is  
19 compound as to facts and issues; and it seeks information protected by the attorney-client privilege  
20 and work product doctrine; and it purports to require Responding Party to disclose information that  
21 is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected  
22 by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 87:**

28 Please produce any and all documents relating to bank accounts, whether, personal accounts

1 or those belonging to or related to any business entities with which you are, or have been, involved  
2 or associated, into which any checks, cash, money orders, wire transfers, or any other payments you  
3 have received from Plaintiff, any Defendant, or any of Plaintiff's or Defendants' related entities were  
4 deposited. Plaintiff agrees that you may produce your response as "confidential" under the Stipulated  
5 Protective Order.

6 **RESPONSE TO REQUEST NO. 87:**

7 Responding Party objects to this Document Request on grounds that it is burdensome and  
8 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it is  
9 compound as to facts and issues; and it seeks information protected by the attorney-client privilege  
10 and work product doctrine; and it purports to require Responding Party to disclose information that  
11 is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected  
12 by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 88:**

18 Please produce any and all documents related to the formation of any business entity with  
19 which you are, or have been, involved or associated, including, but not limited to, articles of  
20 incorporation, LLC operating agreements, and documents governing the operation of the relevant  
21 business entities.

22 **RESPONSE TO REQUEST NO. 88:**

23 Responding Party objects to this Document Request on grounds that it lacks foundation; is  
24 vague and ambiguous; it is compound as to issues and facts; it is burdensome and oppressive because  
25 it seeks documents that are already in possession of Requesting Party or readily available to  
26 Requesting Party; it seeks information protected by the attorney-client privilege and work product  
27 doctrine; and it purports to require Responding Party to disclose information that is a trade secret,  
28 confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy

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In Addition, this Document Request is overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction. Responding Party, subject to and without waiving said objections, will produce all documents relating to the Injunction Issues that are responsive to this Document Request.

**REQUEST NO. 89:**

Please produce any and all documents relating to bank accounts you have set up for any business entities with which you are involved or associated jointly with any other Defendant.

**RESPONSE TO REQUEST NO. 89:**

Responding Party objects to this Document Request on grounds that it lacks foundation; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

In Addition, this Document Request is overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction. Responding Party, subject to and without waiving said objections, will produce all documents relating to the Injunction Issues that are responsive to this Document Request.

**REQUEST NO. 90:**

Please produce copies of all documents comprising or constituting monthly statements or other periodic statements of account from all banks and other financial institutions in which you have had any type of checking, savings, brokerage, mutual fund, money market, certificate of deposit, or other type of interest or account for all periods from January 1, 2013 through the present date, inclusive. This request includes any accounts into which (at any point during the time period January 1, 2013 to the present date, inclusive) you have made any deposits or from which you have had the right to withdraw, and any account over which you have, or have had, whether acting alone or in concert with others, either signature authority or authority to direct the disposition of assets or funds held therein.

1 **RESPONSE TO REQUEST NO. 90:**

2 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
3 is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues; it  
4 is compound as to issues and facts; it seeks information protected by the attorney-client privilege  
5 and work product doctrine; and it purports to require Responding Party to disclose information that  
6 is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected  
7 by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 91:**

13 Produce any and all communication between you and Sean Flynn.

14 **RESPONSE TO REQUEST NO. 91:**

15 Responding Party objects to this Document Request on grounds that it is burdensome and  
16 oppressive because it is not reasonably proportional to the Injunction Issues; it is vague and  
17 ambiguous; and it seeks information protected by the attorney-client privilege and work product  
18 doctrine; and it purports to require Responding Party to disclose information that is a trade secret,  
19 confidential, proprietary, commercially sensitive, or information that is protected by rights of  
20 privacy.

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25 **REQUEST NO. 92:**

26 Please provide any and all documents which relate to and/or account for any and all funds  
27 you have received from Front Sight directly or which you know to originate from Front Sight,  
28 including all money received by you from Plaintiff, how said funds were spent, identification of who

1 received any portion of the funds, and any and all documentation to support or justify payments made  
2 or funds spent.

3 **RESPONSE TO REQUEST NO. 92:**

4 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
5 is compound as to issues and facts; it is duplicative to other Document Requests contained herein  
6 and herewith; it is burdensome and oppressive because it seeks documents that are already in  
7 possession of Requesting Party or readily available to Requesting Party; it seeks information  
8 protected by the attorney-client privilege and work product doctrine; and it purports to require  
9 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
10 commercially sensitive, or information that is protected by rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request

15 **REQUEST NO. 93:**

16 Please provide any and all documents which show or demonstrate your experience with EB-5  
17 lending at any time in the past.

18 **RESPONSE TO REQUEST NO. 93:**

19 Responding Party objects to this Document Request on grounds that it is vague and  
20 ambiguous as to “experience;” and it seeks information protected by the attorney-client privilege  
21 and work product doctrine; and it purports to require Responding Party to disclose information  
22 that is a trade secret, confidential, proprietary, commercially sensitive, or information that is  
23 protected by rights of privacy .

24 //

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1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5  
6  
7 DATED: July 24, 2019

FARMER CASE & FEDOR

8  
9 /s/ Kathryn Holbert  
10 ANTHONY T. CASE, ESQ.  
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21 EB5 IMPACT CAPITAL REGIONAL CENTER,  
22 LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
23 STANWOOD  
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# EXHIBIT C

# EXHIBIT C

1 **RRFP**

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JON FLEMING and LINDA STANWOOD

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
18 Nevada Limited Liability Company, ) DEPT NO.: 16  
19 Plaintiff, ) DEFENDANT, JON FLEMING’S RESPONSES  
20 vs. ) TO PLAINTIFF’S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
21 LAS VEGAS DEVELOPMENT FUND LLC, )  
et al., )  
22 Defendants. )  
23 )  
24 )

25 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

26 **RESPONDING PARTY: Defendant, JON FLEMING**

27 **SET NO: ONE**

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**GENERAL OBJECTIONS**

Defendant, **JON FLEMING** ("Responding party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. One) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's possession, custody or control, or refers to persons, entities, or events not known to them, on the grounds that such requests seek to require more of this defendant than any obligation imposed by law, would subject responding party to unreasonable and undue annoyance, oppression, burden and expense, and would seek to impose upon responding party an obligation to investigate or discover information or materials from third parties or persons which are equally accessible to propounding party.

2. Responding party objects to the requests on the ground that they have not completed investigation of the facts related to this matter, have not completed discovery in this action and have not completed preparation for any trial that may be held in this action. Any responses to the following document demands are based on documents currently known to responding party and are given without prejudice to responding party right to produce evidence of any subsequently discovered documents.

3. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents or information which would invade the protections afforded Responding party under the attorney-client privilege and/or work product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production of such protected information is not intended to be and shall not operate as a waiver of the applicable privilege. Any information withheld on the basis of such privilege will be identified on a privilege log.

1 4. Unless otherwise indicated, Responding Party will produce information regarding  
2 the issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary  
3 Injunction Petition. (hereafter "Injunction Issues").

4 5 Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 6. The production of any documents or information by Responding Party is made  
8 without waiver, and with preservation, of any privilege or protection against disclosure afforded  
9 to documents containing confidential or proprietary information or trade secrets.

10 7. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements  
12 with others, or that would require Responding Party to violate the privacy interests of others.

13  
14 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST NO. 1:**

16 Produce copies any and all documents, writings and/or communications utilized or consulted  
17 in the answering of Plaintiff's First Set Interrogatories to Defendant Jon Fleming.

18 **RESPONSE TO REQUEST NO. 1:**

19 Objection. This Document Request seeks information that does not exist as there has  
20 been no Interrogatories served on Responding Party.

21 **REQUEST NO. 2:**

22 Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's  
23 First Set of Interrogatories to Defendant Jon Fleming.

24 **RESPONSE TO REQUEST NO. 2:**

25 Objection. This Document Request seeks information that does not exist as there has  
26 been no Interrogatories served on Responding Party.

27 **REQUEST NO. 3:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 possession of Requesting Party or readily available to Requesting Party; it seeks information  
2 protected by the attorney-client privilege and work product doctrine; and it purports to require  
3 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
4 commercially sensitive, or information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

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10  
11 **REQUEST NO. 74:**

12 Please provide copies of any and all documents which support, refute, or in any way  
13 relate to each and every payment and/or transfer of money or property made to you, or any entity  
14 controlled by you, by any foreign or immigrant investor from 2012 to the present.

15 **RESPONSE TO REQUEST NO. 74:**

16 Responding Party objects to this Document Request on grounds that it lacks foundation;  
17 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
18 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
19 burdensome and oppressive because it seeks documents that are already in possession of  
20 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
21 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
22 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is protected by rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

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**REQUEST NO. 75:**

Please provide copies of any and all documents which in any way relate to each and every financial transaction in which you have been involved from 2012 to the present, including all underlying documentation to substantiate said transaction(s).

**RESPONSE TO REQUEST NO. 75:**

Responding Party objects to this Document Request on grounds that it is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues; vague and ambiguous as to “each and every financial transaction;” it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

In Addition, this Document Request is overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction. Responding Party, subject to and without waiving said objections, will produce all documents relating to the Injunction Issues that are responsive to this Document Request.

**REQUEST NO. 76:**

Please provide copies of any and all documents which identify the details of each and every EB-5 investor and/or investment transaction related to the Front Sight project referenced in the Second Amended Complaint, including but not limited to the identity of the person or entity involved, the address of the person or entity investing, the contact person for the agent of the EB-5 investor, the country of origin of the person or entity investing, the date of the transaction, the amount of the investment, the source of the funds for the investment, the current immigration status of the EB-5 investor, and the current status of the investment.

**RESPONSE TO REQUEST NO. 76:**

Responding Party objects to this Document Request on grounds that it is compound as to

1 to Requesting Party.

2  
3 **REQUEST NO. 80:**

4 Please produce all documents showing the use of funds paid by Plaintiff and received by  
5 you and/or your agents, and/or any entity controlled by you, including specifically providing the  
6 chronological tracing of the funds from the date of receipt to the transfer and/or use of the funds.

7 **RESPONSE TO REQUEST NO. 80**

8 Responding Party objects to this Document Request on grounds that it is duplicative to  
9 other Document Requests contained herein and herewith; and it is burdensome and oppressive  
10 because it seeks documents that are already in possession of Requesting Party or readily available  
11 to Requesting Party.

12  
13 **REQUEST NO. 81:**

14 Please produce copies of all financial records generated from January 1, 2013 through the  
15 present date, inclusive, regarding any business in which you have or have had any legal or  
16 beneficial interest whatsoever since January 1, 2013. Responsive documents shall include,  
17 without limitation, general ledgers, QuickBooks, income, accounts receivable, inventory, payroll,  
18 bills, expenses, audited and unaudited financial statements, other ledgers, journals, bank account  
19 statements, check registers, canceled checks, loan documents and the customer or client list.

20 **RESPONSE TO REQUEST NO. 81:**

21 Responding Party objects to this Document Request on grounds that it is burdensome  
22 and oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
23 ambiguous as to multiple terms; it is compound as to issues and facts; it is duplicative to other  
24 Document Requests contained herein and herewith; it seeks information protected by the  
25 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is protected by rights of privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

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5 **REQUEST NO. 82:**

6 Please produce all W-2 forms submitted to the Internal Revenue Service by you for each  
7 of the tax years from 2013 to present.

8 **RESPONSE TO REQUEST NO. 82:**

9 Responding Party objects to this Document Request on grounds that it is burdensome  
10 and oppressive because it is not reasonably proportional to the Injunction Issues;; and it seeks  
11 information protected by the attorney-client privilege and work product doctrine; and it purports  
12 to require Responding Party to disclose information that is a trade secret, confidential,  
13 proprietary, commercially sensitive, or information that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 83:**

20 Please produce any and all communications between you and any other party to this  
21 litigation in any way relating to Plaintiff, Plaintiff’s project, or the EB-5 raise.

22 **RESPONSE TO REQUEST NO. 83:**

23 Responding Party objects to this Document Request on grounds that it is burdensome  
24 and oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
25 ambiguous to “about Plaintiff;” it is compound; duplicative; and it seeks information protected  
26 by the attorney-client privilege and work product doctrine; and it purports to require Responding  
27 Party to disclose information that is a trade secret, confidential, proprietary, commercially  
28 sensitive, or information that is protected by rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5  
6 **REQUEST NO. 84:**

7 Please produce all personal tax records from January 1, 2013 to the present. Plaintiff  
8 agrees that you may produce your response as “confidential” under the Stipulated Protective  
9 Order.

10 **RESPONSE TO REQUEST NO. 84:**

11 Responding Party objects to this Document Request on grounds that it is burdensome  
12 and oppressive because it is not reasonably proportional to the Injunction Issues; it is  
13 duplicative; it is compound as to facts and issues; and it seeks information protected by the  
14 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
15 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is protected by rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21  
22 **REQUEST NO. 85:**

23 Please produce any and all documents relating to bank accounts, whether, personal  
24 accounts or those belonging to or related to any business entities with which you are, or have  
25 been, involved or associated, into which any checks, cash, money orders, wire transfers, or any  
26 other payments you have received from Plaintiff, any Defendant, or any of Plaintiff’s or  
27 Defendants’ related entities were deposited. Plaintiff agrees that you may produce your response  
28 as “confidential” under the Stipulated Protective Order.

1 **RESPONSE TO REQUEST NO. 85:**

2 Responding Party objects to this Document Request on grounds that it is burdensome  
3 and oppressive because it is not reasonably proportional to the Injunction Issues; it is  
4 duplicative; it is compound as to facts and issues; and it seeks information protected by the  
5 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is protected by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12  
13 **REQUEST NO. 86:**

14 Please produce any and all documents related to the formation of any business entity with  
15 which you are, or have been, involved or associated, including, but not limited to, articles of  
16 incorporation, LLC operating agreements, and documents governing the operation of the relevant  
17 business entities.

18 **RESPONSE TO REQUEST NO. 86:**

19 Responding Party objects to this Document Request on grounds that it lacks foundation;  
20 is vague and ambiguous; it is compound as to issues and facts; it is burdensome and oppressive  
21 because it seeks documents that are already in possession of Requesting Party or readily available  
22 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
23 product doctrine; and it purports to require Responding Party to disclose information that is a  
24 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
25 rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all



1 documents relating to the Injunction Issues that are responsive to this Document Request.  
2

3 **REQUEST NO. 87:**

4 Please produce any and all documents relating to bank accounts you have set up for any  
5 business entities with which you are involved or associated jointly with any other Defendant.

6 **RESPONSE TO REQUEST NO. 87:**

7 Responding Party objects to this Document Request on grounds that it lacks foundation;  
8 it seeks information protected by the attorney-client privilege and work product doctrine; and it  
9 purports to require Responding Party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is protected by rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.  
15

16 **REQUEST NO. 88:**

17 Please produce copies of all documents comprising or constituting monthly statements or  
18 other periodic statements of account from all banks and other financial institutions in which you  
19 have had any type of checking, savings, brokerage, mutual fund, money market, certificate of  
20 deposit, or other type of interest or account for all periods from January 1, 2013 through the  
21 present date, inclusive. This request includes any accounts into which (at any point during the  
22 time period January 1, 2013 to the present date, inclusive) you have made any deposits or from  
23 which you have had the right to withdraw, and any account over which you have, or have had,  
24 whether acting alone or in concert with others, either signature authority or authority to direct the  
25 disposition of assets or funds held therein.  
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28 **RESPONSE TO REQUEST NO. 88:**

1 Responding Party objects to this Document Request on grounds that it lacks foundation;  
2 it is burdensome and oppressive because it is not reasonably proportional to the Injunction  
3 Issues; it is compound as to issues and facts; it seeks information protected by the attorney-client  
4 privilege and work product doctrine; and it purports to require Responding Party to disclose  
5 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is protected by rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11  
12 **REQUEST NO. 89:**

13 Produce any and all communication between you and Sean Flynn.

14 **RESPONSE TO REQUEST NO. 89:**

15 Responding Party objects to this Document Request on grounds that it lacks foundation;  
16 it is burdensome and oppressive because it is not reasonably proportional to the Injunction  
17 Issues; it is vague and ambiguous; and it seeks information protected by the attorney-client  
18 privilege and work product doctrine; and it purports to require Responding Party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is protected by rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request

25  
26 **REQUEST NO. 90:**

27 Please provide any and all documents which relate to and/or account for any and all funds  
28 you have received from Front Sight directly or which you know to originate from Front Sight,

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 DATED: July 24, 2019

FARMER CASE & FEDOR

6  
7  
8 /s/ Kathryn Holbert  
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20 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
21 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

# EXHIBIT D

# EXHIBIT D

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21 Attorneys for Defendants  
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23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28	FRONT SIGHT MANAGEMENT LLC, a	)	CASE NO.: A-18-781084-B
29	Nevada Limited Liability Company,	)	DEPT NO.: 16
30		)	
31	Plaintiff,	)	<b>DEFENDANT, LINDA STANWOOD'S</b>
32		)	<b>RESPONSES TO PLAINTIFF'S REQUEST</b>
33	vs.	)	<b>FOR PRODUCTION OF DOCUMENTS</b>
34		)	
35	LAS VEGAS DEVELOPMENT FUND LLC,	)	
36	et al.,	)	
37		)	
38	Defendants.	)	
39		)	
40		)	
41		)	

42 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

43 **RESPONDING PARTY: Defendant, LINDA STANWOOD**

44 **SET NO: ONE**

GENERAL OBJECTIONS

Defendant, **LINDA STANWOOD**

("Responding party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. One) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's possession, custody or control, or refers to persons, entities, or events not known to them, on the grounds that such requests seek to require more of this defendant than any obligation imposed by law, would subject responding party to unreasonable and undue annoyance, oppression, burden and expense, and would seek to impose upon responding party an obligation to investigate or discover information or materials from third parties or persons which are equally accessible to propounding party.

2. Responding party objects to the requests on the ground that they have not completed investigation of the facts related to this matter, have not completed discovery in this action and have not completed preparation for any trial that may be held in this action. Any responses to the following document demands are based on documents currently known to responding party and are given without prejudice to responding party right to produce evidence of any subsequently discovered documents.

3. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents or information which would invade the protections afforded Responding party under the attorney-client privilege and/or work product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production of such protected information is not intended to be and shall not operate as a waiver of the applicable privilege. Any information withheld on the basis of such privilege will be identified on a privilege log.

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4. Unless otherwise indicated, Responding Party will produce information regarding the issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary Injunction Petition. (hereafter "Injunction Issues").

5 Responding Party reserves the right to condition the production of documents containing confidential or proprietary information or trade secrets on the Court's issuance of a confidentiality or protective order governing the disclosure of any such information.

6 The production of any documents or information by Responding Party is made without waiver, and with preservation, of any privilege or protection against disclosure afforded to documents containing confidential or proprietary information or trade secrets.

7 Responding Party objects to the requests to the extent that they would require Responding Party to produce documents or information covered by confidentiality agreements with others, or that would require Responding Party to violate the privacy interests of others.

**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:**

Produce copies any and all documents, writings and/or communications utilized or consulted in the answering of Plaintiff's First Set Interrogatories to Defendant Linda Stanwood.

**RESPONSE TO REQUEST NO. 1:**

Objection. This Document Request seeks information that does not exist as there has been no Interrogatories served on Responding Party.

**REQUEST NO. 2:**

Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's First Set of Interrogatories to Defendant Linda Stanwood.

**RESPONSE TO REQUEST NO. 2:**

Objection. This Document Request seeks information that does not exist as there has been no Interrogatories served on Responding Party.

**REQUEST NO. 3:**

1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7  
8 **REQUEST NO. 71:**

9 Please provide copies of any and all documents which show or in any way relate to each  
10 and every payment and/or transfer of money or property made by Plaintiff to you, or to any entity  
11 controlled by you, from 2012 to the present, including documents that show where or how that  
12 money or property was used after you received it.

13 **RESPONSE TO REQUEST NO. 71**

14 Responding Party objects to this Document Request on grounds that it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or  
16 readily available to Requesting Party; it is compound as to issues and facts; it is duplicative to  
17 other Document Requests contained herein and herewith; it seeks information protected by the  
18 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is protected by rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25  
26 **REQUEST NO. 72:**

27 Please provide copies of any and all documents which show or in any way relate to each  
28 and every payment and/or transfer of money or property made to you, or any entity controlled by



1 you, by any other Defendant in this matter from 2012 to the present. This includes, but is not  
2 limited to, documentation related to any reimbursement, salary, or equity distribution to you from  
3 any other Defendant in this matter, or entity controlled by any other Defendant or entity in this  
4 matter.

5 **RESPONSE TO REQUEST NO. 72:**

6 Responding Party objects to this Document Request on grounds that it lacks foundation;  
7 is vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative  
8 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
9 because it seeks documents that are already in possession of Requesting Party or readily available  
10 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a  
12 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request  
18

19 **REQUEST NO. 73:**

20 Please provide copies of any and all documents which show or in any way relate to each  
21 and every financial transaction and/or transfer of money or property made to you, or any entity  
22 controlled by you, including any other Defendant, from any other person or entity, including any  
23 other Defendant, from 2012 to the present.

24 **RESPONSE TO REQUEST NO. 73:**

25 Responding Party objects to this Document Request on grounds that it is not reasonably  
26 proportional to the Injunction Issues; vague and ambiguous as to “any other person or entity;” it is  
27 compound as to issues and facts; it is duplicative to other Document Requests contained herein  
28 and herewith; it is burdensome and oppressive because it seeks documents that are already in

1 possession of Requesting Party or readily available to Requesting Party; it seeks information  
2 protected by the attorney-client privilege and work product doctrine; and it purports to require  
3 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
4 commercially sensitive, or information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9  
10 **REQUEST NO. 74:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to each and every payment and/or transfer of money or property made to you, or any entity  
13 controlled by you, by any foreign or immigrant investor from 2012 to the present.

14 **RESPONSE TO REQUEST NO. 74:**

15 Responding Party objects to this Document Request on grounds that it lacks foundation;  
16 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
17 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
18 burdensome and oppressive because it seeks documents that are already in possession of  
19 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27  
28

1 **REQUEST NO. 75:**

2 Please provide copies of any and all documents which in any way relate to each and every  
3 financial transaction in which you have been involved from 2012 to the present, including all  
4 underlying documentation to substantiate said transaction(s).

5 **RESPONSE TO REQUEST NO. 75:**

6 Responding Party objects to this Document Request on grounds that it is burdensome and  
7 oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
8 ambiguous as to “each and every financial transaction;” it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it seeks information  
10 protected by the attorney-client privilege and work product doctrine; and it purports to require  
11 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
12 commercially sensitive, or information that is protected by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 76:**

19 Please provide copies of any and all documents which identify the details of each and  
20 every EB-5 investor and/or investment transaction related to the Front Sight project referenced in  
21 the Second Amended Complaint, including but not limited to the identity of the person or entity  
22 involved, the address of the person or entity investing, the contact person for the agent of the EB-  
23 5 investor, the country of origin of the person or entity investing, the date of the transaction, the  
24 amount of the investment, the source of the funds for the investment, the current immigration  
25 status of the EB-5 investor, and the current status of the investment.

26 **RESPONSE TO REQUEST NO. 76:**

27 Responding Party objects to this Document Request on grounds that it is compound as to  
28 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is

1 burdensome and oppressive because it seeks documents that are already in possession of  
2 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
3 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is protected by rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request  
10

11 **REQUEST NO. 77:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to each and every representation you have made to any potential EB-5 investor of the Front Sight  
14 project, or agent of any potential EB-5 investor, including representations prior to investment and  
15 updates since investment.

16 **RESPONSE TO REQUEST NO. 77:**

17 Responding Party objects to this Document Request on grounds that it lacks foundation;  
18 is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or  
21 readily available to Requesting Party; it seeks information protected by the attorney-client  
22 privilege and work product doctrine; and it purports to require Responding Party to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
24 that is protected by rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2  
3 **REQUEST NO. 84:**

4 Please produce all personal tax records from January 1, 2013 to the present. Plaintiff  
5 agrees that you may produce your response as “confidential” under the Stipulated Protective  
6 Order.

7 **RESPONSE TO REQUEST NO. 84:**

8 Responding Party objects to this Document Request on grounds that it is burdensome and  
9 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it is  
10 compound as to facts and issues; and it seeks information protected by the attorney-client  
11 privilege and work product doctrine; and it purports to require Responding Party to disclose  
12 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
13 that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 85:**

20 Please produce any and all documents relating to bank accounts, whether, personal  
21 accounts or those belonging to or related to any business entities with which you are, or have  
22 been, involved or associated, into which any checks, cash, money orders, wire transfers, or any  
23 other payments you have received from Plaintiff, any Defendant, or any of Plaintiff’s or  
24 Defendants’ related entities were deposited. Plaintiff agrees that you may produce your response  
25 as “confidential” under the Stipulated Protective Order.

26  
27 **RESPONSE TO REQUEST NO. 85:**

28 Responding Party objects to this Document Request on grounds that it is burdensome and

1 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it  
2 is compound as to facts and issues; and it seeks information protected by the attorney-client  
3 privilege and work product doctrine; and it purports to require Responding Party to disclose  
4 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
5 that is protected by rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10  
11 **REQUEST NO. 86:**

12 Please produce any and all documents related to the formation of any business entity with  
13 which you are, or have been, involved or associated, including, but not limited to, articles of  
14 incorporation, LLC operating agreements, and documents governing the operation of the relevant  
15 business entities.

16 **RESPONSE TO REQUEST NO. 86:**

17 Responding Party objects to this Document Request on grounds that it lacks foundation;  
18 is vague and ambiguous; it is compound as to issues and facts; it is burdensome and oppressive  
19 because it seeks documents that are already in possession of Requesting Party or readily available  
20 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a  
22 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request  
28

1 **REQUEST NO. 87:**

2 Please produce any and all documents relating to bank accounts you have set up for any  
3 business entities with which you are involved or associated jointly with any other Defendant.

4 **RESPONSE TO REQUEST NO. 87:**

5 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
6 seeks information protected by the attorney-client privilege and work product doctrine; and it  
7 purports to require Responding Party to disclose information that is a trade secret, confidential,  
8 proprietary, commercially sensitive, or information that is protected by rights of privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request

13  
14 **REQUEST NO. 88:**

15 Please produce copies of all documents comprising or constituting monthly statements or  
16 other periodic statements of account from all banks and other financial institutions in which you  
17 have had any type of checking, savings, brokerage, mutual fund, money market, certificate of  
18 deposit, or other type of interest or account for all periods from January 1, 2013 through the  
19 present date, inclusive. This request includes any accounts into which (at any point during the  
20 time period January 1, 2013 to the present date, inclusive) you have made any deposits or from  
21 which you have had the right to withdraw, and any account over which you have, or have had,  
22 whether acting alone or in concert with others, either signature authority or authority to direct the  
23 disposition of assets or funds held therein.

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25  
26 **RESPONSE TO REQUEST NO. 88:**

27 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
28 is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues;

1 it is compound as to issues and facts; it seeks information protected by the attorney-client  
2 privilege and work product doctrine; and it purports to require Responding Party to disclose  
3 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
4 that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 89:**

10 Produce any and all communication between you and Sean Flynn.

11 **RESPONSE TO REQUEST NO. 89:**

12 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
13 is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues;  
14 it is vague and ambiguous; and it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22  
23 **REQUEST NO. 90:**

24 Please provide any and all documents which relate to and/or account for any and all funds  
25 you have received from Front Sight directly or which you know to originate from Front Sight,  
26 including all money received by you from Plaintiff, how said funds were spent, identification of  
27 who received any portion of the funds, and any and all documentation to support or justify  
28 payments made or funds spent.



1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

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DATED: July 24, 2019

FARMER CASE & FEDOR

/s/ Kathryn Holbert  
\_\_\_\_\_  
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EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
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# EXHIBIT E

# EXHIBIT E

1 **RRFP**  
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21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) DEFENDANT, EB5 IMPACT CAPITAL  
LAS VEGAS DEVELOPMENT FUND LLC, ) REGIONAL CENTER LLC'S RESPONSES TO  
et al., ) PLAINTIFF'S FIRST SET OF REQUESTS  
Defendants. ) FOR PRODUCTION OF DOCUMENTS  
\_\_\_\_\_ )

29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

30 **RESPONDING PARTY: Defendant, EB5 IMPACT CAPITAL REGIONAL CENTER**

31 **SET NO: ONE**

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**GENERAL OBJECTIONS**

Defendant, **EB5 IMPACT CAPITAL REGIONAL CENTER LLC**

("Responding party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. One) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's possession, custody or control, or refers to persons, entities, or events not known to them, on the grounds that such requests seek to require more of this defendant than any obligation imposed by law, would subject responding party to unreasonable and undue annoyance, oppression, burden and expense, and would seek to impose upon responding party an obligation to investigate or discover information or materials from third parties or persons which are equally accessible to propounding party.

2. Responding party objects to the requests on the ground that they have not completed investigation of the facts related to this matter, have not completed discovery in this action and have not completed preparation for any trial that may be held in this action. Any responses to the following document demands are based on documents currently known to responding party and are given without prejudice to responding party right to produce evidence of any subsequently discovered documents.

3. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents or information which would invade the protections afforded Responding party under the attorney-client privilege and/or work product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production of such protected information is not intended to be and shall not operate as a waiver of the applicable privilege. Any information withheld on the basis of such privilege

1 will be identified on a privilege log.

2 4. Unless otherwise indicated, Responding Party will produce information regarding  
3 the issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary  
4 Injunction Petition. (hereafter "Injunction Issues").

5 5 Responding Party reserves the right to condition the production of documents  
6 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
7 confidentiality or protective order governing the disclosure of any such information.

8 6. The production of any documents or information by Responding Party is made  
9 without waiver, and with preservation, of any privilege or protection against disclosure afforded  
10 to documents containing confidential or proprietary information or trade secrets.

11 7. Responding Party objects to the requests to the extent that they would require  
12 Responding Party to produce documents or information covered by confidentiality agreements  
13 with others, or that would require Responding Party to violate the privacy interests of others.

14  
15 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

16 **REQUEST NO. 1:**

17 Produce copies any and all documents, writings and/or communications utilized or consulted  
18 in the answering of Plaintiff's First Set Interrogatories to Defendant EB5 Impact Capital Regional  
19 Center.

20 **RESPONSE TO REQUEST NO. 1:**

21 Objection. This Document Request seeks information that does not exist as there has  
22 been no Interrogatories served on Responding Party.

23 **REQUEST NO. 2:**

24 Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's  
25 First Set of Interrogatories to Defendant EB5 Impact Capital Regional Center.

26 **RESPONSE TO REQUEST NO. 2:**

27 Objection. This Document Request seeks information that does not exist as there has  
28

1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3  
4 **REQUEST NO. 70:**

5 Please provide copies of any and all documents which support, refute, or in any way relate  
6 to each and every Affirmative Defense you raised in Defendants' Answer to the Second Amended  
7 Complaint.

8  
9 **RESPONSE TO REQUEST NO. 70:**

10 Responding Party objects to this Document Request on grounds that it is compound as to  
11 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
12 burdensome and oppressive because it seeks documents that are already in possession of  
13 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
14 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
15 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is protected by rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21  
22 **REQUEST NO. 71:**

23 Please provide copies of any and all documents which show or in any way relate to each and  
24 every payment and/or transfer of money or property made by Plaintiff to you, from 2012 to the  
25 present, including documents that show where or how that money or property was used after you  
26 received it.

27 **RESPONSE TO REQUEST NO. 71:**

1 Responding Party objects to this Document Request on grounds that it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or  
3 readily available to Requesting Party; it is compound as to issues and facts; it is duplicative to  
4 other Document Requests contained herein and herewith; it seeks information protected by the  
5 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is protected by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12  
13 **REQUEST NO. 72:**

14 Please provide copies of any and all documents which show or in any way relate to each and  
15 every payment and/or transfer of money or property made by you to any other Defendant in this  
16 matter, or entity controlled by any other Defendant in this matter, from 2012 to the present. This  
17 includes, but is not limited to, documentation related to any reimbursement, salary, or equity  
18 distribution from you to any other Defendant in this matter, or entity controlled by any other  
19 Defendant or entity in this matter.

20 **RESPONSE TO REQUEST NO. 72:**

21 Responding Party objects to this Document Request on grounds that it lacks foundation; is  
22 vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative to  
23 other Document Requests contained herein and herewith; it is burdensome and oppressive because  
24 it seeks documents that are already in possession of Requesting Party or readily available to  
25 Requesting Party; it seeks information protected by the attorney-client privilege and work product  
26 doctrine; and it purports to require Responding Party to disclose information that is a trade secret,  
27 confidential, proprietary, commercially sensitive, or information that is protected by rights of  
28

1 privacy.

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 73:**

7 Please provide copies of any and all documents which show or in any way relate to each and  
8 every financial transaction and/or transfer of money or property made by you to any other person or  
9 entity, including any other Defendant, or made to you from any other person or entity, including any  
10 other Defendant, from 2012 to the present.

11  
12 **RESPONSE TO REQUEST NO. 73:**

13 Responding Party objects to this Document Request on grounds that it is not reasonably  
14 proportional to the Injunction Issues; vague and ambiguous as to “any other person or entity;” it  
15 is compound as to issues and facts; it is duplicative to other Document Requests contained herein  
16 and herewith; it is burdensome and oppressive because it seeks documents that are already in  
17 possession of Requesting Party or readily available to Requesting Party; it seeks information  
18 protected by the attorney-client privilege and work product doctrine; and it purports to require  
19 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
20 commercially sensitive, or information that is protected by rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request

25 **REQUEST NO. 74:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to each and every payment and/or transfer of money or property made to you by any foreign or  
28



1 immigrant investor from 2012 to the present.

2 **RESPONSE TO REQUEST NO. 74:**

3 Responding Party objects to this Document Request on grounds that it lacks foundation;  
4 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
5 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
6 burdensome and oppressive because it seeks documents that are already in possession of  
7 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
8 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
9 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
10 information that is protected by rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15  
16 **REQUEST NO. 75:**

17 Please provide copies of any and all documents which in any way relate to each and every  
18 financial transaction in which you have been involved from 2012 to the present, including all  
19 underlying documentation to substantiate said transaction(s).

20 **RESPONSE TO REQUEST NO. 75:**

21 Responding Party objects to this Document Request on grounds that it is not reasonably  
22 proportional to the Injunction Issues; it is vague and ambiguous as to “involved;”it is duplicative  
23 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
24 because it seeks documents that are already in possession of Requesting Party or readily available  
25 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
26 product doctrine; and it purports to require Responding Party to disclose information that is a  
27 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by

1 rights of privacy.

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 76:**

7 Please provide copies of any and all documents which identify the details of each and every  
8 EB-5 investor and/or investment transaction related to the Front Sight project, including, but not  
9 limited, to the identity of the person or entity involved, the address of the person or entity investing,  
10 the country of origin of the person or entity investing, the contact person for the agent of the EB-5  
11 investor, the date of the transaction, the amount of the investment, the source of the funds for the  
12 investment, the current immigration status of the EB-5 investor, and the current status of the  
13 investment.

14 **RESPONSE TO REQUEST NO. 76:**

15 Responding Party objects to this Document Request on grounds that it is compound as to  
16 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
17 burdensome and oppressive because it seeks documents that are already in possession of  
18 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
19 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
20 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is protected by rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request

26 **REQUEST NO. 77:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28

1 including all money received by you from Plaintiff, how said funds were spent, identification of who  
2 received any portion of the funds, and any and all documentation to support or justify payments made  
3 or funds spent.

4 **RESPONSE TO REQUEST NO. 87:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is  
7 burdensome and oppressive because it seeks documents that are already in possession of  
8 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
9 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
10 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is protected by rights of privacy.

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16  
17 DATED: July 24, 2019

FARMER CASE & FEDOR

18  
19 /s/ Kathryn Holbert  
20 \_\_\_\_\_  
21 ANTHONY T. CASE, ESQ.  
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# EXHIBIT F

# EXHIBIT F

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21 Attorneys for Defendants  
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23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) **DEFENDANT, LVD FUND'S RESPONSES**  
LAS VEGAS DEVELOPMENT FUND LLC, ) **TO PLAINTIFF'S SECOND SET OF**  
et al., ) **REQUESTS FOR PRODUCTION OF**  
Defendants. ) **DOCUMENTS**

29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**  
30 **RESPONDING PARTY: Defendant, LVD FUND**  
31 **SET NO: TWO**

**GENERAL OBJECTIONS**

1  
2 Defendant, **LVD FUND** ("Responding party" or "Defendant"), makes the following general  
3 objections, whether or not separately set forth in response to each document demand, to each and  
4 every definition and document demand in the Request for Production of Documents (Set No. Two)  
5 of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2           5       Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5           6.       The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8           7.       Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11                   **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12           **REQUEST NO. 112:**

13                   Please produce and permit Plaintiff to inspect and to copy complete copies of your  
14 federal tax returns filed with the Internal Revenue Service for the years 2013, 2014, 2015,  
15 2016,2017, and 2018, or in lieu thereof, execute a Request for Copy of Tax Return (IRS Form 4506),  
16 attached hereto as Exhibit 1.

17           **RESPONSE TO REQUEST NO. 112:**

18                   Responding Party objects to this Document Request on grounds that it seeks information  
19 protected by the attorney-client privilege and work product doctrine; and it purports to require  
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
21 commercially sensitive, or information that is protected by rights of privacy . In addition, this  
22 Document Request is improper because it is overly broad since it seeks information that is not likely  
23 to lead to relevant evidence.

24                   Further, The Nevada Supreme Court highly values a litigant's privacy. Tax records and  
25 other financial information are protected. The party seeking discovery must show a compelling  
26 need for tax returns and other financial information; otherwise, that **discovery is not allowed.**  
27 See, e.g., *Klein v. Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.)  
28 ("Although Nevada law does not recognize a privilege with respect to tax returns, the Nevada



1 Supreme Court has recognized limitations on the discovery of information contained in tax  
2 returns to avoid an invasion into the litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist.*  
3 *Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of matter contained in tax records may not be  
4 required in the absence of a showing that the information is otherwise unobtainable" and "carte  
5 blanche discovery of financial information is an excessive invasion of privacy interest"). *Hetter*  
6 *v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize  
7 a privilege for tax returns ... public policy suggests that tax returns or financial status not be had  
8 for the mere asking.") Controlling the disclosure of private financial information is of the utmost  
9 importance because the improper disclosure of financial material "is irretrievable once  
10 made."(Id.). Here, Plaintiff Front Sight has made no such showing, nor can it. Accordingly,  
11 Responding Party will not produce any tax records.

12  
13 DATED: August 14, 2019

FARMER CASE & FEDOR

14  
15 /s/

16 ANTHONY T. CASE, ESQ.  
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27 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
28 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD



# EXHIBIT G

# EXHIBIT G

1 **RRFP**  
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21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) **DEFENDANT, ROBERT W. DZIUBLA'S**  
 ) **RESPONSES TO PLAINTIFF'S SECOND**  
 ) **SET OF REQUESTS FOR PRODUCTION**  
 ) **OF DOCUMENTS**  
LAS VEGAS DEVELOPMENT FUND LLC, )  
et al., )  
Defendants. )  
 )  
 )  
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 )

29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**  
30 **RESPONDING PARTY: Defendant, ROBERT W. DZIUBLA**  
31 **SET NO: TWO**

**GENERAL OBJECTIONS**

1  
2 Defendant, **ROBERT W. DZIUBLA** ("Responding party" or "Defendant"), makes the  
3 following general objections, whether or not separately set forth in response to each document  
4 demand, to each and every definition and document demand in the Request for Production of  
5 Documents (Set No. Two) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2 5 Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5 6. The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8 7. Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 **REQUEST NO. 94:**

13 Please provide any and all documents pertaining to the San Diego Hyatt Project that you  
14 referenced in your June 29, 2014, email to Mike Meacher (provided at Exhibit 7 to Declaration  
15 of Ignatius Piazza in Support of: (1) Motion for Temporary Restraining Order and Preliminary  
16 Injunction; (2) Motion for Protective Order; and (3) Petition for Appointment of Receiver and for  
17 an Accounting filed in this action on October 4, 2018).

18 **RESPONSE TO REQUEST NO. 94:**

19 RESPONDING PARTY objects to this Document Request on grounds that it is vague and  
20 ambiguous as to "San Diego Hyatt Project"; it lacks foundation; it is compound as to issues and  
21 facts; it seeks information protected by the attorney-client privilege and work product doctrine; and  
22 it purports to require RESPONDING PARTY to disclose information that is a trade secret,  
23 confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents that are not likely to lead to admissible evidence.

26 To the extent that this request seeks financial and/or tax information, the Nevada Supreme  
27 Court highly values a litigant's privacy. Tax records and other financial information are protected.  
28 The party seeking discovery must show a compelling need for tax returns and other financial

1 information; otherwise, that **discovery is not allowed**. See, e.g., *Klein v. Freedom Strategic*  
2 *Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.) ("Although Nevada law does not recognize  
3 a privilege with respect to tax returns, the Nevada Supreme Court has recognized limitations on the  
4 discovery of information contained in tax returns to avoid an invasion into the litigant's private  
5 affairs .... "); *Schlatter v. Eighth Jud Dist. Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of  
6 matter contained in tax records may not be required in the absence of a showing that the information  
7 is otherwise unobtainable" and "carte blanche discovery of financial information is an excessive  
8 invasion of privacy interest"). *Hetter v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994).  
9 ("While [Nevada] does not recognize a privilege for tax returns ... public policy suggests that tax  
10 returns or financial status not be had for the mere asking.") Controlling the disclosure of private  
11 financial information is of the utmost importance because the improper disclosure of financial  
12 material "is irretrievable once made."(*Id.*). Here, Plaintiff Front Sight has made no such showing,  
13 nor can it. Accordingly, Responding Party will not produce any tax records.\_

14 **REQUEST NO. 95:**

15 Please provide any and all documents pertaining to the federal tax lien(s) entered against  
16 you and/or filed in San Diego, CA.

17 **RESPONSE TO REQUEST NO. 95:**

18 RESPONDING PARTY objects to this Document Request on grounds that it is vague and  
19 ambiguous as to "filed;" it lacks foundation; it is compound as to issues and facts; it is burdensome  
20 and oppressive because it seeks documents that are already in possession of Requesting Party or that  
21 are readily available to Requesting Party; it seeks information protected by the attorney-client  
22 privilege and work product doctrine; and it purports to require RESPONDING PARTY to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
24 that is protected by rights of privacy.

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents that are not likely to lead to admissible evidence.

27 To the extent that this request seeks financial and/or tax information, the Nevada  
28 Supreme Court highly values a litigant's privacy. Tax records and other financial information are

1 protected. The party seeking discovery must show a compelling need for tax returns and other  
2 financial information; otherwise, that **discovery is not allowed**. See, e.g., *Klein v. Freedom*  
3 *Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.) ("Although Nevada law does  
4 not recognize a privilege with respect to tax returns, the Nevada Supreme Court has recognized  
5 limitations on the discovery of information contained in tax returns to avoid an invasion into the  
6 litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist. Ct.*, 99 Nev. 189, 561 P.2d 1342  
7 (1977) (disclosure of matter contained in tax records may not be required in the absence of a  
8 showing that the information is otherwise unobtainable" and "carte blanche discovery of financial  
9 information is an excessive invasion of privacy interest"). *Hetter v. Dist. Ct.*, 110 Nev. 513,  
10 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize a privilege for tax returns ...  
11 public policy suggests that tax returns or financial status not be had for the mere asking.")  
12 Controlling the disclosure of private financial information is of the utmost importance because  
13 the improper disclosure of financial material "is irretrievable once made."(Id.). Here, Plaintiff  
14 Front Sight has made no such showing, nor can it. Accordingly, Responding Party will not  
15 produce any tax records.

16 **REQUEST NO. 96:**

17 Please provide any and all documents pertaining to the federal tax lien(s) entered against  
18 you and/or filed in Washoe, NV.

19 **RESPONSE TO REQUEST NO. 96:**

20 RESPONDING PARTY objects to this Document Request on grounds that it is vague and  
21 ambiguous as to "filed;" it lacks foundation; it is compound as to issues and facts; it is burdensome  
22 and oppressive because it seeks documents that are already in possession of Requesting Party or that  
23 are readily available to Requesting Party; it seeks information protected by the attorney-client  
24 privilege and work product doctrine; and it purports to require RESPONDING PARTY to disclose  
25 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
26 that is protected by rights of privacy .

27 In Addition, this Document Request is overly broad because it seeks the production of  
28 documents that are not likely to lead to admissible evidence.



1 To the extent that this request seeks financial and/or tax information, the Nevada  
2 Supreme Court highly values a litigant's privacy. Tax records and other financial information are  
3 protected. The party seeking discovery must show a compelling need for tax returns and other  
4 financial information; otherwise, that **discovery is not allowed**. See, e.g., *Klein v. Freedom*  
5 *Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.) ("Although Nevada law does  
6 not recognize a privilege with respect to tax returns, the Nevada Supreme Court has recognized  
7 limitations on the discovery of information contained in tax returns to avoid an invasion into the  
8 litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist. Ct.*, 99 Nev. 189, 561 P.2d 1342  
9 (1977) (disclosure of matter contained in tax records may not be required in the absence of a  
10 showing that the information is otherwise unobtainable" and "carte blanche discovery of financial  
11 information is an excessive invasion of privacy interest"). *Hetter v. Dist. Ct.*, 110 Nev. 513,  
12 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize a privilege for tax returns ...  
13 public policy suggests that tax returns or financial status not be had for the mere asking.")  
14 Controlling the disclosure of private financial information is of the utmost importance because  
15 the improper disclosure of financial material "is irretrievable once made."(*Id.*). Here, Plaintiff  
16 Front Sight has made no such showing, nor can it. Accordingly, Responding Party will not  
17 produce any tax records.

18 **REQUEST NO. 97:**

19 Please provide any and all pleadings and other papers filed in the Van Nuys Municipal  
20 Court Case No. 97V13850, including, but not limited to, a copy of the judgment entered against  
21 you

22 **RESPONSE TO REQUEST NO. 97:**

23 RESPONDING PARTY objects to this Document Request on grounds that it lacks  
24 foundation; it is compound as to issues and facts; it is burdensome and oppressive because it seeks  
25 documents that are already in possession of Requesting Party or that are readily available to  
26 Requesting Party; it seeks information protected by the attorney-client privilege and work product  
27 doctrine; and it purports to require RESPONDING PARTY to disclose information that is a trade  
28 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights

1 of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents that are not likely to lead to admissible evidence.

4 **REQUEST NO. 98:**

5 Please provide any and all documents in your possession and control that relate to any  
6 “Enemy Update” referenced in Request Nos. 24-27 of Las Vegas Development Fund, LLC’s  
7 Requests for Production of Documents to Front Sight Management LLC

8 **RESPONSE TO REQUEST NO. 98:**

9 RESPONDING PARTY objects to this Document Request on grounds that it is compound  
10 as to issues and facts; it is duplicative to other Document Requests contained herein and herewith;  
11 it is burdensome and oppressive because it seeks documents that are already in possession of  
12 Requesting Party or that are readily available to Requesting Party; it seeks information protected by  
13 the attorney-client privilege and work product doctrine; and it purports to require RESPONDING  
14 PARTY to disclose information that is a trade secret, confidential, proprietary, commercially  
15 sensitive, or information that is protected by rights of privacy .

16 DATED: August 14, 2019

FARMER CASE & FEDOR

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/s/ Kathryn Holbert  
\_\_\_\_\_  
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Attorneys for Defendants  
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LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
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STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, ROBERT DZIUBLA RESPONSES TO PLAINTIFF’S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.	Attorneys for Plaintiff
Catherine Hernandez, Esq.	FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.	
1601 S. Rainbow Blvd., Suite 160	
Las Vegas, Nevada 89146	

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court’s electronic service list.

Dated: August 14, 2019

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT H

# EXHIBIT H

1 **RRFP**  
2 ANTHONY T. CASE, ESQ.  
3 Nevada Bar No. 6589  
4 [tcase@farmercase.com](mailto:tcase@farmercase.com)  
5 KATHRYN HOLBERT, ESQ.  
6 Nevada Bar No. 10084  
7 [kholtbert@farmercase.com](mailto:kholtbert@farmercase.com)  
8 **FARMER CASE & FEDOR**  
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13 C. Keith Greer, ESQ.  
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21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) DEFENDANT, JON FLEMING 'S  
) RESPONSES TO PLAINTIFF'S SECOND SET  
) OF REQUESTS FOR PRODUCTION OF  
) DOCUMENTS  
LAS VEGAS DEVELOPMENT FUND LLC, )  
et al., )  
Defendants. )  
)  
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)  
)

29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**  
30 **RESPONDING PARTY: Defendant, JON FLEMING**  
31 **SET NO: TWO**

**GENERAL OBJECTIONS**

1  
2 Defendant, **JON FLEMING** ("Responding party" or "Defendant"), makes the following  
3 general objections, whether or not separately set forth in response to each document demand, to each  
4 and every definition and document demand in the Request for Production of Documents (Set No.  
5 Two) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2 5 Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5 6. The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8 7. Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 **REQUEST NO. 92:**

13 Please produce and permit Plaintiff to inspect and to copy complete copies of your  
14 federal tax returns filed with the Internal Revenue Service for the years 2013, 2014, 2015,  
15 2016,2017, and 2018, or in lieu thereof, execute a Request for Copy of Tax Return (IRS Form 4506),  
16 attached hereto as Exhibit 1.

17 **RESPONSE TO REQUEST NO. 92:**

18 Responding Party objects to this Document Request on grounds that it seeks information  
19 protected by the attorney-client privilege and work product doctrine; and it purports to require  
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
21 commercially sensitive, or information that is protected by rights of privacy . In addition, this  
22 Document Request is improper because it is overly broad since it seeks information that is not likely  
23 to lead to relevant evidence.

24 Further, The Nevada Supreme Court highly values a litigant's privacy. Tax records and  
25 other financial information are protected. The party seeking discovery must show a compelling  
26 need for tax returns and other financial information; otherwise, that **discovery is not allowed.**  
27 See, e.g., *Klein v. Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.)  
28 ("Although Nevada law does not recognize a privilege with respect to tax returns, the Nevada



1 Supreme Court has recognized limitations on the discovery of information contained in tax  
2 returns to avoid an invasion into the litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist.*  
3 *Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of matter contained in tax records may not be  
4 required in the absence of a showing that the information is otherwise unobtainable" and "carte  
5 blanche discovery of financial information is an excessive invasion of privacy interest"). *Hetter*  
6 *v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize  
7 a privilege for tax returns ... public policy suggests that tax returns or financial status not be had  
8 for the mere asking.") Controlling the disclosure of private financial information is of the utmost  
9 importance because the improper disclosure of financial material "is irretrievable once  
10 made."(Id.). Here, Plaintiff Front Sight has made no such showing, nor can it. Accordingly,  
11 Responding Party will not produce any tax records.

12  
13 DATED: August 14, 2019

FARMER CASE & FEDOR

14  
15 /s/

16 ANTHONY T. CASE, ESQ.  
Nevada Bar No. 6589  
tcase@farmercase.com  
17 KATHRYN HOLBERT, ESQ.  
Nevada Bar No. 10084  
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20 Facsimile: (702) 739-3001

21 C. KEITH GREER, ESQ.  
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22 Keith.Greer@greerlaw.biz  
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25 Facsimile: (858) 613-6680

26 Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC.  
27 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
28 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, JON FLEMING RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.	Attorneys for Plaintiff
Catherine Hernandez, Esq.	FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.	
1601 S. Rainbow Blvd., Suite 160	
Las Vegas, Nevada 89146	

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court's electronic service list.

Dated: August 14, 2019

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT I

# EXHIBIT I

1 **RRFP**  
2 ANTHONY T. CASE, ESQ.  
3 Nevada Bar No. 6589  
4 [tcase@farmercase.com](mailto:tcase@farmercase.com)  
5 KATHRYN HOLBERT, ESQ.  
6 Nevada Bar No. 10084  
7 [kholtbert@farmercase.com](mailto:kholtbert@farmercase.com)  
8 **FARMER CASE & FEDOR**  
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20 Facsimile: (858) 613-6680

21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) **DEFENDANT, LINDA STANWOOD'S**  
 ) **RESPONSES TO PLAINTIFF'S SECOND**  
 ) **SET OF REQUESTS FOR PRODUCTION**  
 ) **OF DOCUMENTS**  
LAS VEGAS DEVELOPMENT FUND LLC, )  
et al., )  
Defendants. )  
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29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**

30 **RESPONDING PARTY: Defendant, LINDA STANWOOD**

31 **SET NO: TWO**

**GENERAL OBJECTIONS**

1  
2 Defendant, **LINDA STANWOOD** ("Responding party" or "Defendant"), makes the  
3 following general objections, whether or not separately set forth in response to each document  
4 demand, to each and every definition and document demand in the Request for Production of  
5 Documents (Set No. Two) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2 5 Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5 6. The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8 7. Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 **REQUEST NO. 92:**

13 Please produce and permit Plaintiff to inspect and to copy complete copies of your  
14 federal tax returns filed with the Internal Revenue Service for the years 2013, 2014, 2015,  
15 2016,2017, and 2018, or in lieu thereof, execute a Request for Copy of Tax Return (IRS Form 4506),  
16 attached hereto as Exhibit 1.

17 **RESPONSE TO REQUEST NO. 92:**

18 Responding Party objects to this Document Request on grounds that it seeks information  
19 protected by the attorney-client privilege and work product doctrine; and it purports to require  
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
21 commercially sensitive, or information that is protected by rights of privacy . In addition, this  
22 Document Request is improper because it is overly broad since it seeks information that is not likely  
23 to lead to relevant evidence.

24 Further, The Nevada Supreme Court highly values a litigant's privacy. Tax records and  
25 other financial information are protected. The party seeking discovery must show a compelling  
26 need for tax returns and other financial information; otherwise, that **discovery is not allowed.**

27 See, e.g., *Klein v. Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.)

28 ("Although Nevada law does not recognize a privilege with respect to tax returns, the Nevada

1 Supreme Court has recognized limitations on the discovery of information contained in tax  
2 returns to avoid an invasion into the litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist.*  
3 *Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of matter contained in tax records may not be  
4 required in the absence of a showing that the information is otherwise unobtainable" and "carte  
5 blanche discovery of financial information is an excessive invasion of privacy interest"). *Hetter*  
6 *v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize  
7 a privilege for tax returns ... public policy suggests that tax returns or financial status not be had  
8 for the mere asking.") Controlling the disclosure of private financial information is of the utmost  
9 importance because the improper disclosure of financial material "is irretrievable once  
10 made."(Id.). Here, Plaintiff Front Sight has made no such showing, nor can it. Accordingly,  
11 Responding Party will not produce any tax records.

12  
13 DATED: August 14, 2019

FARMER CASE & FEDOR

14  
15 /s/

16 ANTHONY T. CASE, ESQ.  
Nevada Bar No. 6589  
tcase@farmercase.com  
17 KATHRYN HOLBERT, ESQ.  
Nevada Bar No. 10084  
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18 FARMER CASE & FEDOR  
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25 Facsimile: (858) 613-6680

26 Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC.  
27 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
28 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, LINDA STANWOOD RESPONSES TO PLAINTIFF’S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.	Attorneys for Plaintiff
Catherine Hernandez, Esq.	FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.	
1601 S. Rainbow Blvd., Suite 160	
Las Vegas, Nevada 89146	

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court’s electronic service list.

Dated: August 14, 2019

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR



**EXHIBIT J**

**EXHIBIT J**

1 **RRFP**  
2 ANTHONY T. CASE, ESQ.  
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4 [tcase@farmercase.com](mailto:tcase@farmercase.com)  
5 KATHRYN HOLBERT, ESQ.  
6 Nevada Bar No. 10084  
7 [kholtbert@farmercase.com](mailto:kholtbert@farmercase.com)  
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16 **GREER AND ASSOCIATES, A PC**  
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18 San Diego, CA 92127  
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20 Facsimile: (858) 613-6680

21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) **DEFENDANT, EB5 IMPACT CAPITAL**  
LAS VEGAS DEVELOPMENT FUND LLC, ) **REGIONAL CENTER LLC 'S RESPONSES**  
et al., ) **TO PLAINTIFF'S SECOND SET OF**  
Defendants. ) **REQUESTS FOR PRODUCTION OF**  
 ) **DOCUMENTS**  
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29 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**  
30 **RESPONDING PARTY: Defendant, EB5 IMPACT CAPITAL REGIONAL**  
31 **CENTER LLC**  
32 **SET NO: TWO**

**GENERAL OBJECTIONS**

1  
2 Defendant, EB5 IMPACT CAPITAL REGIONAL CENTER LLC ("Responding party" or  
3 "Defendant"), makes the following general objections, whether or not separately set forth in response  
4 to each document demand, to each and every definition and document demand in the Request for  
5 Production of Documents (Set No. Two) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2           5       Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5           6.       The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8           7.       Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11                   **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12           **REQUEST NO. 88:**

13                   Please produce and permit Plaintiff to inspect and to copy complete copies of your  
14 federal tax returns filed with the Internal Revenue Service for the years 2013, 2014, 2015,  
15 2016,2017, and 2018, or in lieu thereof, execute a Request for Copy of Tax Return (IRS Form 4506),  
16 attached hereto as Exhibit 1.

17           **RESPONSE TO REQUEST NO. 88:**

18                   Responding Party objects to this Document Request on grounds that it seeks information  
19 protected by the attorney-client privilege and work product doctrine; and it purports to require  
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
21 commercially sensitive, or information that is protected by rights of privacy . In addition, this  
22 Document Request is improper because it is overly broad since it seeks information that is not likely  
23 to lead to relevant evidence.

24                   Further, The Nevada Supreme Court highly values a litigant's privacy. Tax records and  
25 other financial information are protected. The party seeking discovery must show a compelling  
26 need for tax returns and other financial information; otherwise, that **discovery is not allowed.**  
27 See, e.g., *Klein v. Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.)  
28 ("Although Nevada law does not recognize a privilege with respect to tax returns, the Nevada

1 Supreme Court has recognized limitations on the discovery of information contained in tax  
2 returns to avoid an invasion into the litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist.*  
3 *Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of matter contained in tax records may not be  
4 required in the absence of a showing that the information is otherwise unobtainable" and "carte  
5 blanche discovery of financial information is an excessive invasion of privacy interest"). *Hetter*  
6 *v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize  
7 a privilege for tax returns ... public policy suggests that tax returns or financial status not be had  
8 for the mere asking.") Controlling the disclosure of private financial information is of the utmost  
9 importance because the improper disclosure of financial material "is irretrievable once  
10 made."(Id.). Here, Plaintiff Front Sight has made no such showing, nor can it. Accordingly,  
11 Responding Party will not produce any tax records.

12  
13 DATED: August 14, 2019

FARMER CASE & FEDOR

14  
15 /s/

16 ANTHONY T. CASE, ESQ.  
Nevada Bar No. 6589  
tcase@farmercase.com  
17 KATHRYN HOLBERT, ESQ.  
Nevada Bar No. 10084  
kholbert@farmercase.com  
18 FARMER CASE & FEDOR  
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Telephone: (702) 579-3900  
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21 C. KEITH GREER, ESQ.  
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23 16855 West Bernardo Dr., STE 255  
San Diego, California 92127  
24 Telephone: (858) 613-6677  
25 Facsimile: (858) 613-6680

26 Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC.  
27 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
28 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, EB5 IMPACT CAPITAL REGIONAL CENTER LLC 'S RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.	Attorneys for Plaintiff
Catherine Hernandez, Esq.	FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.	
1601 S. Rainbow Blvd., Suite 160	
Las Vegas, Nevada 89146	

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court's electronic service list.

Dated: August 14, 2019

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT K

# EXHIBIT K

1 **RRFP**  
 ANTHONY T. CASE, ESQ.  
 2 Nevada Bar No. 6589  
[tcase@farmercase.com](mailto:tcase@farmercase.com)  
 3 KATHRYN HOLBERT, ESQ.  
 Nevada Bar No. 10084  
 4 [kholbert@farmercase.com](mailto:kholbert@farmercase.com)  
**FARMER CASE & FEDOR**  
 5 2190 E. Pebble Rd., Suite #205  
 Las Vegas, NV 89123  
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 Facsimile: (702) 739-3001

7  
 8 C. Keith Greer, ESQ.  
 Admitted *pro hac vice*  
[keith.greer@greerlaw.biz](mailto:keith.greer@greerlaw.biz)  
 9 **GREER AND ASSOCIATES, A PC**  
 16855 West Bernardo Dr., STE 255  
 10 San Diego, CA 92127  
 Telephone: (858) 613-6677  
 11 Facsimile: (858) 613-6680

12 Attorneys for Defendants  
 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
 13 IMPACT CAPITAL REGIONAL CENTER LLC,  
 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
 14 JON FLEMING and LINDA STANWOOD

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17	FRONT SIGHT MANAGEMENT LLC, a	)	CASE NO.: A-18-781084-B
18	Nevada Limited Liability Company,	)	DEPT NO.: 16
		)	
	Plaintiff,	)	<b>DEFENDANT, EB5 IMPACT ADVISORS,</b>
19		)	<b>LLC RESPONSES TO PLAINTIFF'S</b>
	vs.	)	<b>SECOND SET OF REQUESTS FOR</b>
20		)	<b>PRODUCTION OF DOCUMENTS</b>
	LAS VEGAS DEVELOPMENT FUND LLC,	)	
21	et al.,	)	
		)	
22	Defendants.	)	
		)	
23		)	
24		)	

25 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**

26 **RESPONDING PARTY: Defendant, EB5 IMPACT ADVISORS, LLC**

27 **SET NO: TWO**



**GENERAL OBJECTIONS**

1  
2 Defendant, **EB5 IMPACT ADVISORS, LLC** ("Responding party" or "Defendant"), makes  
3 the following general objections, whether or not separately set forth in response to each document  
4 demand, to each and every definition and document demand in the Request for Production of  
5 Documents (Set No. Two) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate information  
12 or materials from third parties or persons which are equally accessible to propounding party.

13 2. Responding party objects to the requests on the ground that they have not completed  
14 investigation of the facts related to this matter, have not completed discovery in this action and have  
15 not completed preparation for any trial that may be held in this action. Any responses to the  
16 following document demands are based on documents currently known to responding party and are  
17 given without prejudice to responding party right to produce evidence of any subsequently  
18 discovered documents.

19 3. Responding party objects to the requests generally, and to each and every individual  
20 request specifically, to the extent that the requests seek documents or information which would  
21 invade the protections afforded Responding party under the attorney-client privilege and/or work  
22 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
23 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
24 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
25 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
26 log.

27 4. Unless otherwise indicated, Responding Party will produce information regarding the  
28 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary

1 Injunction Petition. (hereafter "Injunction Issues").

2 5 Responding Party reserves the right to condition the production of documents  
3 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
4 confidentiality or protective order governing the disclosure of any such information.

5 6. The production of any documents or information by Responding Party is made  
6 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
7 documents containing confidential or proprietary information or trade secrets.

8 7. Responding Party objects to the requests to the extent that they would require  
9 Responding Party to produce documents or information covered by confidentiality agreements with  
10 others, or that would require Responding Party to violate the privacy interests of others.

11 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 **REQUEST NO. 96:**

13 Please produce and permit Plaintiff to inspect and to copy complete copies of your  
14 federal tax returns filed with the Internal Revenue Service for the years 2013, 2014, 2015,  
15 2016,2017, and 2018, or in lieu thereof, execute a Request for Copy of Tax Return (IRS Form 4506),  
16 attached hereto as Exhibit 1.

17 **RESPONSE TO REQUEST NO. 96:**

18 Responding Party objects to this Document Request on grounds that it seeks information  
19 protected by the attorney-client privilege and work product doctrine; and it purports to require  
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
21 commercially sensitive, or information that is protected by rights of privacy . In addition, this  
22 Document Request is improper because it is overly broad since it seeks information that is not likely  
23 to lead to relevant evidence.

24 Further, The Nevada Supreme Court highly values a litigant's privacy. Tax records and  
25 other financial information are protected. The party seeking discovery must show a compelling  
26 need for tax returns and other financial information; otherwise, that **discovery is not allowed.**  
27 See, e.g., *Klein v. Freedom Strategic Partners, LLC*, 2009 U.S. Dist. LEXIS 52241 (D. Nev.)  
28 ("Although Nevada law does not recognize a privilege with respect to tax returns, the Nevada

1 Supreme Court has recognized limitations on the discovery of information contained in tax  
2 returns to avoid an invasion into the litigant's private affairs .... "); *Schlatter v. Eighth Jud Dist.*  
3 *Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (disclosure of matter contained in tax records may not be  
4 required in the absence of a showing that the information is otherwise unobtainable" and "carte  
5 blanche discovery of financial information is an excessive invasion of privacy interest"). *Hetter*  
6 *v. Dist. Ct.*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994). ("While [Nevada] does not recognize  
7 a privilege for tax returns ... public policy suggests that tax returns or financial status not be had  
8 for the mere asking.") Controlling the disclosure of private financial information is of the utmost  
9 importance because the improper disclosure of financial material "is irretrievable once  
10 made."(Id.). Here, Plaintiff Front Sight has made no such showing, nor can it. Accordingly,  
11 Responding Party will not produce any tax records.

12  
13 DATED: August 14, 2019

FARMER CASE & FEDOR

14  
15 /s/

16 ANTHONY T. CASE, ESQ.  
Nevada Bar No. 6589  
tcase@farmercase.com  
17 KATHRYN HOLBERT, ESQ.  
Nevada Bar No. 10084  
kholbert@farmercase.com  
18 FARMER CASE & FEDOR  
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20 Facsimile: (702) 739-3001

21 C. KEITH GREER, ESQ.  
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22 Keith.Greer@greerlaw.biz  
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24 Telephone: (858) 613-6677  
25 Facsimile: (858) 613-6680

26 Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC,  
27 EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
28 W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, EB5 IMPACT ADVISORS, LLC RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.	Attorneys for Plaintiff
Catherine Hernandez, Esq.	FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.	
1601 S. Rainbow Blvd., Suite 160	
Las Vegas, Nevada 89146	

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court's electronic service list.

Dated: August 14, 2019

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT L

# EXHIBIT L

1 **NOTICE**  
2 ANTHONY T. CASE, ESQ.  
3 Nevada Bar No. 6589  
4 [tcase@farmercase.com](mailto:tcase@farmercase.com)  
5 KATHRYN HOLBERT, ESQ.  
6 Nevada Bar No. 10084  
7 [kholtbert@farmercase.com](mailto:kholtbert@farmercase.com)  
8 **FARMER CASE & FEDOR**  
9 2190 E. Pebble Rd., Suite #205  
10 Las Vegas, NV 89123  
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13 C. KEITH GREER, ESQ.  
14 [keith.greer@greerlaw.biz](mailto:keith.greer@greerlaw.biz)  
15 Cal. Bar No. 135537 [*Pro Hac Vice*]  
16 **GREER & ASSOCIATES, A.P.C.**  
17 17150 Via Del Campo, Suite #100  
18 San Diego, California 92128  
19 Telephone: (858) 613-6677  
20 Facsimile : (858) 613-6680

21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**  
27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
Nevada Limited Liability Company, ) DEPT NO.: 16  
Plaintiff, )  
vs. ) **NOTICE OF ACCOUNTING BY**  
LAS VEGAS DEVELOPMENT FUND LLC, ) **DEFENDANT EB5 IMPACT**  
et al., ) **ADVISORS LLC**  
Defendants. ) Date: November 30, 2018

29 The below listed documents have been submitted to Plaintiff in response to this court's  
30 November 20, 2018 Order on Plaintiff's Petition for Appointment of Receiver and for an  
31 Accounting, to have Defendant entity, EB5 Impact Advisors LLC, provide an accounting of all

1 funds it has received from Front Sight. In addition, all documents listed below are designated as  
2 “CONFIDENTIAL” pursuant to section 3.1 of the November 20, 2018 Protective Order.

3 **DOCUMENTS:**

- 4 • WF(2013) 00001 - WF(2013) 00041
- 5 • WF(2014) 00001 - WF(2014) 00060
- 6 • WF(2015) 00001 - WF(2015) 00068
- 7 • WF(2016) 00001 - WF(2016) 00088
- 8 • WF(2017) 00001 - WF(2017) 00078
- 9 • WF(2018) 00001 - WF(2018) 00042
- 10 • Checks: Checks00001 - Checks00093
- 11 • Account Details: TPL(1)00001 - TPL(1)00009

12 Dated: November 30, 2018

**FARMER CASE & FEDOR**

13  
14 /s/ Kathryn Holbert  
15 KATHRYN HOLBERT, ESQ.  
16 Attorney for Defendants  
17  
18  
19  
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25

26 **CERTIFICATE OF SERVICE and/or MAILING**

27 Pursuant to NRC 5(b), I hereby certify that I am an employee of Farmer Case & Fedor,  
28

1 and that on this date, I caused true and correct copies of the following document(s):

2 **NOTICE OF PRODUCTION OF ACCOUNTING DOCUMENTS BY DEFENDANT, EB5**  
3 **IMPACT ADVISORS LLC**

4 to be served on the following individuals/entities, in the following manner,

5 John P. Aldrich, Esq. Attorneys for Plaintiff  
6 Catherine Hernandez, Esq. FRONT SIGHT MANAGEMENT, LLC  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146

7 Marni Rubin Watkins, Esq. Attorney for Defendant  
8 FIDELITY NATIONAL LAW GROUP CHICAGO TITLE COMPANY  
1701 Village Center Circle, Suite 110  
9 Las Vegas, Nevada 89134

10 By:

11 ■ ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible  
12 electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

13 ■ U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid  
14 envelope, in the United States Mail, to those parties and/or above named individuals which were  
not on the Court's electronic service list.

15 ( ) FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The  
16 sending facsimile machine properly issued a transmission report confirming that the transmission  
was complete and without error.

17 Dated: November 30, 2018

18 /s/ Kathryn Holbert  
19 An Employee of FARMER CASE &  
20 FEDOR

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22  
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28



# EXHIBIT M

# EXHIBIT M

**RRFP**

1 ANTHONY T. CASE, ESQ.  
Nevada Bar No. 6589

2 [tcase@farmercase.com](mailto:tcase@farmercase.com)

KATHRYN HOLBERT, ESQ.

3 Nevada Bar No. 10084

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4 **FARMER CASE & FEDOR**

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5 Las Vegas, NV 89123

Telephone: (702) 579-3900

6 Facsimile: (702) 739-3001

7 C. Keith Greer, ESQ.

Admitted *pro hac vice*

8 [keith.greer@greerlaw.biz](mailto:keith.greer@greerlaw.biz)

9 **GREER AND ASSOCIATES, A PC**

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10 San Diego, CA 92127

Telephone: (858) 613-6677

11 Facsimile: (858) 613-6680

12 Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC, EB5

13 IMPACT CAPITAL REGIONAL CENTER LLC,

EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

14 JON FLEMING and LINDA STANWOOD

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

18 Plaintiff,

19 vs.

20  
21 LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; EB5  
22 IMPACT CAPITAL REGIONAL CENTER  
LLC, a Nevada Limited Liability Company; EB5  
23 IMPACT ADVISORS LLC, a Nevada  
Limited Liability Company; ROBERT W.  
24 DZIUBLA, individually and as President and  
CEO of LAS VEGAS DEVELOPMENT FUND  
25 LLC and EB5 IMPACT ADVISORS  
LLC; JON FLEMING, individually and as an  
26 agent of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
27 LLC; LINDA STANWOOD, individually and  
as Senior Vice President of LAS VEGAS  
28

) CASE NO.: A-18-781084-B

) DEPT NO.: 16

) **DEFENDANT, DEFENDANT LAS VEGAS**

) **DEVELOPMENT FUND, LLC'S THIRD**

) **SUPPLEMENTAL RESPONSES TO**

) **PLAINTIFF'S THIRD**

) **SET OF REQUESTS FOR PRODUCTION**  
) **OF DOCUMENTS**

1 DEVELOPMENT FUND LLC and EB5 )  
2 IMPACT ADVISORS LLC; DOES 1- )  
3 inclusive; and ROE CORPORATIONS 1- )  
4 10, inclusive, )

5 Defendants. )

6 \_\_\_\_\_ )  
7 LAS VEGAS DEVELOPMENT FUND LLC, )

8 Counterclaimant, )

9 vs. )

10 FRONT SIGHT MANAGEMENT, LLC, a )  
11 Nevada Limited Liability Company; )  
12 IGNATIUS PIAZZA, as an individual and in )  
13 his capacity as Trustee and/or beneficiary of )  
14 VNV DYNASTY TRUST I and VNV )  
15 DYNASTY TRUST II; JENNIFER PIAZZA, as )  
16 an individual and in her capacity as Trustee )  
17 and/or beneficiary of VNV DYNASTY TRUST )  
18 I and VNV DYNASTY TRUST II; VNV )  
19 DYNASTY TRUST I, an irrevocable Nevada )  
20 trust; VNV DYNASTY TRUST II, an )  
21 irrevocable Nevada trust; and ROES 1 through )  
22 10, inclusive, )

23 Counterdefendants. )

24 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

25 **RESPONDING PARTY: Defendant, LAS VEGAS DEVELOPMENT FUND, LLC**

26 **SET NO: THREE**

27 **GENERAL OBJECTIONS**

28 Defendant, LAS VEGAS DEVELOPMENT FUND, LLC ("Responding Party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. Three of Plaintiff ("Propounding party")):

1. Responding party objects to the requests generally, and to each and every individual

1 request specifically, to the extent that the requests seek documents not currently in responding  
2 party's possession, custody or control, or refers to persons, entities, or events not known to them, on  
3 the grounds that such requests seek to require more of this defendant than any obligation imposed by  
4 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
5 expense, and would seek to impose upon responding party an obligation to investigate information  
6 or materials from third parties or persons which are equally accessible to propounding party.

7         2.         Responding party objects to the requests on the ground that they have not completed  
8 investigation of the facts related to this matter, have not completed discovery in this action and have  
9 not completed preparation for any trial that may be held in this action. Any responses to the  
10 following document demands are based on documents currently known to responding party and are  
11 given without prejudice to responding party right to produce evidence of any subsequently  
12 discovered documents.

13         3.         Responding party objects to the requests generally, and to each and every individual  
14 request specifically, to the extent that the requests seek documents or information which would  
15 invade the protections afforded Responding party under the attorney client privilege and/or work  
16 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney  
17 client privilege, the work product doctrine, or any other protection. Inadvertent production of such  
18 protected information is not intended to be and shall not operate as a waiver of the applicable  
19 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
20 log.  
21

22         4.         Unless otherwise indicated, Responding Party will produce information regarding the  
23 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary  
24 Injunction Petition. (hereafter "Injunction Issues").

25         5.         Responding Party reserves the right to condition the production of documents  
26 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
27 confidentiality or protective order governing the disclosure of any such information.

28         6.         The production of any documents or information by Responding Party is made

1 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
2 documents containing confidential or proprietary information or trade secrets.

3 7. Responding Party objects to the requests to the extent that they would require  
4 Responding Party to produce documents or information covered by confidentiality agreements with  
5 others, or that would require Responding Party to violate the privacy interests of others.

6 **SECOND SUPPLEMENTAL RESPONSES TO REQUESTS**

7 **FOR PRODUCTION OF DOCUMENTS**

8 These Second Supplemental Response incorporate the previously asserted responses, and  
9 supplement them by identifying identification numbers for specific documents responsive to the  
10 requests.  
11

12 **REQUEST NO. 113:**

13 Please provide copies of all documents which support or relate to the truthfulness of the  
14 representations made to Front Sight that Defendant Dziubla and his associates “have great depth of  
15 experience in the real estate and real estate financing market, and I personally have been involved in  
16 over \$10 billion of hospitality and leisure transactions during my 35-year career as an investor, owner,  
17 operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing Exhibit 2, April 7, 2015  
18 Email from Robert Dziubla to Mike Meacher, p. 0004.

19 **RESPONSE TO REQUEST NO. 113:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
25 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
26 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
27 are not relevant to this issues presented; and it purports to require responding party to disclose  
28

1                   **SECOND SUPPLEMENTAL RESPONSE:**

2                   See documents A-00001-020816.

3                   **REQUEST NO. 133:**

4                   Please provide copies of all documents which support, refute, or in any way relate to your  
5 Counterclaims.

6                   **RESPONSE TO REQUEST NO. 133:**

7                   Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting party's  
12 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
13 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
14 are not relevant to this issues presented; and it purports to require responding party to disclose  
15 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
16 is privileged or protected by rights of privacy regarding financial information and tax records of  
17 responding party and/or third parties.

18                   **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
19 objections, Responding Party will produce all non-privileged documents that are responsive to this  
20 request.

21                   **SECOND SUPPLEMENTAL RESPONSE:**

22                   See documents A-00001-020816.

23                   **REQUEST NO. 134:**

24                   Please provide copies of all documents which show or relate to each and every payment and/or  
25 transfer of money or property made by Plaintiff to you from 2012 to the present, including documents  
26 that show where or how that money or property was used after you received it.  
27

28

1 **RESPONSE TO REQUEST NO. 134:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
8 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
9 are not relevant to this issues presented; and it purports to require responding party to disclose  
10 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
11 is privileged or protected by rights of privacy regarding financial information and tax records of  
12 responding party and/or third parties.

13 **REQUEST NO. 135:**

14 Please provide copies of all documents which show or relate to each and every payment and/or  
15 transfer of money or property made by you to any other Defendant in this matter, or entity controlled  
16 by any other Defendant in this matter, from 2012 to the present. This includes, but is not limited to,  
17 documentation related to any reimbursement, salary, or equity distribution from you to any other  
18 Defendant in this matter, or entity controlled by any other Defendant or entity in this matter.

19 **RESPONSE TO REQUEST NO. 135:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting party's  
25 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
26 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
27 are not relevant to this issues presented; and it purports to require responding party to disclose  
28

1 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
2 is privileged or protected by rights of privacy regarding financial information and tax records of  
3 responding party and/or third parties.

4 **REQUEST NO. 136:**

5 Please provide copies of all documents which show or relate to each and every financial  
6 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to  
7 the present.

8 **RESPONSE TO REQUEST NO. 136:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting party's  
14 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
15 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
16 are not relevant to this issues presented; and it purports to require responding party to disclose  
17 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
18 is privileged or protected by rights of privacy regarding financial information and tax records of  
19 responding party and/or third parties.  
20

21 **REQUEST NO. 137:**

22 Please provide copies of all documents which show or relate to each and every financial  
23 transaction and/or transfer of money or property made to you by any other Defendant from 2012 to  
24 the present.

25 **RESPONSE TO REQUEST NO. 137:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is



1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting party's  
3 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
4 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
5 are not relevant to this issues presented; and it purports to require responding party to disclose  
6 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
7 is privileged or protected by rights of privacy regarding financial information and tax records of  
8 responding party and/or third parties.

9 **REQUEST NO. 138:**

10 Please provide copies of all documents which support, refute, or in any way relate to each and  
11 every payment and/or transfer of money or property made to you by any foreign or immigrant investor  
12 from 2012 to the present.

13 **RESPONSE TO REQUEST NO. 138:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting party's  
19 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
20 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
21 are not relevant to this issues presented; and it purports to require responding party to disclose  
22 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
23 is privileged or protected by rights of privacy regarding financial information and tax records of  
24 responding party and/or third parties.

25 **REQUEST NO. 139:**

26 Please provide copies of all documents which identify or contain the details of each and every  
27 EB-5 investor and/or investment transaction related to the Front Sight project, including but not  
28

1 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
2 are not relevant to this issues presented; and it purports to require responding party to disclose  
3 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
4 is privileged or protected by rights of privacy regarding financial information and tax records of  
5 responding party and/or third parties.

6 **REQUEST NO. 159:**

7 Please produce a copy of all documents, writings, and/or communications showing the names  
8 and other demographical information pertaining to LVDF's distributions and investment returns made  
9 to its Class B Members, as defined in LVDF's Operating Agreement dated March 26, 2014.

10 **RESPONSE TO REQUEST NO. 159:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
17 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
18 are not relevant to this issues presented; and it purports to require responding party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
20 is privileged or protected by rights of privacy regarding financial information and tax records of  
21 responding party and/or third parties.

22 **REQUEST NO. 160:**

23 Please produce a copy of all bank account statements, from each and every bank account's  
24 initial opening date to the present time, for all account(s) used to hold the 25% of the actual, potential,  
25 or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was earmarked for  
26 refunds in the event of a USCIS rejection of a particular investor's I-829 petition.  
27

28

1 **RESPONSE TO REQUEST NO. 160:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
8 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
9 are not relevant to this issues presented; and it purports to require responding party to disclose  
10 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
11 is privileged or protected by rights of privacy regarding financial information and tax records of  
12 responding party and/or third parties.

13 **REQUEST NO. 161:**

14 Please produce a copy of all bank account statements, from each and every bank account's  
15 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the  
16 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

17 **RESPONSE TO REQUEST NO. 161:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting party's  
23 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
24 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
25 are not relevant to this issues presented; and it purports to require responding party to disclose  
26 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
27 is privileged or protected by rights of privacy regarding financial information and tax records of  
28

1 responding party and/or third parties.

2 **REQUEST NO. 162:**

3 Please produce a copy of all manuals, operating procedures, memoranda, circulars,  
4 announcements, emails, and/or other documents that establish, govern, amend, or otherwise control  
5 LVDF's receipt, handling, control, utilization, and/or distribution of the money received from the  
6 actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

7 **RESPONSE TO REQUEST NO. 162:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting party's  
13 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
14 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
15 are not relevant to this issues presented; and it purports to require responding party to disclose  
16 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
17 is privileged or protected by rights of privacy regarding financial information and tax records of  
18 responding party and/or third parties.

19 **REQUEST NO. 163:**

20 Please produce a copy of all documents showing, recording, and/or memorializing LVDF's  
21 distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any members (as  
22 defined in LVDF's operating agreement) of LVDF who are not already parties to this lawsuit.

23 **RESPONSE TO REQUEST NO. 163:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28

1 contained herein and previously propounded; it seeks documents that are already in requesting party's  
2 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
3 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
4 are not relevant to this issues presented; and it purports to require responding party to disclose  
5 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
6 is privileged or protected by rights of privacy regarding financial information and tax records of  
7 responding party and/or third parties.

8 **REQUEST NO. 164:**

9 Please produce a copy of all documents, writings, and/or communications showing or  
10 demonstrating Defendant Linda Stanwood's involvement and/or professional history with VDF,  
11 specifically her history as a Senior Vice President and/or member and/or manager and/or employee of  
12 LVDF, including, but not limited to, her start date(s) and participation in the management and  
13 operation of LVDF and its affairs, and any payments made from LVDF to Defendant Stanwood.

14 **RESPONSE TO REQUEST NO. 164:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting party's  
20 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
21 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
22 are not relevant to this issues presented; and it purports to require responding party to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
24 is privileged or protected by rights of privacy regarding financial information and tax records of  
25 responding party and/or third parties.  
26

27 //

28 //

1 are not relevant to this issues presented; and it purports to require responding party to disclose  
2 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
3 is privileged or protected by rights of privacy regarding financial information and tax records of  
4 responding party and/or third parties.

5 **SUPPLEMENTAL RESPONSE:** Responding Party will produce additional non-privileged  
6 documents that are responsive to this request to the extent they exist.

7 **SECOND SUPPLEMENTAL RESPONSE:**

8 See document number A-010330-010417.

9 **THIRD SUPPLEMENTAL RESPONSE:**

10 See documents A-015270-018192.

11 **REQUEST NO. 172:**

12 Please provide all documents which relate to and/or account for any and all funds you have  
13 received from Front Sight directly or which you know to originate from Front Sight, including all  
14 money received by you from Plaintiff, how said funds were spent, identification of who received any  
15 portion of the funds, and any and all documentation to support or justify payments made or funds  
16 spent.

17 **RESPONSE TO REQUEST NO. 172:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting party's  
23 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
24 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
25 are not relevant to this issues presented; and it purports to require responding party to disclose  
26 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
27 is privileged or protected by rights of privacy regarding financial information and tax records of  
28

1 responding party and/or third parties.

2 **REQUEST NO. 173:**

3 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply  
4 with its performance obligations under the CLA section 1.7(e) –Improper Use of Loan Proceeds.

5 **RESPONSE TO REQUEST NO. 173:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting party's  
11 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
12 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
13 are not relevant to this issues presented; and it purports to require responding party to disclose  
14 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
15 is privileged or protected by rights of privacy regarding financial information and tax records of  
16 responding party and/or third parties.

17 **SUPPLEMENTAL RESPONSE:** All documents responsive to this request are already in  
18 demanding party's possession.

19 **SECOND SUPPLEMENTAL RESPONSE:**

20 See documents A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-  
21 00528, A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

22 **REQUEST NO. 174:**

23 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply  
24 with its performance obligations under the CLA section 3.2(b) –Failure to Provide Government  
25 Approved Plans.  
26

27 **RESPONSE TO REQUEST NO. 174:**

28 Responding party objects to this Document Request because; individually, and in aggregate

1 contained herein and previously propounded; it seeks documents that are already in requesting party's  
2 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
3 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
4 are not relevant to this issues presented; and it purports to require responding party to disclose  
5 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
6 is privileged or protected by rights of privacy regarding financial information and tax records of  
7 responding party and/or third parties.

8 **SUPPLEMENTAL RESPONSE:** To the extent such documents exist, responding party will  
9 produce additional non-privileged documents that are responsive to this request and relevant to the  
10 issue of the number of investors and potential investors that were "in the pipeline" on dates such  
11 representations were made.

12 **SECOND SUPPLEMENTAL RESPONSE:**

13 See documents A-001426-001431.

14 **REQUEST NO. 187:**

15 Please provide all bank statements and other documents related to Las Vegas Development  
16 Fund LLC's financial account with Bank of Hope, including but not limited to account # 6400371502,  
17 for the time period beginning in March 2012 to the present date.

18 **RESPONSE TO REQUEST NO. 187:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting party's  
24 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
25 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
26 are not relevant to this issues presented; and it purports to require responding party to disclose  
27 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
28



1 is privileged or protected by rights of privacy regarding financial information and tax records of  
2 responding party and/or third parties.

3 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
4 responsive to this request and then meet and confer with demanding party regarding further responses  
5 and production.

6 **SECOND SUPPLEMENTAL RESPONSE:**

7 Responding party does not have any documents responsive to this request that are not  
8 privileged.

9 **REQUEST NO. 188:**

10 Please provide all documents related to any and all financial accounts at Bank of Hope  
11 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund LLC  
12 is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
13 present date.

14 **RESPONSE TO REQUEST NO. 188:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting party's  
20 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
21 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
22 are not relevant to this issues presented; and it purports to require responding party to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
24 is privileged or protected by rights of privacy regarding financial information and tax records of  
25 responding party and/or third parties.  
26

27 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
28 responsive to this request, and then meet and confer with demanding party regarding further responses

1 and production.

2 **SECOND SUPPLEMENTAL RESPONSE:**

3 Responding party does not have any documents responsive to this request that are not  
4 privileged.

5 **REQUEST NO. 189:**

6 Please provide all documents related to any and all financial accounts at Bank of Hope  
7 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund LLC  
8 is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
9 present date.

10 **RESPONSE TO REQUEST NO. 189:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
17 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
18 are not relevant to this issues presented; and it purports to require responding party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
20 is privileged or protected by rights of privacy regarding financial information and tax records of  
21 responding party and/or third parties.  
22

23 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
24 responsive to this request, and then meet and confer with demanding party regarding further responses  
25 and production.

26 **SECOND SUPPLEMENTAL RESPONSE:**

27 Responding party does not have any documents responsive to this request that are not  
28 privileged.

1 **REQUEST NO. 190:**

2 Please provide all bank statements and other documents related to all NES Financial's escrow  
3 accounts for Las Vegas Development Fund LLC, including Signature Bank account #1502391026,  
4 for the time period beginning in March 2012 to the present date.

5 **RESPONSE TO REQUEST NO. 190:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting party's  
11 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
12 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
13 are not relevant to this issues presented; and it purports to require responding party to disclose  
14 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
15 is privileged or protected by rights of privacy regarding financial information and tax records of  
16 responding party and/or third parties.

17 **REQUEST NO. 191:**

18 Please provide, if any exist, any document(s) showing the check images related to deposits  
19 made into all NES Financial's escrow accounts for Las Vegas Development Fund LLC, including but  
20 not limited to, Signature Bank account #1502391026, for the time period beginning in March 2012 to  
21 the present date.

22 **RESPONSE TO REQUEST NO. 191:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting party's  
28

1 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
2 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
3 are not relevant to this issues presented; and it purports to require responding party to disclose  
4 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
5 is privileged or protected by rights of privacy regarding financial information and tax records of  
6 responding party and/or third parties.

7 **REQUEST NO. 192:**

8 Please provide all documents related to any and all financial accounts at Signature Bank  
9 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund LLC  
10 is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
11 present date.

12 **RESPONSE TO REQUEST NO. 192:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting party's  
18 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
19 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
20 are not relevant to this issues presented; and it purports to require responding party to disclose  
21 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
22 is privileged or protected by rights of privacy regarding financial information and tax records of  
23 responding party and/or third parties.  
24

25 **REQUEST NO. 193:**

26 Please provide all documents related to any and all financial accounts at Wells Fargo pertaining  
27 to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund LLC is the  
28

1 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present  
2 date.

3 **RESPONSE TO REQUEST NO. 193:**

4 Responding party objects to this Document Request because; individually, and in aggregate  
5 with the other requests made herein and previously propounded, this request fails to meet the  
6 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
7 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
8 contained herein and previously propounded; it seeks documents that are already in requesting party's  
9 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
10 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
11 are not relevant to this issues presented; and it purports to require responding party to disclose  
12 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
13 is privileged or protected by rights of privacy regarding financial information and tax records of  
14 responding party and/or third parties.

15 **REQUEST NO. 194:**

16 Please provide all documents related to any and all financial accounts at Open Bank pertaining  
17 to Las Vegas Development Fund LLC, including but not limited to Account #1226364, and/or for  
18 which Las Vegas Development Fund LLC is the beneficiary, signatory, and/or account holder, for the  
19 time period beginning March 2012 to the present date.

20 **RESPONSE TO REQUEST NO. 194:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting party's  
26 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
27 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
28

1 are not relevant to this issues presented; and it purports to require responding party to disclose  
2 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
3 is privileged or protected by rights of privacy regarding financial information and tax records of  
4 responding party and/or third parties.

5 **REQUEST NO. 195:**

6 Please provide all documents that support or relate to the representation made by Robert  
7 Dziubla during the evidentiary hearing on June 3, 2019 and LVDF’s counsel, Keith Greer, Esq., at the  
8 hearing on October 23, 2019 that LVDF has approximately \$1.5 million ready to be disbursed to Front  
9 Sight. (*See Evid. Hrg. Tr. p. 156, l. 2 – p. 157, l. 25.*)

10 **RESPONSE TO REQUEST NO. 195:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
16 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
17 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
18 are not relevant to this issues presented; and it purports to require responding party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
20 is privileged or protected by rights of privacy regarding financial information and tax records of  
21 responding party and/or third parties.

22 **REQUEST NO. 196:**

23 Please provide all documents that support or relate to the representation made by Robert  
24 Dziubla during the evidentiary hearing on June 3, 2019 that LVDF has approximately \$2 million held  
25 in escrow for the Front Sight Project. (*See Evid. Hrg. Tr. p. 154, ls. 7-9.*)

26 **RESPONSE TO REQUEST NO. 196:**

27 Responding party objects to this Document Request because; individually, and in aggregate  
28

1 with the other requests made herein and previously propounded, this request fails to meet the  
2 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
3 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
4 contained herein and previously propounded; it seeks documents that are already in requesting party's  
5 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
6 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
7 are not relevant to this issues presented; and it purports to require responding party to disclose  
8 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
9 is privileged or protected by rights of privacy regarding financial information and tax records of  
10 responding party and/or third parties.

11 **REQUEST NO. 202:**

12 Please provide an accounting of all funds you have received from Front Sight. Said accounting  
13 must include all money received from Plaintiff by you, how all funds were spent, identification of who  
14 received any portion of the funds, and any and all documentation to support payments made or funds  
15 spent.

16 **RESPONSE TO REQUEST NO. 202:**

17 Responding party objects to this Document Request because; individually, and in aggregate  
18 with the other requests made herein and previously propounded, this request fails to meet the  
19 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
20 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
21 contained herein and previously propounded; it seeks documents that are already in requesting party's  
22 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
23 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
24 are not relevant to this issues presented; and it purports to require responding party to disclose  
25 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
26 is privileged or protected by rights of privacy regarding financial information and tax records of  
27 responding party and/or third parties.  
28

1 **REQUEST NO. 208:**

2 Please provide copies of all documents which support, relate to, or substantiate the “Late Fee”  
3 of \$96,273.10 as claimed on the Loan Statement & Invoice for the period 10/1/2019-10/31/2019 sent  
4 by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached hereto as **Exhibit**  
5 **1.**

6 **RESPONSE TO REQUEST NO. 208:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
12 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
13 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
14 are not relevant to this issues presented; and it purports to require responding party to disclose  
15 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
16 is privileged or protected by rights of privacy regarding financial information and tax records of  
17 responding party and/or third parties.

18 **SUPPLEMENTAL RESPONSE:** Responding Party will produce additional non-privileged  
19 documents that are responsive to this request.

20 **SECOND SUPPLEMENTAL RESPONSE:**

21 Responding party does not have any other documents that are responsive to this request and  
22 believes NES Financial Corp. is in possession of the requested documents.

23 Dated: April 13, 2020

FARMER CASE & FEDOR

24  
25  
26 /s/ Kathryn Holbert  
27 ANTHONY T. CASE, ESQ.  
28 Nevada Bar No. 6589  
tcase@farmercase.com  
KATHRYN HOLBERT, ESQ.



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GREER & ASSOCIATES

s/ C. Keith Greer  
C. KEITH GREER, ESQ.  
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Keith.Greer@greerlaw.biz  
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LAS VEGAS DEVELOPMENT FUND LLC.  
EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

1 **CERTIFICATE OF SERVICE and/or MAILING**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Greer & Associates,  
3 and that on this date, I caused true and correct copies of the following document(s):

4 **DEFENDANT LAS VEGAS DEVELOPMENT FUND'S THIRD SUPPLEMENTAL**  
5 **RESPONSES TO PLAINTIFF'S 3<sup>RD</sup> SET OF REQUESTS FOR PRODUCTION**

6 to be served on the following individuals/entities, in the following manner,

7 John P. Aldrich, Esq.  
8 ALDRICH LAW FIRM, LTD.  
9 1601 S. Rainbow Blvd., Suite 160  
10 Las Vegas, Nevada 89146  
11 Attorneys for Plaintiff  
12 FRONT SIGHT MANAGEMENT, LLC

13 [X] ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible  
14 electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

15 Dated: April 13, 2020

16 /s/ Kathryn Holbert  
17 An Employee of GREER & ASSOCIATES

**EXHIBIT N**

**EXHIBIT N**

**RRFP**

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Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC, EB5

IMPACT CAPITAL REGIONAL CENTER LLC,

EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; EB5  
IMPACT CAPITAL REGIONAL CENTER  
LLC, a Nevada Limited Liability Company; EB5  
IMPACT ADVISORS LLC, a Nevada  
Limited Liability Company; ROBERT W.  
DZIUBLA, individually and as President and  
CEO of LAS VEGAS DEVELOPMENT FUND  
LLC and EB5 IMPACT ADVISORS  
LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; LINDA STANWOOD, individually and

) CASE NO.: A-18-781084-B  
) DEPT NO.: 16

) **DEFENDANT, ROBERT W. DZIUBLA'S  
) SUPPLEMENTAL RESPONSES TO  
) PLAINTIFF'S FIFTH SET OF REQUESTS  
) FOR PRODUCTION OF DOCUMENTS**

1 as Senior Vice President of LAS VEGAS )  
2 DEVELOPMENT FUND LLC and EB5 )  
3 IMPACT ADVISORS LLC; DOES 1- )  
4 inclusive; and ROE CORPORATIONS 1- )  
5 10, inclusive, )  
6 Defendants. )

7 \_\_\_\_\_ )  
8 LAS VEGAS DEVELOPMENT FUND LLC, )  
9 Counterclaimant, )

10 vs. )

11 FRONT SIGHT MANAGEMENT, LLC, a )  
12 Nevada Limited Liability Company; )  
13 IGNATIUS PIAZZA, as an individual and in )  
14 his capacity as Trustee and/or beneficiary of )  
15 VNV DYNASTY TRUST I and VNV )  
16 DYNASTY TRUST II; JENNIFER PIAZZA, as )  
17 an individual and in her capacity as Trustee )  
18 and/or beneficiary of VNV DYNASTY TRUST )  
19 I and VNV DYNASTY TRUST II; VNV )  
20 DYNASTY TRUST I, an irrevocable Nevada )  
21 trust; VNV DYNASTY TRUST II, an )  
22 irrevocable Nevada trust; and ROES 1 through )  
23 10, inclusive, )  
24 Counterdefendants. )

25 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

26 **RESPONDING PARTY: Defendant, ROBERT W. DZIUBLA**

27 **SET NO: FIFTH (CORRECTED REQUESTS 101-123)**

28 **GENERAL OBJECTIONS**

29 Defendant, ROBERT DZIUBLA ("Responding Party" or "Defendant"), makes the following  
30 general objections, whether or not separately set forth in response to each document demand, to each  
31 and every definition and document demand in the Request for Production of Documents (Set No.  
32 Five) of Plaintiff ("Propounding party"):

1           1.       Responding party objects to the requests generally, and to each and every individual  
2 request specifically, to the extent that the requests seek documents not currently in responding party's  
3 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
4 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
5 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
6 expense, and would seek to impose upon responding party an obligation to investigate information or  
7 materials from third parties or persons which are equally accessible to propounding party.

8           2.       Responding party objects to the requests on the ground that they have not completed  
9 investigation of the facts related to this matter, have not completed discovery in this action and have  
10 not completed preparation for any trial that may be held in this action. Any responses to the following  
11 document demands are based on documents currently known to responding party and are given  
12 without prejudice to responding party right to produce evidence of any subsequently discovered  
13 documents.

14           3.       Responding party objects to the requests generally, and to each and every individual  
15 request specifically, to the extent that the requests seek documents or information which would  
16 invade the protections afforded Responding party under the attorney client privilege and/or work  
17 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney  
18 client privilege, the work product doctrine, or any other protection. Inadvertent production of such  
19 protected information is not intended to be and shall not operate as a waiver of the applicable  
20 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
21 log.

22           4.       Unless otherwise indicated, Responding Party will produce information regarding the  
23 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary  
24 Injunction Petition. (hereafter "Injunction Issues").

25           5.       Responding Party reserves the right to condition the production of documents  
26 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
27 confidentiality or protective order governing the disclosure of any such information.  
28

1           6.       The production of any documents or information by Responding Party is made  
2 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
3 documents containing confidential or proprietary information or trade secrets.

4           7.       Responding Party objects to the requests to the extent that they would require  
5 Responding Party to produce documents or information covered by confidentiality agreements with  
6 others, or that would require Responding Party to violate the privacy interests of others.

7                           **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

8                           **REQUEST NO. 101:**

9                           Please provide copies of all documents which support or relate to the truthfulness of the  
10 representations made to Front Sight that Defendant Dziubla and his associates “have great depth  
11 of experience in the real estate and real estate financing market, and I personally have been  
12 involved in over \$10 billion of hospitality and leisure transactions during my 35-year career as  
13 an investor, owner, operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing  
14 Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

15                           **RESPONSE TO REQUEST NO. 101:**

16                           Responding party objects to this Document Request because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, this request fails to meet the  
18 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
19 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
20 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
21 possession or equally accessible to the requesting party; it seeks information protected by the  
22 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
23 documents that are not relevant to this issues presented; and it purports to require responding party to  
24 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is privileged or protected by rights of privacy regarding financial information and  
26 tax records of responding party and/or third parties.  
27

1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is privileged or protected by rights of privacy regarding financial information and  
3 tax records of responding party and/or third parties.

4 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
5 responsive to this request, and then meet and confer with demanding party regarding further  
6 responses and production. See documents A-0021675-021679.

7 **REQUEST NO. 120:**

8 Please provide copies of all documents which support, refute, or relate to each and every  
9 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 120:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
23 objections, Responding Party will produce all non-privileged documents that are responsive to this  
24 request. See documents A-00001-020816.

25 **REQUEST NO. 121:**

26 Please provide copies of all documents which show or relate to each and every payment  
27 and/or transfer of money or property made by Plaintiff to you from 2012 to the present, including  
28



1 documents that show where or how that money or property was used after you received it.

2 **RESPONSE TO REQUEST NO. 121:**

3 Responding party objects to this Document Request because; individually, and in aggregate  
4 with the other requests made herein and previously propounded, this request fails to meet the  
5 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
6 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
7 contained herein and previously propounded; it seeks documents that are already in requesting party's  
8 possession or equally accessible to the requesting party; it seeks information protected by the  
9 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
10 documents that are not relevant to this issues presented; and it purports to require responding party to  
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is privileged or protected by rights of privacy regarding financial information and  
13 tax records of responding party and/or third parties.

14 **REQUEST NO. 122:**

15 Please provide copies of all documents which show or relate to each and every payment  
16 and/or transfer of money or property made by you to any other Defendant in this matter, or entity  
17 controlled by any other Defendant in this matter, from 2012 to the present. This includes, but is  
18 not limited to, documentation related to any reimbursement, salary, or equity distribution from  
19 you to any other Defendant in this matter, or entity controlled by any other Defendant or entity in  
20 this matter.

21 **RESPONSE TO REQUEST NO. 122:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting party's  
27 possession or equally accessible to the requesting party; it seeks information protected by the  
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1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and  
5 tax records of responding party and/or third parties.

6 **REQUEST NO. 123:**

7 Please provide copies of all documents which show or relate to each and every financial  
8 transaction and/or transfer of money or property made by you to any other Defendant from 2012  
9 to the present.

10 **RESPONSE TO REQUEST NO. 123:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **REQUEST NO. 124:**

23 Please provide copies of all documents which show or relate to each and every financial  
24 transaction and/or transfer of money or property made to you by any other Defendant from 2012  
25 to the present.

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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting party's  
4 possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **SUPPLEMENTAL RESPONSE:** To the extent such documents exist, responding party will  
11 produce additional non-privileged documents that are responsive to this request and relevant to the  
12 issue of the number of investors and potential investors that were "in the pipeline" on dates such  
13 representations were made. See documents A-001426-001431.

14 **REQUEST NO. 141:**

15 Please provide all documents related to any and all financial accounts at Bank of Hope  
16 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
17 and/or account holder, for the time period beginning March 2012 to the present date.

18 **RESPONSE TO REQUEST NO. 141:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting party's  
24 possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
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1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving said objections,  
4 Responding Party does not have any documents responsive to this request that are not privileged.

5 **REQUEST NO. 142:**

6 Please provide all documents related to any and all financial accounts at Signature Bank  
7 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
8 and/or account holder, for the time period beginning March 2012 to the present date.

9 **RESPONSE TO REQUEST NO. 142:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **REQUEST NO. 143:**

22 Please provide all documents related to any and all financial accounts at Wells Fargo  
23 Bank pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary,  
24 signatory, and/or account holder, for the time period beginning March 2012 to the present date.

25 **RESPONSE TO REQUEST NO. 143:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting party's  
4 possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **REQUEST NO. 144:**

11 Please provide all documents related to any and all financial accounts at Open Bank  
12 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
13 and/or account holder, for the time period beginning March 2012 to the present date.

14 **RESPONSE TO REQUEST NO. 144:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting party's  
20 possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 **REQUEST NO. 145:**

27 Please provide copies of any and all documents which support the truthfulness of the  
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1 identification of who received any portion of the funds, and any and all documentation to support  
2 payments made or funds spent.

3 **RESPONSE TO REQUEST NO. 148:**

4 Responding party objects to this Document Request because; individually, and in aggregate  
5 with the other requests made herein and previously propounded, this request fails to meet the  
6 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
7 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
8 contained herein and previously propounded; it seeks documents that are already in requesting party's  
9 possession or equally accessible to the requesting party; it seeks information protected by the  
10 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
11 documents that are not relevant to this issues presented; and it purports to require responding party to  
12 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is privileged or protected by rights of privacy regarding financial information and  
14 tax records of responding party and/or third parties.

15  
16 Dated: April 13, 2020

FARMER CASE & FEDOR

17  
18 /s/ Kathryn Holbert

19 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

tcase@farmercase.com

20 KATHRYN HOLBERT, ESQ.

Nevada Bar No. 10084

kholbert@farmercase.com

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22 Las Vegas, NV 89123

23 Telephone: (702) 579-3900

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26 C. KEITH GREER, ESQ.

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27 Keith.Greer@greerlaw.biz  
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Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC,  
EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT ROBERT W. DZUIBLA’S SUPPLEMENTAL RESPONSES TO PLAINTIFF’S 5<sup>TH</sup> SET OF REQUESTS FOR PRODUCTION**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146  
Attorneys for Plaintiff  
FRONT SIGHT MANAGEMENT, LLC

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court’s electronic service list.

Dated: April 13, 2020

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR



**EXHIBIT O**

**EXHIBIT O**



as Senior Vice President of LAS VEGAS DEVELOPMENT FUND LLC and EB5 IMPACT ADVISORS LLC; DOES 1-10, inclusive; and ROE CORPORATIONS 1-10, inclusive,  
Defendants.

LAS VEGAS DEVELOPMENT FUND LLC,  
Counterclaimant,

vs.

FRONT SIGHT MANAGEMENT, LLC, a Nevada Limited Liability Company; IGNATIUS PIAZZA, as an individual and in his capacity as Trustee and/or beneficiary of VNV DYNASTY TRUST I and VNV DYNASTY TRUST II; JENNIFER PIAZZA, as an individual and in her capacity as Trustee and/or beneficiary of VNV DYNASTY TRUST I and VNV DYNASTY TRUST II; VNV DYNASTY TRUST I, an irrevocable Nevada trust; VNV DYNASTY TRUST II, an irrevocable Nevada trust; and ROES 1 through 10, inclusive,  
Counterdefendants.

**PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

**RESPONDING PARTY: Defendant, JON FLEMING**

**SET NO: FIFTH**

**GENERAL OBJECTIONS**

Defendant, JON FLEMING ("Responding Party" or "Defendant"), makes the following general objections, whether or not separately set forth in response to each document demand, to each and every definition and document demand in the Request for Production of Documents (Set No. Fifth) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's

1 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
2 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
3 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
4 expense, and would seek to impose upon responding party an obligation to investigate information or  
5 materials from third parties or persons which are equally accessible to propounding party.

6 2. Responding party objects to the requests on the ground that they have not completed  
7 investigation of the facts related to this matter, have not completed discovery in this action and have  
8 not completed preparation for any trial that may be held in this action. Any responses to the following  
9 document demands are based on documents currently known to responding party and are given  
10 without prejudice to responding party right to produce evidence of any subsequently discovered  
11 documents.

12 3. Responding party objects to the requests generally, and to each and every individual  
13 request specifically, to the extent that the requests seek documents or information which would  
14 invade the protections afforded Responding party under the attorney client privilege and/or work  
15 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney  
16 client privilege, the work product doctrine, or any other protection. Inadvertent production of such  
17 protected information is not intended to be and shall not operate as a waiver of the applicable  
18 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
19 log.

20 4. Unless otherwise indicated, Responding Party will produce information regarding the  
21 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary  
22 Injunction Petition. (hereafter "Injunction Issues").

23 5. Responding Party reserves the right to condition the production of documents  
24 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
25 confidentiality or protective order governing the disclosure of any such information.

26 6. The production of any documents or information by Responding Party is made  
27 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
28

1 documents containing confidential or proprietary information or trade secrets.

2 7. Responding Party objects to the requests to the extent that they would require  
3 Responding Party to produce documents or information covered by confidentiality agreements with  
4 others, or that would require Responding Party to violate the privacy interests of others.

5 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

6 **REQUEST NO. 95:**

7 Please provide copies of all documents which support or relate to the truthfulness of the  
8 representations made to Front Sight that Defendant Dziubla and his associates “have great depth  
9 of experience in the real estate and real estate financing market, and I personally have been  
10 involved in over \$10 billion of hospitality and leisure transactions during my 35-year career as  
11 an investor, owner, operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing  
12 Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

13 **RESPONSE TO REQUEST NO. 95:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
19 possession or equally accessible to the requesting party; it seeks information protected by the  
20 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
21 documents that are not relevant to this issues presented; and it purports to require responding party to  
22 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is privileged or protected by rights of privacy regarding financial information and  
24 tax records of responding party and/or third parties.

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26 //

1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
4 responsive to this request, and then meet and confer with demanding party regarding further  
5 responses and production. See documents A-0021675-021679.

6 **REQUEST NO. 114:**

7 Please provide copies of all documents which support, refute, or relate to each and every  
8 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 114:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
22 objections, Responding Party will produce all non-privileged documents that are responsive to this  
23 request. See documents A-00001-021678.

24 **REQUEST NO. 115:**

25 Please provide copies of all documents which show or relate to each and every payment  
26 and/or transfer of money or property made by Plaintiff to you from 2012 to the present, including  
27 documents that show where or how that money or property was used after you received it.  
28

1 **RESPONSE TO REQUEST NO. 115:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **REQUEST NO. 116:**

14 Please provide copies of all documents which show or relate to each and every payment  
15 and/or transfer of money or property made by you to any other Defendant in this matter, or entity  
16 controlled by any other Defendant in this matter, from 2012 to the present. This includes, but is  
17 not limited to, documentation related to any reimbursement, salary, or equity distribution from  
18 you to any other Defendant in this matter, or entity controlled by any other Defendant or entity in  
19 this matter.

20 **RESPONSE TO REQUEST NO. 116:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting party's  
26 possession or equally accessible to the requesting party; it seeks information protected by the  
27 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
28

1 documents that are not relevant to this issues presented; and it purports to require responding party to  
2 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **REQUEST NO. 117:**

6 Please provide copies of all documents which show or relate to each and every financial  
7 transaction and/or transfer of money or property made by you to any other Defendant from 2012  
8 to the present.

9 **RESPONSE TO REQUEST NO. 117:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **REQUEST NO. 118:**

22 Please provide copies of all documents which show or relate to each and every financial  
23 transaction and/or transfer of money or property made to you by any other Defendant from 2012  
24 to the present.

25 **RESPONSE TO REQUEST NO. 118:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28



1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting party's  
4 possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **REQUEST NO. 119:**

11 Please provide copies of all documents which demonstrate each and every representation  
12 you have made to any potential EB-5 investor of the Front Sight project, or agent of any potential  
13 EB-5 investor, including representations prior to investment and updates since investment.

14 **RESPONSE TO REQUEST NO. 119:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting party's  
20 possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.  
26

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1 documents that are not relevant to this issues presented; and it purports to require responding party to  
2 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **REQUEST NO. 122:**

6 Please provide copies of all documents provided to you by Plaintiff or any representative  
7 of Plaintiff at any time between 2012 and the present.

8 **RESPONSE TO REQUEST NO. 122:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting party's  
14 possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20  
21 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
22 objections, all responsive documents have been produced and are identified in response to specific  
23 document demands.

24 **REQUEST NO. 123:**

25 Please produce a copy of all bank account statements, from each and every bank account's  
26 initial opening date to the present time, for all account(s) used to hold the 25% of the actual,  
27 potential, or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was  
28 earmarked for refunds in the event of a USCIS rejection of a particular investor's I-829 petition.

1 **RESPONSE TO REQUEST NO. 123:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **REQUEST NO. 124:**

14 Please produce a copy of all bank account statements, from each and every bank  
15 account's initial opening date to the present time, for all account(s) used to receive, house, and/or  
16 distribute the money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa  
17 applicants.

18 **RESPONSE TO REQUEST NO. 124:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting party's  
24 possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
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1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **REQUEST NO. 125:**

4 Please produce a copy of all documents, writings, and/or communications showing or  
5 demonstrating Defendant Linda Stanwood's involvement and/or professional history with  
6 LVDF, EB5IA, and EB5IC, specifically her history as a Senior Vice President and/or member  
7 and/or manager and/or employee of LVDF, EB5IA, and EB5IC including, but not limited to, her  
8 start date(s) and participation in the management and operation of LVDF, EB5IA, and EB5IC  
9 and its affairs, and any payments made from LVDF, EB5IA, and EB5IC to Defendant Stanwood.

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **REQUEST NO. 126:**

22 Produce a copy of any and all communications between you and the actual, potential, or  
23 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

24 **RESPONSE TO REQUEST NO. 126:**

25 Responding party objects to this Document Request because; individually, and in aggregate  
26 with the other requests made herein and previously propounded, this request fails to meet the  
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
28

1 **REQUEST NO. 130:**

2 Please provide all documents which relate to and/or account for any and all funds you  
3 have received from Front Sight directly or which you know to originate from Front Sight,  
4 including all money received by you from Plaintiff, how said funds were spent, identification of  
5 who received any portion of the funds, and any and all documentation to support or justify  
6 payments made or funds spent.

7 **RESPONSE TO REQUEST NO. 130:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting party's  
13 possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **REQUEST NO. 131:**

20 Please produce all communications between you and any other Defendant.

21 **RESPONSE TO REQUEST NO. 131:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting party's  
27 possession or equally accessible to the requesting party; it seeks information protected by the  
28

1 tax records of responding party and/or third parties.

2 **SUPPLEMENTAL RESPONSE:** To the extent such documents exist, responding party will  
3 produce additional non-privileged documents that are responsive to this request and relevant to the  
4 issue of the number of investors and potential investors that were “in the pipeline” on dates such  
5 representations were made. See documents A-001426-001431.

6 **REQUEST NO. 135:**

7 Please provide all documents related to any and all financial accounts at Bank of Hope  
8 pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,  
9 and/or account holder, for the time period beginning March 2012 to the present date.

10 **RESPONSE TO REQUEST NO. 135:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
16 possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving said objections, Responding  
23 Party does not have any documents responsive to this request that are not privileged.

24 **REQUEST NO. 136:**

25 Please provide all documents related to any and all financial accounts at Signature Bank  
26 pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,  
27 and/or account holder, for the time period beginning March 2012 to the present date.  
28

1 **RESPONSE TO REQUEST NO. 136:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **REQUEST NO. 137:**

14 Please provide all documents related to any and all financial accounts at Wells Fargo  
15 Bank pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,  
16 and/or account holder, for the time period beginning March 2012 to the present date.

17 **RESPONSE TO REQUEST NO. 137:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting party's  
23 possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **REQUEST NO. 138:**

3 Please provide all documents related to any and all financial accounts at Open Bank  
4 pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,  
5 and/or account holder, for the time period beginning March 2012 to the present date.

6 **RESPONSE TO REQUEST NO. 138:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting party's  
12 possession or equally accessible to the requesting party; it seeks information protected by the  
13 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
14 documents that are not relevant to this issues presented; and it purports to require responding party to  
15 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is privileged or protected by rights of privacy regarding financial information and  
17 tax records of responding party and/or third parties.

18 **REQUEST NO. 139:**

19 Please provide copies of all documents which demonstrate or relate to your involvement  
20 in the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email  
21 from Robert Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

22 **RESPONSE TO REQUEST NO. 139:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting party's  
28



1  
2 **REQUEST NO. 141:**

3 Please provide an accounting of all funds you have received from Front Sight. Said  
4 accounting must include all money received from Plaintiff by you, how all funds were spent,  
5 identification of who received any portion of the funds, and any and all documentation to support  
6 payments made or funds spent.

7 **RESPONSE TO REQUEST NO. 141:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting party's  
13 possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.  
19

20 Dated: April 13, 2020

FARMER CASE & FEDOR

21  
22 /s/ Kathryn Holbert

23 ANTHONY T. CASE, ESQ.

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W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT JON FLEMING’S SUPPLEMENTAL RESPONSES TO PLAINTIFF’S 5<sup>TH</sup> SET OF REQUESTS FOR PRODUCTION**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146  
Attorneys for Plaintiff  
FRONT SIGHT MANAGEMENT, LLC

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court’s electronic service list.

Dated: April 13, 2020

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT P

# EXHIBIT P

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Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC, EB5  
IMPACT CAPITAL REGIONAL CENTER LLC,  
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
JON FLEMING and LINDA STANWOOD

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

FRONT SIGHT MANAGEMENT LLC, a Nevada Limited Liability Company,  
Plaintiff,  
vs.  
LAS VEGAS DEVELOPMENT FUND LLC, a Nevada Limited Liability Company; EB5 IMPACT CAPITAL REGIONAL CENTER LLC, a Nevada Limited Liability Company; EB5 IMPACT ADVISORS LLC, a Nevada Limited Liability Company; ROBERT W. DZIUBLA, individually and as President and CEO of LAS VEGAS DEVELOPMENT FUND LLC and EB5 IMPACT ADVISORS LLC; JON FLEMING, individually and as an agent of LAS VEGAS DEVELOPMENT FUND LLC and EB5 IMPACT ADVISORS LLC; LINDA STANWOOD, individually and as Senior Vice President of LAS VEGAS )  
CASE NO.: A-18-781084-B )  
DEPT NO.: 16 )  
**DEFENDANT, LINDA STANDWOOD'S )  
SUPPLEMENTAL RESPONSES TO )  
PLAINTIFF'S THIRD SET OF REQUESTS )  
FOR PRODUCTION OF DOCUMENTS )**

1 DEVELOPMENT FUND LLC and EB5 )  
2 IMPACT ADVISORS LLC; DOES 1- )  
3 inclusive; and ROE CORPORATIONS 1- )  
4 10, inclusive, )

5 Defendants. )

6 LAS VEGAS DEVELOPMENT FUND LLC, )

7 Counterclaimant, )

8 vs. )

9 FRONT SIGHT MANAGEMENT, LLC, a )  
10 Nevada Limited Liability Company; )  
11 IGNATIUS PIAZZA, as an individual and in )  
12 his capacity as Trustee and/or beneficiary of )  
13 VNV DYNASTY TRUST I and VNV )  
14 DYNASTY TRUST II; JENNIFER PIAZZA, as )  
15 an individual and in her capacity as Trustee )  
16 and/or beneficiary of VNV DYNASTY TRUST )  
17 I and VNV DYNASTY TRUST II; VNV )  
18 DYNASTY TRUST I, an irrevocable Nevada )  
19 trust; VNV DYNASTY TRUST II, an )  
20 irrevocable Nevada trust; and ROES 1 through )  
21 10, inclusive, )

22 Counterdefendants. )

23 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

24 **RESPONDING PARTY: Defendant, LINDA STANWOOD**

25 **SET NO: THREE**

26 **GENERAL OBJECTIONS**

27 Defendant, LINDA STANWOOD ("Responding Party" or "Defendant"), makes the following  
28 general objections, whether or not separately set forth in response to each document demand, to each  
and every definition and document demand in the Request for Production of Documents (Set No.  
Three of Plaintiff ("Propounding party")):

1           1.       Responding party objects to the requests generally, and to each and every individual  
2 request specifically, to the extent that the requests seek documents not currently in responding party's  
3 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
4 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
5 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
6 expense, and would seek to impose upon responding party an obligation to investigate information or  
7 materials from third parties or persons which are equally accessible to propounding party.

8           2.       Responding party objects to the requests on the ground that they have not completed  
9 investigation of the facts related to this matter, have not completed discovery in this action and have  
10 not completed preparation for any trial that may be held in this action. Any responses to the following  
11 document demands are based on documents currently known to responding party and are given  
12 without prejudice to responding party right to produce evidence of any subsequently discovered  
13 documents.

14           3.       Responding party objects to the requests generally, and to each and every individual  
15 request specifically, to the extent that the requests seek documents or information which would invade  
16 the protections afforded Responding party under the attorney client privilege and/or work product  
17 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
18 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected  
19 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
20 information withheld on the basis of such privilege will be identified on a privilege log.

21           4.       Unless otherwise indicated, Responding Party will produce information regarding the  
22 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary Injunction  
23 Petition. (hereafter "Injunction Issues").

24           5.       Responding Party reserves the right to condition the production of documents  
25 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
26 confidentiality or protective order governing the disclosure of any such information.

27           6.       The production of any documents or information by Responding Party is made without  
28

1 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
2 containing confidential or proprietary information or trade secrets.

3 7. Responding Party objects to the requests to the extent that they would require  
4 Responding Party to produce documents or information covered by confidentiality agreements with  
5 others, or that would require Responding Party to violate the privacy interests of others.

6 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

7 **REQUEST NO. 93:**

8 Please provide copies of all documents which support or relate to the truthfulness of the  
9 representations made to Front Sight that Defendant Dziubla and his associates “have great depth of  
10 experience in the real estate and real estate financing market, and I personally have been involved in  
11 over \$10 billion of hospitality and leisure transactions during my 35-year career as an investor, owner,  
12 operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing Exhibit 2, April 7, 2015  
13 Email from Robert Dziubla to Mike Meacher, p. 0004.

14 **RESPONSE TO REQUEST NO. 93:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
20 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
21 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
22 are not relevant to this issues presented; and it purports to require responding party to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
24 is privileged or protected by rights of privacy regarding financial information and tax records of  
25 responding party and/or third parties.  
26  
27  
28



1 is privileged or protected by rights of privacy regarding financial information and tax records of  
2 responding party and/or third parties.

3 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
4 responsive to this request, and then meet and confer with demanding party regarding further responses  
5 and production. See documents A-0021675-021679.

6 **REQUEST NO. 112:**

7 Please provide copies of all documents which support, refute, or relate to each and every  
8 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 112:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
16 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
17 are not relevant to this issues presented; and it purports to require responding party to disclose  
18 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
19 is privileged or protected by rights of privacy regarding financial information and tax records of  
20 responding party and/or third parties.

21 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
22 objections, Responding Party will produce all non-privileged documents that are responsive to this  
23 request. See documents A-00001-020816.

24 **REQUEST NO. 113:**

25 Please provide copies of all documents which show or relate to each and every payment and/or  
26 transfer of money or property made by Plaintiff to you from 2012 to the present, including documents  
27 that show where or how that money or property was used after you received it.  
28

1 **RESPONSE TO REQUEST NO. 113:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
8 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
9 are not relevant to this issues presented; and it purports to require responding party to disclose  
10 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
11 is privileged or protected by rights of privacy regarding financial information and tax records of  
12 responding party and/or third parties.

13 **REQUEST NO. 114:**

14 Please provide copies of all documents which show or relate to each and every payment and/or  
15 transfer of money or property made by you to any other Defendant in this matter, or entity controlled  
16 by any other Defendant in this matter, from 2012 to the present. This includes, but is not limited to,  
17 documentation related to any reimbursement, salary, or equity distribution from you to any other  
18 Defendant in this matter, or entity controlled by any other Defendant or entity in this matter.

19 **RESPONSE TO REQUEST NO. 114:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting party's  
25 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
26 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
27 are not relevant to this issues presented; and it purports to require responding party to disclose  
28

1 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
2 is privileged or protected by rights of privacy regarding financial information and tax records of  
3 responding party and/or third parties.

4 **REQUEST NO. 115:**

5 Please provide copies of all documents which show or relate to each and every financial  
6 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to  
7 the present.

8 **RESPONSE TO REQUEST NO. 115:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting party's  
14 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
15 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
16 are not relevant to this issues presented; and it purports to require responding party to disclose  
17 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
18 is privileged or protected by rights of privacy regarding financial information and tax records of  
19 responding party and/or third parties.  
20

21 **REQUEST NO. 116:**

22 Please provide copies of all documents which show or relate to each and every financial  
23 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to  
24 the present.

25 **RESPONSE TO REQUEST NO. 116:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting party's  
3 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
4 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
5 are not relevant to this issues presented; and it purports to require responding party to disclose  
6 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
7 is privileged or protected by rights of privacy regarding financial information and tax records of  
8 responding party and/or third parties.

9 **REQUEST NO. 117:**

10 Please provide copies of all documents which demonstrate each and every representation you  
11 have made to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5  
12 investor, including representations prior to investment and updates since investment.

13 **RESPONSE TO REQUEST NO. 117:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting party's  
19 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
20 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
21 are not relevant to this issues presented; and it purports to require responding party to disclose  
22 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
23 is privileged or protected by rights of privacy regarding financial information and tax records of  
24 responding party and/or third parties.  
25

26 //

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1 are not relevant to this issues presented; and it purports to require responding party to disclose  
2 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
3 is privileged or protected by rights of privacy regarding financial information and tax records of  
4 responding party and/or third parties.

5 **REQUEST NO. 120:**

6 Please provide copies of all documents provided to you by Plaintiff or any representative of  
7 Plaintiff at any time between 2012 and the present.

8 **RESPONSE TO REQUEST NO. 120:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting party's  
14 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
15 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
16 are not relevant to this issues presented; and it purports to require responding party to disclose  
17 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
18 is privileged or protected by rights of privacy regarding financial information and tax records of  
19 responding party and/or third parties.  
20

21 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
22 objections, all responsive documents have been produced and are identified in response to specific  
23 document demands.

24 **REQUEST NO. 121:**

25 Please produce a copy of all bank account statements, from each and every bank account's  
26 initial opening date to the present time, for all account(s) used to hold the 25% of the actual, potential,  
27 or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was earmarked for  
28 refunds in the event of a USCIS rejection of a particular investor's I-829 petition.

1 **RESPONSE TO REQUEST NO. 121:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
8 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
9 are not relevant to this issues presented; and it purports to require responding party to disclose  
10 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
11 is privileged or protected by rights of privacy regarding financial information and tax records of  
12 responding party and/or third parties.

13 **REQUEST NO. 122:**

14 Please produce a copy of all bank account statements, from each and every bank account's  
15 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the  
16 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

17 **RESPONSE TO REQUEST NO. 122:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting party's  
23 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
24 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
25 are not relevant to this issues presented; and it purports to require responding party to disclose  
26 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
27 is privileged or protected by rights of privacy regarding financial information and tax records of  
28

1 responding party and/or third parties.

2 **REQUEST NO. 123:**

3 Please produce a copy of all documents, writings, and/or communications showing or  
4 demonstrating your involvement and/or professional history with LVDF, EB5IA, and EB5IC,  
5 specifically your history as a Senior Vice President and/or member and/or manager and/or employee  
6 of LVDF, EB5IA, and EB5IC, including, but not limited to, your start date(s) and participation in the  
7 management and operation of LVDF, EB5IA, and EB5IC and its affairs, and any payments made  
8 from LVDF, EB5IA, and EB5IC to you.

9 **RESPONSE TO REQUEST NO. 123:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting party's  
15 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
16 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
17 are not relevant to this issues presented; and it purports to require responding party to disclose  
18 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
19 is privileged or protected by rights of privacy regarding financial information and tax records of  
20 responding party and/or third parties.

21 **REQUEST NO. 124:**

22 Produce a copy of any and all communications between you and the actual, potential, or  
23 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

24 **RESPONSE TO REQUEST NO. 124:**

25 Responding party objects to this Document Request because; individually, and in aggregate  
26 with the other requests made herein and previously propounded, this request fails to meet the  
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
28

1 **REQUEST NO. 128:**

2 Please provide all documents which relate to and/or account for any and all funds you have  
3 received from Front Sight directly or which you know to originate from Front Sight, including all  
4 money received by you from Plaintiff, how said funds were spent, identification of who received any  
5 portion of the funds, and any and all documentation to support or justify payments made or funds  
6 spent..

7 **RESPONSE TO REQUEST NO. 128:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting party's  
13 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
14 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
15 are not relevant to this issues presented; and it purports to require responding party to disclose  
16 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
17 is privileged or protected by rights of privacy regarding financial information and tax records of  
18 responding party and/or third parties.

19 **REQUEST NO. 129:**

20 Please produce all communications between you and any other Defendant.

21 **RESPONSE TO REQUEST NO. 129:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting party's  
27 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
28



1 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
2 is privileged or protected by rights of privacy regarding financial information and tax records of  
3 responding party and/or third parties.

4 **SUPPLEMENTAL RESPONSE:** To the extent such documents exist, responding party will  
5 produce additional non-privileged documents that are responsive to this request and relevant to the  
6 issue of the number of investors and potential investors that were “in the pipeline” on dates such  
7 representations were made. See documents A-001426-001431.

8 **REQUEST NO. 133:**

9 Please provide all documents related to any and all financial accounts at Bank of Hope  
10 pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or  
11 account holder, for the time period beginning March 2012 to the present date.

12 **RESPONSE TO REQUEST NO. 133:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
18 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
19 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
20 are not relevant to this issues presented; and it purports to require responding party to disclose  
21 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
22 is privileged or protected by rights of privacy regarding financial information and tax records of  
23 responding party and/or third parties.

24 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving said objections,  
25 Responding Party does not have any documents responsive to this request that are not privileged.  
26

27 //

28 //

1 **REQUEST NO. 134:**

2 Please provide all documents related to any and all financial accounts at Signature Bank  
3 pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or  
4 account holder, for the time period beginning March 2012 to the present date.

5 **RESPONSE TO REQUEST NO. 134:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting party's  
11 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
12 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
13 are not relevant to this issues presented; and it purports to require responding party to disclose  
14 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
15 is privileged or protected by rights of privacy regarding financial information and tax records of  
16 responding party and/or third parties.

17 **REQUEST NO. 135:**

18 Please provide all documents related to any and all financial accounts at Wells Fargo Bank  
19 pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or  
20 account holder, for the time period beginning March 2012 to the present date.

21 **RESPONSE TO REQUEST NO. 135:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting party's  
27 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
28

1 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
2 are not relevant to this issues presented; and it purports to require responding party to disclose  
3 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
4 is privileged or protected by rights of privacy regarding financial information and tax records of  
5 responding party and/or third parties.

6 **REQUEST NO. 136:**

7 Please provide all documents related to any and all financial accounts at Open Bank pertaining  
8 to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account  
9 holder, for the time period beginning March 2012 to the present date.

10 **RESPONSE TO REQUEST NO. 136:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
17 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
18 are not relevant to this issues presented; and it purports to require responding party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
20 is privileged or protected by rights of privacy regarding financial information and tax records of  
21 responding party and/or third parties.

22 **REQUEST NO. 137:**

23 Please provide an accounting of all funds you have received from Front Sight. Said accounting  
24 must include all money received from Plaintiff by you, how all funds were spent, identification of who  
25 received any portion of the funds, and any and all documentation to support payments made or funds  
26 spent.  
27

28

1 **RESPONSE TO REQUEST NO. 137:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting party's  
7 possession or equally accessible to the requesting party; it seeks information protected by the attorney-  
8 client privilege and/or attorney work product doctrine; it calls for the production of documents that  
9 are not relevant to this issues presented; and it purports to require responding party to disclose  
10 information that is a trade secret, confidential, proprietary, commercially sensitive, or information that  
11 is privileged or protected by rights of privacy regarding financial information and tax records of  
12 responding party and/or third parties.

13  
14 Dated: April 13, 2020

FARMER CASE & FEDOR

15  
16 /s/ Kathryn Holbert

17  
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Attorneys for Defendants  
LAS VEGAS DEVELOPMENT FUND LLC.  
EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

1 **CERTIFICATE OF SERVICE and/or MAILING**

2 Pursuant to NRCF 5(b), I hereby certify that I am an employee of Farmer Case & Fedor,  
3 and that on this date, I caused true and correct copies of the following document(s):

4  
5 **DEFENDANT LINDA STANWOOD'S SUPPLEMENTAL RESPONSES TO  
6 PLAINTIFF'S 3<sup>RD</sup> SET OF REQUESTS FOR PRODUCTION**

7 to be served on the following individuals/entities, in the following manner,

8 John P. Aldrich, Esq.  
9 Catherine Hernandez, Esq.  
10 ALDRICH LAW FIRM, LTD.  
11 1601 S. Rainbow Blvd., Suite 160  
12 Las Vegas, Nevada 89146  
13 Attorneys for Plaintiff  
14 FRONT SIGHT MANAGEMENT, LLC

15 By:

16  ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible  
17 electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

18  U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid  
19 envelope, in the United States Mail, to those parties and/or above named individuals which were  
20 not on the Court's electronic service list.

21 Dated: April 13, 2020

22 /s/ Kathryn Holbert  
23 An Employee of FARMER CASE & FEDOR

# EXHIBIT Q

# EXHIBIT Q

**RRFP**

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LAS VEGAS DEVELOPMENT FUND LLC, EB5

IMPACT CAPITAL REGIONAL CENTER LLC,

EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a

Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC, a

Nevada Limited Liability Company; EB5

IMPACT CAPITAL REGIONAL CENTER

LLC, a Nevada Limited Liability Company; EB5

IMPACT ADVISORS LLC, a Nevada

Limited Liability Company; ROBERT W.

DZIUBLA, individually and as President and

CEO of LAS VEGAS DEVELOPMENT FUND

LLC and EB5 IMPACT ADVISORS

LLC; JON FLEMING, individually and as an

agent of LAS VEGAS DEVELOPMENT

FUND LLC and EB5 IMPACT ADVISORS

LLC; LINDA STANWOOD, individually and

as Senior Vice President of LAS VEGAS

) CASE NO.: A-18-781084-B

) DEPT NO.: 16

) **DEFENDANT, EB5 IMPACT CAPITAL**

) **REGIONAL CENTER LLC'S**

) **SUPPLEMENTAL RESPONSES TO**

) **PLAINTIFF'S THIRD SET OF REQUESTS**

) **FOR PRODUCTION OF DOCUMENTS**



1 DEVELOPMENT FUND LLC and EB5  
2 IMPACT ADVISORS LLC; DOES 1-  
3 inclusive; and ROE CORPORATIONS 1-  
4 10, inclusive,

5 Defendants.

6 LAS VEGAS DEVELOPMENT FUND LLC,

7 Counterclaimant,

8 vs.

9 FRONT SIGHT MANAGEMENT, LLC, a  
10 Nevada Limited Liability Company;  
11 IGNATIUS PIAZZA, as an individual and in  
12 his capacity as Trustee and/or beneficiary of  
13 VNV DYNASTY TRUST I and VNV  
14 DYNASTY TRUST II; JENNIFER PIAZZA, as  
15 an individual and in her capacity as Trustee  
16 and/or beneficiary of VNV DYNASTY TRUST  
17 I and VNV DYNASTY TRUST II; VNV  
18 DYNASTY TRUST I, an irrevocable Nevada  
19 trust; VNV DYNASTY TRUST II, an  
20 irrevocable Nevada trust; and ROES 1 through  
21 10, inclusive,

22 Counterdefendants.

23 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

24 **RESPONDING PARTY: Defendant, EB5 IMPACT CAPITAL REGIONAL  
25 CENTER LLC**

26 **SET NO: THREE**

27 **GENERAL OBJECTIONS**

28 Defendant, EB5 IMPACT CAPITAL REGIONAL CENTER LLC, ("Responding Party" or  
"Defendant"), makes the following general objections, whether or not separately set forth in  
response to each document demand, to each and every definition and document demand in the  
Request for Production of Documents (Set No. Three of Plaintiff ("Propounding party")):

1           1.       Responding party objects to the requests generally, and to each and every individual  
2 request specifically, to the extent that the requests seek documents not currently in responding  
3 party's possession, custody or control, or refers to persons, entities, or events not known to them, on  
4 the grounds that such requests seek to require more of this defendant than any obligation imposed by  
5 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
6 expense, and would seek to impose upon responding party an obligation to investigate information  
7 or materials from third parties or persons which are equally accessible to propounding party.

8           2.       Responding party objects to the requests on the ground that they have not completed  
9 investigation of the facts related to this matter, have not completed discovery in this action and have  
10 not completed preparation for any trial that may be held in this action. Any responses to the  
11 following document demands are based on documents currently known to responding party and are  
12 given without prejudice to responding party right to produce evidence of any subsequently  
13 discovered documents.

14           3.       Responding party objects to the requests generally, and to each and every individual  
15 request specifically, to the extent that the requests seek documents or information which would  
16 invade the protections afforded Responding party under the attorney client privilege and/or work  
17 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney  
18 client privilege, the work product doctrine, or any other protection. Inadvertent production of such  
19 protected information is not intended to be and shall not operate as a waiver of the applicable  
20 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
21 log.

22           4.       Unless otherwise indicated, Responding Party will produce information regarding the  
23 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary  
24 Injunction Petition. (hereafter "Injunction Issues").

25           5.       Responding Party reserves the right to condition the production of documents  
26 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
27 confidentiality or protective order governing the disclosure of any such information.  
28

1           6.       The production of any documents or information by Responding Party is made  
2 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
3 documents containing confidential or proprietary information or trade secrets.

4           7.       Responding Party objects to the requests to the extent that they would require  
5 Responding Party to produce documents or information covered by confidentiality agreements with  
6 others, or that would require Responding Party to violate the privacy interests of others.

7                           **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

8                           **REQUEST NO. 89:**

9                           Please provide copies of all documents which support or relate to the truthfulness of the  
10 representations made to Front Sight that Defendant Dziubla and his associates “have great depth of  
11 experience in the real estate and real estate financing market, and I personally have been involved in  
12 over \$10 billion of hospitality and leisure transactions during my 35-year career as an investor, owner,  
13 operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing Exhibit 2, April 7, 2015  
14 Email from Robert Dziubla to Mike Meacher, p. 0004.

15                           **RESPONSE TO REQUEST NO. 89:**

16                           Responding party objects to this Document Request because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, this request fails to meet the  
18 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
19 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
20 contained herein and previously propounded; it seeks documents that are already in requesting  
21 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
22 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
23 documents that are not relevant to this issues presented; and it purports to require responding party  
24 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is privileged or protected by rights of privacy regarding financial information and  
26 tax records of responding party and/or third parties.  
27

1 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is privileged or protected by rights of privacy regarding financial information and  
3 tax records of responding party and/or third parties.

4 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
5 responsive to this request, and then meet and confer with demanding party regarding further  
6 responses and production. See documents A-0021675-021679.

7 **REQUEST NO. 108:**

8 Please provide copies of all documents which support, refute, or relate to each and every  
9 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 108:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting  
16 party's possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party  
19 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving the previously asserted  
23 objections, Responding Party will produce all non-privileged documents that are responsive to this  
24 request. See documents A-00001-021674.

25 **REQUEST NO. 109:**

26 Please provide copies of all documents which show or relate to each and every payment and/or  
27 transfer of money or property made by Plaintiff to you from 2012 to the present, including documents  
28

1 that show where or how that money or property was used after you received it.

2 **RESPONSE TO REQUEST NO. 109:**

3 Responding party objects to this Document Request because; individually, and in aggregate  
4 with the other requests made herein and previously propounded, this request fails to meet the  
5 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
6 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
7 contained herein and previously propounded; it seeks documents that are already in requesting  
8 party's possession or equally accessible to the requesting party; it seeks information protected by the  
9 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
10 documents that are not relevant to this issues presented; and it purports to require responding party  
11 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is privileged or protected by rights of privacy regarding financial information and  
13 tax records of responding party and/or third parties.

14 **REQUEST NO. 110:**

15 Please provide copies of all documents which show or relate to each and every payment and/or  
16 transfer of money or property made by you to any other Defendant in this matter, or entity controlled  
17 by any other Defendant in this matter, from 2012 to the present. This includes, but is not limited to,  
18 documentation related to any reimbursement, salary, or equity distribution from you to any other  
19 Defendant in this matter, or entity controlled by any other Defendant or entity in this matter.

20 **RESPONSE TO REQUEST NO. 110:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting  
26 party's possession or equally accessible to the requesting party; it seeks information protected by the  
27 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
28

1 documents that are not relevant to this issues presented; and it purports to require responding party  
2 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **REQUEST NO. 111:**

6 Please provide copies of all documents which show or relate to each and every financial  
7 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to  
8 the present.

9 **RESPONSE TO REQUEST NO. 111:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party's possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party  
18 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **REQUEST NO. 112:**

22 Please provide copies of all documents which show or relate to each and every financial  
23 transaction and/or transfer of money or property made to you by any other Defendant from 2012 to  
24 the present.

25 **RESPONSE TO REQUEST NO. 112:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party  
7 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **REQUEST NO. 113:**

11 Please provide copies of all documents which support, refute, or in any way relate to each and  
12 every payment and/or transfer of money or property made to you by any foreign or immigrant investor  
13 from 2012 to the present.

14 **RESPONSE TO REQUEST NO. 113:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

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27 //

1 **REQUEST NO. 114:**

2 Please provide copies of all documents which identify or contain the details of each and every  
3 EB-5 investor and/or investment transaction related to the Front Sight project, including but not  
4 limited to the identity of the person or entity involved, the address of the person or entity investing,  
5 the country of origin of the person or entity investing, the contact information for the agent of the EB-  
6 5 investor, the date of the transaction, the amount of the investment, the source of the funds for the  
7 investment, the current immigration status of the EB-5 investor, and the current status of the  
8 investment.

9 **RESPONSE TO REQUEST NO. 114:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party's possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party  
18 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21  
22 **SUPPLEMENTAL RESPONSE:** Responding party will identify the scope of documents  
23 responsive to this request, and then meet and confer with demanding party regarding further  
24 responses and production. See documents A-015270-018192.

25 **REQUEST NO. 115:**

26 Please provide copies of all documents which demonstrate each and every representation you  
27 have made to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5  
28 investor, including representations prior to investment and updates since investment.



1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **REQUEST NO. 120:**

4 Please produce a copy of all bank account statements, from each and every bank account's  
5 initial opening date to the present time, for all account(s) used to hold the 25% of the actual, potential,  
6 or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was earmarked for  
7 refunds in the event of a USCIS rejection of a particular investor's I-829 petition.

8 **RESPONSE TO REQUEST NO. 120:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party's possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party  
17 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.  
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21 **REQUEST NO. 121:**

22 Please produce a copy of all bank account statements, from each and every bank account's  
23 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the  
24 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

25 **RESPONSE TO REQUEST NO. 121:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 **REQUEST NO. 122:**

10 Please produce a copy of all manuals, operating procedures, memoranda, circulars,  
11 announcements, emails, and/or other documents that establish, govern, amend, or otherwise control  
12 EB5IC's receipt, handling, control, utilization, and/or distribution of the money received from the  
13 actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

14 **RESPONSE TO REQUEST NO. 122:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

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1 documents that are not relevant to this issues presented; and it purports to require responding party  
2 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **SUPPLEMENTAL RESPONSE:** Responding Party will produce additional non-privileged  
6 documents that are responsive to this request to the extent they exist. See document number A-  
7 010330-010417; A-015270-018192.

8 **REQUEST NO. 130:**

9 Please provide all documents which relate to and/or account for any and all funds you have  
10 received from Front Sight directly or which you know to originate from Front Sight, including all  
11 money received by you from Plaintiff, how said funds were spent, identification of who received any  
12 portion of the funds, and any and all documentation to support or justify payments made or funds  
13 spent.

14 **RESPONSE TO REQUEST NO. 130:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.  
26

27 **REQUEST NO. 131:**

28 Please produce all communications between EB5IC and any other Defendant.

1 **REQUEST NO. 134:**

2 Please produce all communications between EB5IC and any agent and/or broker for any EB-  
3 5 Investor.

4 **RESPONSE TO REQUEST NO. 134:**

5 Responding party objects to this Document Request because; individually, and in aggregate  
6 with the other requests made herein and previously propounded, this request fails to meet the  
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
9 contained herein and previously propounded; it seeks documents that are already in requesting  
10 party's possession or equally accessible to the requesting party; it seeks information protected by the  
11 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
12 documents that are not relevant to this issues presented; and it purports to require responding party  
13 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
14 information that is privileged or protected by rights of privacy regarding financial information and  
15 tax records of responding party and/or third parties.

16 **SUPPLEMENTAL RESPONSE:** To the extent such documents exist, responding party  
17 will produce additional non-privileged documents that are responsive to this request and relevant to  
18 the issue of the number of investors and potential investors that were "in the pipeline" on dates such  
19 representations were made. See documents A-001426-001431.

20 **REQUEST NO. 135:**

21 Please provide all documents related to any and all financial accounts at Bank of Hope  
22 pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional  
23 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March  
24 2012 to the present date.

25 **RESPONSE TO REQUEST NO. 135:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party  
7 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **SUPPLEMENTAL RESPONSE:** Subject to and without waiving said objections,  
11 Responding Party does not have any documents responsive to this request that are not privileged.

12 **REQUEST NO. 136:**

13 Please provide all documents related to any and all financial accounts at Signature Bank  
14 pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional  
15 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March  
16 2012 to the present date.

17 **RESPONSE TO REQUEST NO. 136:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party  
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27

1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **REQUEST NO. 137:**

4 Please provide all documents related to any and all financial accounts at Wells Fargo Bank  
5 pertaining to EB5 Impact Capital Regional Center LLC, including but not limited to Account No.  
6 3871099804, and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory,  
7 and/or account holder, for the time period beginning in March 2012 to the present date.

8 **RESPONSE TO REQUEST NO. 137:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party's possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party  
17 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.  
20

21 **REQUEST NO. 138:**

22 Please provide all documents related to any and all financial accounts at Open Bank pertaining  
23 to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center  
24 LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012  
25 to the present date.

26 **RESPONSE TO REQUEST NO. 138:**

27 Responding party objects to this Document Request because; individually, and in aggregate  
28 with the other requests made herein and previously propounded, this request fails to meet the

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party  
7 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **REQUEST NO. 139:**

11 Please provide copies of any and all documents which support or relate to the truthfulness of  
12 the representations made by Robert Dziubla to Front Sight that "With regard to your question about  
13 the San Diego Hyatt deal, the EB5 funding was proceeding well, as we had many millions of dollars  
14 in escrow with another 95 investors (\$47.5m) slated to fund by September 30," as set forth in  
15 Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike Meacher (copied  
16 to Jon Fleming and Sean Flynn), p. 0036.

17 **RESPONSE TO REQUEST NO. 139:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party  
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 **REQUEST NO. 142:**

10 Please provide an accounting of all funds you have received from Front Sight. Said accounting  
11 must include all money received from Plaintiff by you, how all funds were spent, identification of who  
12 received any portion of the funds, and any and all documentation to support payments made or funds  
13 spent.

14 **RESPONSE TO REQUEST NO. 142:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 //

27 //



1 Dated: April 13, 2020

FARMER CASE & FEDOR

2  
3 /s/ Kathryn Holbert

4 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

5 tcase@farmercase.com

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17 Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC.

18 EB5 IMPACT CAPITAL REGIONAL CENTER,

19 LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

W. DZIUBLA, JON FLEMING and LINDA

20 STANWOOD

**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT EB5 IMPACT CAPITAL REGIONAL CENTER, LLC'S  
SUPPLEMENTAL RESPONSES TO PLAINTIFF'S 3<sup>RD</sup> SET OF REQUESTS FOR  
PRODUCTION**

to be served on the following individuals/entities, in the following manner,

John P. Aldrich, Esq.  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146  
Attorneys for Plaintiff  
FRONT SIGHT MANAGEMENT, LLC

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

U.S. MAIL: I deposited a true and correct copy of said document(s) in a sealed, postage prepaid envelope, in the United States Mail, to those parties and/or above named individuals which were not on the Court's electronic service list.

Dated: April 13, 2020

/s/ Kathryn Holbert  
An Employee of FARMER CASE & FEDOR

# EXHIBIT R

# EXHIBIT R

**RRFP**

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IMPACT CAPITAL REGIONAL CENTER LLC,

EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a Nevada )  
Limited Liability Company, )

Plaintiff, )

vs. )

LAS VEGAS DEVELOPMENT FUND LLC, a )  
Nevada Limited Liability Company, et al. )

Defendants. )

AND ALL RELATED COUNTERCLAIMS. )

CASE NO.: A-18-781084-B

) DEPT NO.: 16

) **DEFENDANT, LVDF'S RESPONSES**  
) **TO PLAINTIFF'S FIRST SET OF**  
) **INTERROGATORIES**

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///

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1  
2 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**  
3 **RESPONDING PARTY: Defendant, LAS VEGAS DEVELOPMENT FUND, LLC**  
4 **SET NO: ONE**

5 **GENERAL OBJECTIONS**

6 Defendant, LAS VEGAS DEVELOPMENT FUND, LLC, ("Responding Party" or  
7 "Defendant"), makes the following general objections, whether or not separately set forth in response  
8 to each interrogatory, to each and every definition and document demand in the Interrogatories (Set  
9 No. 1 of Plaintiff ("Propounding party")):

10 1. Responding party objects to the requests generally, and to each and every individual  
11 request specifically, to the extent that the requests seek information not currently in responding party's  
12 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
13 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
14 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
15 expense, and would seek to impose upon responding party an obligation to investigate information or  
16 materials from third parties or persons which are equally accessible to propounding party.

17 2. Responding party objects to the requests on the ground that they have not completed  
18 investigation of the facts related to this matter, have not completed discovery in this action and have  
19 not completed preparation for any trial that may be held in this action. Any responses to the following  
20 document demands are based on documents currently known to responding party and are given  
21 without prejudice to responding party right to produce evidence of any subsequently discovered  
22 documents.

23 3. Responding party objects to the requests generally, and to each and every individual  
24 request specifically, to the extent that the requests seek documents or information which would invade  
25 the protections afforded Responding party under the attorney client privilege and/or work product  
26 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
27 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected  
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2 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
3 information withheld on the basis of such privilege will be identified on a privilege log.

4 4. Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 5. The production of any documents or information by Responding Party is made without  
8 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
9 containing confidential or proprietary information or trade secrets.

10 6. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements with  
12 others, or that would require Responding Party to violate the privacy interests of others.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Please state with particularity all facts and identify all documents relating to any and all  
16 affirmative defenses asserted in your Answer to Second Amended Complaint. If you assert a privilege,  
17 please provide a privilege log.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Responding party objects to this Special Interrogatory because; individually, and in  
20 aggregate with the other requests made herein and previously propounded, including elicited oral  
21 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
22 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
23 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
24 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
25 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
26 purports to require responding party to disclose information that is a trade secret, confidential,  
27 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
28

1  
2 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
3 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
4 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
5 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
6 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
7 purports to require responding party to disclose information that is a trade secret, confidential,  
8 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
9 privacy regarding financial information and tax records of responding party and/or third parties.

10 **INTERROGATORY NO. 4:**

11 Please state with particularity all facts and identify all documents which support or relate to  
12 the truthfulness of the representations made to Front Sight that "... we don't make any money until we  
13 have successfully raised the \$65m..." as set forth in Evidentiary Hearing Exhibit 3, p. 0007. If you  
14 assert a privilege, please provide a privilege log.

15 **RESPONSE TO INTERROGATORY NO. 4:**

16 Responding party objects to this Special Interrogatory because; individually, and in  
17 aggregate with the other requests made herein and previously propounded, including elicited oral  
18 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
19 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
20 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
21 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
22 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
23 purports to require responding party to disclose information that is a trade secret, confidential,  
24 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
25 privacy regarding financial information and tax records of responding party and/or third parties.

26 **INTERROGATORY NO. 5:**

27 Please state with particularity all facts and identify all documents which demonstrate or  
28

1  
2 relate to each and every payment, financial transaction, and/or transfer of money or property  
3 made by you to any other Defendant in this matter, or entity controlled by any other Defendant in  
4 this matter, from 2012 to the present. This includes, but is not limited to, facts and  
5 documentation related to any reimbursement, salary, or equity distribution from you to any other  
6 Defendant in this matter, or entity controlled by any other Defendant or entity in this matter. If  
7 you assert a privilege, please provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 5:**

9 Responding party objects to this Special Interrogatory because; individually, and in  
10 aggregate with the other requests made herein and previously propounded, including elicited oral  
11 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
12 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
13 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **INTERROGATORY NO. 6:**

20 Please state with particularity all facts and identify all documents which demonstrate or  
21 relate to each and every payment, financial transaction, and/or transfer of money or property  
22 made to you by any other Defendant in this matter, or entity controlled by any other Defendant in  
23 this matter, from 2012 to the present. This includes, but is not limited to, facts and documentation  
24 related to any reimbursement, salary, or equity distribution to you from any other Defendant in this  
25 matter, or entity controlled by any other Defendant or entity in this matter. If you assert a privilege,  
26 please provide a privilege log  
27



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2 **RESPONSE TO INTERROGATORY NO. 6:**

3 Responding party objects to this Special Interrogatory because; individually, and in  
4 aggregate with the other requests made herein and previously propounded, including elicited oral  
5 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
6 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
7 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
8 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
9 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
10 purports to require responding party to disclose information that is a trade secret, confidential,  
11 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
12 privacy regarding financial information and tax records of responding party and/or third parties.

13 **INTERROGATORY NO. 7:**

14 Please provide a list which identifies or contains the details of each and every EB-5  
15 investor and/or investment transaction related to the Front Sight Project, including but not  
16 limited to, the identity of the person or entity involved, the address of the person or entity  
17 investing, the country of origin of the person or entity investing, the contact information for the  
18 agent of the EB-5 investor, the date of the transaction or investment, the amount of the  
19 investment, the source of the funds for the investment, the current immigration status of the EB-5  
20 investor (including the status of the I-526 and/or I-829 petitions), and the current status of the  
21 investment, and identify all documents relating to any investment described in this Interrogatory.  
22 If you assert a privilege, please provide a privilege log.

23 **RESPONSE TO INTERROGATORY NO. 7:**

24 Responding party objects to this Special Interrogatory because; individually, and in  
25 aggregate with the other requests made herein and previously propounded, including elicited oral  
26 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
27 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
28

1  
2 purports to require responding party to disclose information that is a trade secret, confidential,  
3 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
4 privacy regarding financial information and tax records of responding party and/or third parties.

5 **INTERROGATORY NO. 16:**

6 Please state with particularity all facts and identify all documents which relate to or show  
7 the names and other demographical information pertaining to Defendant LVDF's Class B  
8 Member, as defined in LVDF's Operating Agreement dated March 26, 2014, and including but  
9 not limited to the identity of the Class B Members, the address of the Class B Member, the  
10 country of origin of the Class B Member, the contact information for the agent of the Class B  
11 Member, the date of the transaction, the amount of the investment, the source of the funds for the  
12 investment, the current immigration status of the Class B Member, and the current status of the  
13 investment. If you assert a privilege, please provide a privilege log..

14 **RESPONSE TO INTERROGATORY NO. 16:**

15 Responding party objects to this Special Interrogatory because; individually, and in  
16 aggregate with the other requests made herein and previously propounded, including elicited oral  
17 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
18 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
19 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
20 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
21 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
22 purports to require responding party to disclose information that is a trade secret, confidential,  
23 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
24 privacy regarding financial information and tax records of responding party and/or third parties.  
25

26 **INTERROGATORY NO. 17:**

27 Please state with particularity all facts and identify all documents, writings, and/or  
28 communications relating to Defendant LVDF's distributions and investment returns made to its Class

1  
2 B Members, as defined in LVDF's Operating Agreement dated March 26, 2014, including the names  
3 of Class B Members receiving said distributions and/or investment returns, and the date and amount  
4 of said distribution and/or investment returns. If you assert a privilege, please provide a privilege log.

5 **RESPONSE TO INTERROGATORY NO. 17:**

6 Responding party objects to this Special Interrogatory because; individually, and in  
7 aggregate with the other requests made herein and previously propounded, including elicited oral  
8 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
9 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
10 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
11 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
12 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
13 purports to require responding party to disclose information that is a trade secret, confidential,  
14 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
15 privacy regarding financial information and tax records of responding party and/or third parties.

16 **INTERROGATORY NO. 18:**

17 Please state with particularity all facts which relate to bank accounts, from each and every  
18 bank account's initial opening date to the present time, for all account(s) used to hold back the 25%  
19 of the actual, potential, or prospective EB-5 investors' and/or EB-5 visa applicants' investments that  
20 was earmarked for refunds in the event of a USCIS rejection of a particular investor's I-829 petition,  
21 and identify all documents related to the referenced bank accounts If you assert a privilege, please  
22 provide a privilege log.

23 **RESPONSE TO INTERROGATORY NO. 18:**

24 Responding party objects to this Special Interrogatory because; individually, and in  
25 aggregate with the other requests made herein and previously propounded, including elicited oral  
26 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
27 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
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2 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
3 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
4 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
5 purports to require responding party to disclose information that is a trade secret, confidential,  
6 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
7 privacy regarding financial information and tax records of responding party and/or third parties.

8 **INTERROGATORY NO. 19:**

9 Please state with particularity all facts which relate to any bank accounts that any Defendant  
10 used as an escrow account to receive, house, and/or distribute the money from the actual, potential, or  
11 prospective EB-5 investors and/or EB-5 visa applicants, from each and every bank account's initial  
12 opening date to the present time, and identify all documents related to the referenced bank accounts.

13 If you assert a privilege, please provide a privilege log.

14 **RESPONSE TO INTERROGATORY NO. 19:**

15 Responding party objects to this Special Interrogatory because; individually, and in  
16 aggregate with the other requests made herein and previously propounded, including elicited oral  
17 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
18 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
19 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
20 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
21 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
22 purports to require responding party to disclose information that is a trade secret, confidential,  
23 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
24 privacy regarding financial information and tax records of responding party and/or third parties.

25 **INTERROGATORY NO. 20:**

26 Please state with particularity all facts and identify all documents relating to all manuals,  
27 operating procedures, memoranda, circulars, announcements, emails, and/or other documents that  
28

1  
2 establish, govern, amend, or otherwise control LVDF's receipt, handling, control, utilization, and/or  
3 distribution of the money you received from the actual, potential, or prospective EB-5 investors and/or  
4 EB-5 visa applicants..

5 **RESPONSE TO INTERROGATORY NO. 20:**

6 Responding party objects to this Special Interrogatory because; individually, and in  
7 aggregate with the other requests made herein and previously propounded, including elicited oral  
8 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
9 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
10 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
11 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
12 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
13 purports to require responding party to disclose information that is a trade secret, confidential,  
14 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
15 privacy regarding financial information and tax records of responding party and/or third parties.

16 **INTERROGATORY NO. 21:**

17 Please state with particularity all facts and identify all documents relating to, showing,  
18 recording, and/or memorializing LVDF's distributions to Defendants Robert W. Dziubla, Jon  
19 Fleming, Linda Stanwood, and any members of any member class (as defined in LVDF's Operating  
20 Agreement) of LVDF who are not already parties to this lawsuit. If you assert a privilege, please  
21 provide a privilege log.

22 **RESPONSE TO INTERROGATORY NO. 21:**

23 Responding party objects to this Special Interrogatory because; individually, and in  
24 aggregate with the other requests made herein and previously propounded, including elicited oral  
25 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
26 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
27 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
28

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2 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
3 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
4 purports to require responding party to disclose information that is a trade secret, confidential,  
5 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
6 privacy regarding financial information and tax records of responding party and/or third parties.

7 **INTERROGATORY NO. 22:**

8 Please state with particularity all facts which relate to and/or account for any and all  
9 funds you have received from Front Sight directly, and/or that you know originated from Front  
10 Sight, including all money received by you from Plaintiff, how said funds were spent,  
11 identification of who received any portion of the funds, and identify all documents to support or  
12 justify payments made or funds spent. If you assert a privilege, please provide a privilege log

13 **RESPONSE TO INTERROGATORY NO. 22:**

14 Responding party objects to this Special Interrogatory because; individually, and in  
15 aggregate with the other requests made herein and previously propounded, including elicited oral  
16 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
17 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
18 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
19 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
20 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
21 purports to require responding party to disclose information that is a trade secret, confidential,  
22 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
23 privacy regarding financial information and tax records of responding party and/or third parties.

24 **INTERROGATORY NO. 23:**

25 Please state with particularity all facts and identify all documents which relate to LVDF's  
26 allegation that Front Sight failed to comply with its performance obligations under the Construction  
27 Loan Agreement Section 1.7(e) – Improper Use of Loan Proceeds, including all damages allegedly  
28

1  
2 suffered as a result of this alleged breach. If you assert a privilege, please provide a privilege log.

3 **RESPONSE TO INTERROGATORY NO. 23:**

4 Responding party objects to this Special Interrogatory because; individually, and in  
5 aggregate with the other requests made herein and previously propounded, including elicited oral  
6 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
7 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
8 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
9 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
10 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
11 purports to require responding party to disclose information that is a trade secret, confidential,  
12 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
13 privacy regarding financial information and tax records of responding party and/or third parties.

14 **INTERROGATORY NO. 24:**

15 Please state with particularity all facts and identify all documents which relate to LVDF's  
16 allegation that Front Sight failed to comply with its performance obligations under the  
17 Construction Loan Agreement Section 3.2(b) – Failure to Provide Government Approved Plans,  
18 including all damages allegedly suffered as a result of this alleged breach. If you assert a  
19 privilege, please provide a privilege log.

20 **RESPONSE TO INTERROGATORY NO. 24:**

21 Responding party objects to this Special Interrogatory because; individually, and in  
22 aggregate with the other requests made herein and previously propounded, including elicited oral  
23 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
24 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
25 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
26 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
27 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
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1  
2 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
3 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
4 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
5 purports to require responding party to disclose information that is a trade secret, confidential,  
6 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
7 privacy regarding financial information and tax records of responding party and/or third parties.

8 **INTERROGATORY NO. 36:**

9 Identify and describe in detail all policies and/or procedures related to the operation of  
10 this entity.

11 **RESPONSE TO INTERROGATORY NO. 36:**

12 Responding party objects to this Special Interrogatory because; individually, and in  
13 aggregate with the other requests made herein and previously propounded, including elicited oral  
14 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
15 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
16 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
17 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
18 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
19 purports to require responding party to disclose information that is a trade secret, confidential,  
20 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
21 privacy regarding financial information and tax records of responding party and/or third parties.

22 March 5, 2020

FARMER CASE & FEDOR

23  
24 /s/ Kathryn Holbert

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Nevada Bar No. 6589  
tcase@farmercase.com  
27 KATHRYN HOLBERT, ESQ.  
Nevada Bar No. 10084  
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EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCF 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, LVDF’S, RESPONSES  
TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

to be served on the following individuals/entities, in the following manner,

**John P. Aldrich, Esq. Attorneys for Plaintiff  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146**

**Attorneys for  
FRONT SIGHT MANAGEMENT, LLC**

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

Dated: March 5, 2020

FARMER, CASE & FEDOR

/s/ Kathryn Holbert  
Kathryn Holbert  
An Employee

**EXHIBIT S**

**EXHIBIT S**

1 **RRFP**

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13 C. Keith Greer, ESQ.  
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16 **GREER AND ASSOCIATES, A PC**

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21 Attorneys for Defendants

22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a Nevada ) CASE NO.: A-18-781084-B  
Limited Liability Company, ) DEPT NO.: 16

Plaintiff, )

vs. )

LAS VEGAS DEVELOPMENT FUND LLC, a )  
Nevada Limited Liability Company, et al. )

Defendants. )

AND ALL RELATED COUNTERCLAIMS. )

///  
///  
///

1 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

2 **RESPONDING PARTY: Defendant, ROBERT W. DZUIBLA**

3 **SET NO: ONE**

4 **GENERAL OBJECTIONS**

5 Defendant, ROBERT W. DZUIBLA, ("Responding Party" or "Defendant"), makes the  
6 following general objections, whether or not separately set forth in response to each document  
7 demand, to each and every definition and document demand in the Interrogatories (Set No. 1 of  
8 Plaintiff ("Propounding party")):

9 1. Responding party objects to the requests generally, and to each and every individual  
10 request specifically, to the extent that the requests seek documents not currently in responding party's  
11 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
12 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
13 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
14 expense, and would seek to impose upon responding party an obligation to investigate information or  
15 materials from third parties or persons which are equally accessible to propounding party.

16 2. Responding party objects to the requests on the ground that they have not completed  
17 investigation of the facts related to this matter, have not completed discovery in this action and have  
18 not completed preparation for any trial that may be held in this action. Any responses to the following  
19 document demands are based on documents currently known to responding party and are given  
20 without prejudice to responding party right to produce evidence of any subsequently discovered  
21 documents.

22 3. Responding party objects to the requests generally, and to each and every individual  
23 request specifically, to the extent that the requests seek documents or information which would invade  
24 the protections afforded Responding party under the attorney client privilege and/or work product  
25 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
26 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected  
27 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
28

1 information withheld on the basis of such privilege will be identified on a privilege log.

2 4. Unless otherwise indicated, Responding Party will produce information regarding the  
3 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary Injunction  
4 Petition. (hereafter "Injunction Issues").

5 5. Responding Party reserves the right to condition the production of documents  
6 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
7 confidentiality or protective order governing the disclosure of any such information.

8 6. The production of any documents or information by Responding Party is made without  
9 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
10 containing confidential or proprietary information or trade secrets.

11 7. Responding Party objects to the requests to the extent that they would require  
12 Responding Party to produce documents or information covered by confidentiality agreements with  
13 others, or that would require Responding Party to violate the privacy interests of others.

14 **RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 Please identify each and every document utilized, relied upon, or referred to in formulating the  
17 answers to these Interrogatories. If you assert a privilege, please provide a privilege log.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Responding party objects to this Special Interrogatory because; individually, and in  
20 aggregate with the other requests made herein and previously propounded, including elicited oral  
21 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
22 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
23 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
24 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
25 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
26 purports to require responding party to disclose information that is a trade secret, confidential,  
27  
28

1 **INTERROGATORY NO. 13:**

2 Please state with particularity all facts and identify all documents which demonstrate or relate  
3 to each and every payment, financial transaction, and/or transfer of money or property made by you  
4 to any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
5 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
6 reimbursement, salary, or equity distribution from you to any other Defendant in this matter, or entity  
7 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
8 privilege log.  
9

10 **RESPONSE TO INTERROGATORY NO. 13:**

11 Responding party objects to this Special Interrogatory because; individually, and in  
12 aggregate with the other requests made herein and previously propounded, including elicited oral  
13 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
14 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
15 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
16 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
17 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
18 purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
20 privacy regarding financial information and tax records of responding party and/or third parties.  
21

22 **INTERROGATORY NO. 14:**

23 Please state with particularity all facts and identify all documents which demonstrate or relate  
24 to each and every payment, financial transaction, and/or transfer of money or property made to you  
25 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
26 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
27 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or entity  
28 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
privilege log.

1 **RESPONSE TO INTERROGATORY NO. 14:**

2 Responding party objects to this Special Interrogatory because; individually, and in  
3 aggregate with the other requests made herein and previously propounded, including elicited oral  
4 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
5 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
6 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
7 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
8 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
9 purports to require responding party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
11 privacy regarding financial information and tax records of responding party and/or third parties.  
12

13 **INTERROGATORY NO. 15:**

14 Please state with particularity all facts and identify all documents which relate to  
15 communications between you and Kathryn Holbert, Esq., in her capacity as prospective and/or actual  
16 substitute trustee under the Construction Deed of Trust, Security Agreement, Assignment of Leases  
17 and Rents and Fixture Filing (recorded on Oct. 13, 2016, as Document #860867 in the Nye County  
18 Official Records). If you assert a privilege, please provide a privilege log.

19 **RESPONSE TO INTERROGATORY NO. 15:**

20 Responding party objects to this Special Interrogatory because; individually, and in  
21 aggregate with the other requests made herein and previously propounded, including elicited oral  
22 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
23 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
24 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
25 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
26 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
27 purports to require responding party to disclose information that is a trade secret, confidential,  
28



1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.

3 **INTERROGATORY NO. 16:**

4 Please state with particularity all facts which relate to and/or account for any and all funds you  
5 (or any entity you control) have received from Front Sight directly, and/or that you know originated  
6 from Front Sight, including all money received by you from Plaintiff, how said funds were spent,  
7 identification of who received any portion of the funds, and identify all documents to support or justify  
8 payments made or funds spent. If you assert a privilege, please provide a privilege log.

9 **RESPONSE TO INTERROGATORY NO. 16:**

10 Responding party objects to this Special Interrogatory because; individually, and in  
11 aggregate with the other requests made herein and previously propounded, including elicited oral  
12 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
13 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
14 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
15 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
16 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
17 purports to require responding party to disclose information that is a trade secret, confidential,  
18 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
19 privacy regarding financial information and tax records of responding party and/or third parties.

20 **INTERROGATORY NO. 17:**

21 Please state with particularity all facts and identify all documents which relate to your  
22 communications with Professor Sean Flynn related to any economic study he has prepared related to  
23 the Front Sight Project or the San Diego Hyatt project, including any and all documents provided by  
24 you to Professor Flynn for either study. If you assert a privilege, please provide a privilege log.

25 **RESPONSE TO INTERROGATORY NO. 17:**

26 Responding party objects to this Special Interrogatory because; individually, and in  
27 aggregate with the other requests made herein and previously propounded, including elicited oral  
28

1 representations prior to investment and updates since investment. If you assert a privilege, please  
2 provide a privilege log

3 **RESPONSE TO INTERROGATORY NO. 19:**

4 Responding party objects to this Special Interrogatory because; individually, and in  
5 aggregate with the other requests made herein and previously propounded, including elicited oral  
6 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
7 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
8 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
9 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
10 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
11 purports to require responding party to disclose information that is a trade secret, confidential,  
12 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
13 privacy regarding financial information and tax records of responding party and/or third parties.  
14

15 **INTERROGATORY NO. 20:**

16 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
17 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
18 account holder, for the time period beginning March 2012 to the present date, and identify all  
19 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.

20 **RESPONSE TO INTERROGATORY NO. 20:**

21 Responding party objects to this Special Interrogatory because; individually, and in  
22 aggregate with the other requests made herein and previously propounded, including elicited oral  
23 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
24 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
25 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
26 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
27 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
28 purports to require responding party to disclose information that is a trade secret, confidential,

1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.

3 **INTERROGATORY NO. 21:**

4 Please state with particularity all facts and identify all documents which relate to or support  
5 the representation made by you during the evidentiary hearing on June 3, 2019 and LVDF's counsel,  
6 Keith Greer, Esq., at the hearing on October 23, 2019 that LVDF has approximately \$1.5 million ready  
7 to be disbursed to Front Sight. (See Evid. Hrg. Tr. p. 156, l. 2 – p. 157, l. 25.) If you assert a privilege,  
8 please provide a privilege log

9 **RESPONSE TO INTERROGATORY NO. 21:**

10 Responding party objects to this Special Interrogatory because; individually, and in  
11 aggregate with the other requests made herein and previously propounded, including elicited oral  
12 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
13 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
14 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
15 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
16 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
17 purports to require responding party to disclose information that is a trade secret, confidential,  
18 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
19 privacy regarding financial information and tax records of responding party and/or third parties.

20 **INTERROGATORY NO. 22:**

21 Please state with particularity all facts and identify all documents which relate to or support  
22 the representation made by you during the evidentiary hearing on June 3, 2019 that LVDF has  
23 approximately \$2 million held in escrow for the Front Sight Project. (See Evid. Hrg. Tr. p. 154, ls. 7-  
24 9.) If you assert a privilege, please provide a privilege log.

25 **RESPONSE TO INTERROGATORY NO. 22:**

26 Responding party objects to this Special Interrogatory because; individually, and in  
27 aggregate with the other requests made herein and previously propounded, including elicited oral  
28

1 Dated: March 5, 2020

FARMER CASE & FEDOR

2  
3 /s/ Kathryn Holbert

4 ANTHONY T. CASE, ESQ.

5 Nevada Bar No. 6589

6 [tcase@farmercase.com](mailto:tcase@farmercase.com)

KATHRYN HOLBERT, ESQ.

7 Nevada Bar No. 10084

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21 Attorneys for Defendants

22 LAS VEGAS DEVELOPMENT FUND LLC.

23 EB5 IMPACT CAPITAL REGIONAL CENTER,

24 LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

25 W. DZIUBLA, JON FLEMING and LINDA

26 STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, ROBERT W. DZUIBLA’S RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

to be served on the following individuals/entities, in the following manner,

**John P. Aldrich, Esq. Attorneys for Plaintiff  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146**

**Attorneys for  
FRONT SIGHT MANAGEMENT, LLC**

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

Dated: March 5, 2020

FARMER, CASE & FEDOR

/s/ Kathryn Holbert  
Kathryn Holbert

# EXHIBIT T

# EXHIBIT T

1 **RRFP**

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5 KATHRYN HOLBERT, ESQ.

6 Nevada Bar No. 10084

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21 Attorneys for Defendants

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23 IMPACT CAPITAL REGIONAL CENTER LLC,

24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a Nevada ) CASE NO.: A-18-781084-B

Limited Liability Company, ) DEPT NO.: 16

Plaintiff, )

) **DEFENDANT, JON FLEMING'S**  
) **RESPONSES TO PLAINTIFF'S FIRST**  
) **SET OF INTERROGATORIES**

vs. )

LAS VEGAS DEVELOPMENT FUND LLC, a )

Nevada Limited Liability Company, et al. )

Defendants. )

AND ALL RELATED COUNTERCLAIMS. )

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///  
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///

1 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

2 **RESPONDING PARTY: Defendant, JON FLEMING**

3 **SET NO: ONE**

4 **GENERAL OBJECTIONS**

5 Defendant, JON FLEMING, ("Responding Party" or "Defendant"), makes the following  
6 general objections, whether or not separately set forth in response to each document demand, to each  
7 and every definition and document demand in the Interrogatories (Set No. 1 of Plaintiff ("Propounding  
8 party")):

9 1. Responding party objects to the requests generally, and to each and every individual  
10 request specifically, to the extent that the requests seek documents not currently in responding party's  
11 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
12 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
13 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
14 expense, and would seek to impose upon responding party an obligation to investigate information or  
15 materials from third parties or persons which are equally accessible to propounding party.

16 2. Responding party objects to the requests on the ground that they have not completed  
17 investigation of the facts related to this matter, have not completed discovery in this action and have  
18 not completed preparation for any trial that may be held in this action. Any responses to the following  
19 document demands are based on documents currently known to responding party and are given  
20 without prejudice to responding party right to produce evidence of any subsequently discovered  
21 documents.

22 3. Responding party objects to the requests generally, and to each and every individual  
23 request specifically, to the extent that the requests seek documents or information which would invade  
24 the protections afforded Responding party under the attorney client privilege and/or work product  
25 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
26 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected  
27 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
28



1 information withheld on the basis of such privilege will be identified on a privilege log.

2 4. Unless otherwise indicated, Responding Party will produce information regarding the  
3 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary Injunction  
4 Petition. (hereafter "Injunction Issues").

5 5. Responding Party reserves the right to condition the production of documents  
6 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
7 confidentiality or protective order governing the disclosure of any such information.

8 6. The production of any documents or information by Responding Party is made without  
9 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
10 containing confidential or proprietary information or trade secrets.

11 7. Responding Party objects to the requests to the extent that they would require  
12 Responding Party to produce documents or information covered by confidentiality agreements with  
13 others, or that would require Responding Party to violate the privacy interests of others.

14 **RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 Please identify each and every document utilized, relied upon, or referred to in formulating the  
17 answers to these Interrogatories. If you assert a privilege, please provide a privilege log.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Responding party objects to this Special Interrogatory because; individually, and in  
20 aggregate with the other requests made herein and previously propounded, including elicited oral  
21 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
22 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
23 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
24 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
25 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
26 purports to require responding party to disclose information that is a trade secret, confidential,  
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1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.

3 **INTERROGATORY NO. 19:**

4 Please state with particularity all facts and identify all documents which support the  
5 representations made to Front Sight that “we are legally and ethically bound by confidentiality  
6 restrictions in all of our contracts with our Chinese agents (and all others) not to disclose the terms  
7 thereof. The EB-5 business is highly and increasingly competitive, and the agents absolutely will not  
8 tolerate the disclosure of the terms of their compensation,” as set forth in Evidentiary Hearing Exhibit  
9 16, p. 0065. If you assert a privilege, please provide a privilege log.

10 **RESPONSE TO INTERROGATORY NO. 19:**

11 Responding party objects to this Special Interrogatory because; individually, and in  
12 aggregate with the other requests made herein and previously propounded, including elicited oral  
13 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
14 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
15 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
16 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
17 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
18 purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
20 privacy regarding financial information and tax records of responding party and/or third parties.

21 **INTERROGATORY NO. 20:**

22 Please state with particularity all facts and identify all documents which demonstrate or relate  
23 to each and every payment, financial transaction, and/or transfer of money or property made by you  
24 to any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
25 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
26 reimbursement, salary, or equity distribution from you to any other Defendant in this matter, or entity  
27 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
28

1 privilege log.

2 **RESPONSE TO INTERROGATORY NO. 20:**

3 Responding party objects to this Special Interrogatory because; individually, and in  
4 aggregate with the other requests made herein and previously propounded, including elicited oral  
5 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
6 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
7 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
8 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
9 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
10 purports to require responding party to disclose information that is a trade secret, confidential,  
11 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
12 privacy regarding financial information and tax records of responding party and/or third parties.  
13

14 **INTERROGATORY NO. 21:**

15 Please state with particularity all facts and identify all documents which demonstrate or relate  
16 to each and every payment, financial transaction, and/or transfer of money or property made to you  
17 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
18 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
19 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or entity  
20 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
21 privilege log.

22 **RESPONSE TO INTERROGATORY NO. 21:**

23 Responding party objects to this Special Interrogatory because; individually, and in  
24 aggregate with the other requests made herein and previously propounded, including elicited oral  
25 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
26 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
27 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
28 are already in requesting party's possession or equally accessible to the requesting party; it seeks

1 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
2 purports to require responding party to disclose information that is a trade secret, confidential,  
3 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
4 privacy regarding financial information and tax records of responding party and/or third parties.  
5

6 **INTERROGATORY NO. 22:**

7 Please state with particularity all facts which relate to and/or account for any and all funds you  
8 (or any entity controlled by you) have received from Front Sight directly, and/or that you know  
9 originated from Front Sight, including all money received by you from Plaintiff, how said funds were  
10 spent, identification of who received any portion of the funds, and identify all documents to support  
11 or justify payments made or funds spent. If you assert a privilege, please provide a privilege log.

12 **RESPONSE TO INTERROGATORY NO. 22:**

13 Responding party objects to this Special Interrogatory because; individually, and in  
14 aggregate with the other requests made herein and previously propounded, including elicited oral  
15 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
16 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
17 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
18 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
19 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
20 purports to require responding party to disclose information that is a trade secret, confidential,  
21 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
22 privacy regarding financial information and tax records of responding party and/or third parties.

23 **INTERROGATORY NO. 23:**

24 Please state with particularity all facts and identify all documents which relate to your  
25 communications with Professor Sean Flynn related to any economic study he has prepared related to  
26 the Front Sight Project, including any and all documents provided by you to Professor Flynn for said  
27 study. If you assert a privilege, please provide a privilege log.  
28

1 **INTERROGATORY NO. 25:**

2 Please state with particularity all facts and identify all documents which relate to each and  
3 every representation and/or communication you have made to any potential or eventual EB-5 investor  
4 of the Front Sight Project, or agent of any potential EB-5 investor from 2013-2019, including  
5 representations prior to investment and updates since investment. If you assert a privilege, please  
6 provide a privilege log.

7 **RESPONSE TO INTERROGATORY NO. 25:**

8 Responding party objects to this Special Interrogatory because; individually, and in  
9 aggregate with the other requests made herein and previously propounded, including elicited oral  
10 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
11 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
12 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
13 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
14 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
15 purports to require responding party to disclose information that is a trade secret, confidential,  
16 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
17 privacy regarding financial information and tax records of responding party and/or third parties.

18 **INTERROGATORY NO. 26:**

19 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
20 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
21 account holder, for the time period beginning March 2012 to the present date, and identify all  
22 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.

23 **RESPONSE TO INTERROGATORY NO. 26:**

24 Responding party objects to this Special Interrogatory because; individually, and in  
25 aggregate with the other requests made herein and previously propounded, including elicited oral  
26 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
27 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
28

1 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
2 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
3 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
4 purports to require responding party to disclose information that is a trade secret, confidential,  
5 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
6 privacy regarding financial information and tax records of responding party and/or third parties.  
7

8 **INTERROGATORY NO. 27:**

9 Please specifically describe your involvement, if any, with the San Diego Hyatt EB-5  
10 project/funding deal (hereinafter "San Diego Project") that was discussed and referenced in  
11 Evidentiary Hearing Exhibit 9, and identify and describe the contents of any and all documents  
12 regarding the San Diego Project. If you assert a privilege, please provide a privilege log.

13 **RESPONSE TO INTERROGATORY NO. 27:**

14 Responding party objects to this Special Interrogatory because; individually, and in  
15 aggregate with the other requests made herein and previously propounded, including elicited oral  
16 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
17 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
18 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
19 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
20 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
21 purports to require responding party to disclose information that is a trade secret, confidential,  
22 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
23 privacy regarding financial information and tax records of responding party and/or third parties.

24 **INTERROGATORY NO. 28:**

25 Please state with particularity all facts and identify all documents which demonstrate that you  
26 advised Front Sight, before entering into the engagement letter dated February 14, 2013, that Front  
27 Sight would have to use its own funds/profits to finish the Project. If you assert a privilege, please  
28 provide a privilege log.

1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.

3 **INTERROGATORY NO. 39:**

4 Please state with particularity all facts and identify all documents which demonstrate how  
5 Professor Sean Flynn was compensated for the creation of the business plan referenced in the February  
6 14, 2013 engagement letter, including all communications between any party to this litigation and  
7 Professor Flynn related to how and when the terms of that compensation were agreed upon. If you  
8 assert a privilege, please provide a privilege log. If you assert a privilege, please provide a privilege  
9 log.  
10

11 **RESPONSE TO INTERROGATORY NO 39:**

12 Responding party objects to this Special Interrogatory because; individually, and in  
13 aggregate with the other requests made herein and previously propounded, including elicited oral  
14 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
15 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
16 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
17 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
18 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
19 purports to require responding party to disclose information that is a trade secret, confidential,  
20 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
21 privacy regarding financial information and tax records of responding party and/or third parties.  
22

23 Dated: March 5, 2020

FARMER CASE & FEDOR

24  
25 /s/ Kathryn Holbert

26 ANTHONY T. CASE, ESQ.  
27 Nevada Bar No. 6589  
28 tcase@farmercase.com  
KATHRYN HOLBERT, ESQ.

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EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD



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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCF 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, JON FLEMING’S RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

to be served on the following individuals/entities, in the following manner,

**John P. Aldrich, Esq. Attorneys for Plaintiff  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146**

**Attorneys for  
FRONT SIGHT MANAGEMENT, LLC**

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

Dated: March 5, 2020

FARMER, CASE & FEDOR

/s/ Kathryn Holbert  
Kathryn Holbert

# EXHIBIT U

# EXHIBIT U

1 **RRFP**

2 ANTHONY T. CASE, ESQ.

3 Nevada Bar No. 6589

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19 Telephone: (858) 613-6677

20 Facsimile: (858) 613-6680

21 Attorneys for Defendants

22 LAS VEGAS DEVELOPMENT FUND LLC, EB5

23 IMPACT CAPITAL REGIONAL CENTER LLC,

24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a Nevada ) CASE NO.: A-18-781084-B

29 Limited Liability Company, ) DEPT NO.: 16

30 Plaintiff, )

31 vs. )

32 LAS VEGAS DEVELOPMENT FUND LLC, a )

33 Nevada Limited Liability Company, et al. )

34 Defendants. )

35 AND ALL RELATED COUNTERCLAIMS. )

36 ///

37 ///

38 ///

1 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

2 **RESPONDING PARTY: Defendant, LINDA STANWOOD**

3 **SET NO: ONE**

4 **GENERAL OBJECTIONS**

5 Defendant, LINDA STANWOOD, ("Responding Party" or "Defendant"), makes the following  
6 general objections, whether or not separately set forth in response to each document demand, to each  
7 and every definition and document demand in the Interrogatories (Set No. 1 of Plaintiff ("Propounding  
8 party")):

9 1. Responding party objects to the requests generally, and to each and every individual  
10 request specifically, to the extent that the requests seek documents not currently in responding party's  
11 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
12 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
13 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
14 expense, and would seek to impose upon responding party an obligation to investigate information or  
15 materials from third parties or persons which are equally accessible to propounding party.

16 2. Responding party objects to the requests on the ground that they have not completed  
17 investigation of the facts related to this matter, have not completed discovery in this action and have  
18 not completed preparation for any trial that may be held in this action. Any responses to the following  
19 document demands are based on documents currently known to responding party and are given  
20 without prejudice to responding party right to produce evidence of any subsequently discovered  
21 documents.

22 3. Responding party objects to the requests generally, and to each and every individual  
23 request specifically, to the extent that the requests seek documents or information which would invade  
24 the protections afforded Responding party under the attorney client privilege and/or work product  
25 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
26 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected  
27 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
28

1 information withheld on the basis of such privilege will be identified on a privilege log.

2 4. Unless otherwise indicated, Responding Party will produce information regarding the  
3 issues of Plaintiff/Counter Defendant Front Sight Management, LLC's pending Preliminary Injunction  
4 Petition. (hereafter "Injunction Issues").

5 5. Responding Party reserves the right to condition the production of documents  
6 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
7 confidentiality or protective order governing the disclosure of any such information.

8 6. The production of any documents or information by Responding Party is made without  
9 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
10 containing confidential or proprietary information or trade secrets.

11 7. Responding Party objects to the requests to the extent that they would require  
12 Responding Party to produce documents or information covered by confidentiality agreements with  
13 others, or that would require Responding Party to violate the privacy interests of others.

14 **RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 Please identify each and every document utilized, relied upon, or referred to in formulating the  
17 answers to these Interrogatories. If you assert a privilege, please provide a privilege log.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Responding party objects to this Special Interrogatory because; individually, and in  
20 aggregate with the other requests made herein and previously propounded, including elicited oral  
21 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
22 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
23 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
24 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
25 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
26 purports to require responding party to disclose information that is a trade secret, confidential,  
27  
28

1 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
2 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
3 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
4 purports to require responding party to disclose information that is a trade secret, confidential,  
5 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
6 privacy regarding financial information and tax records of responding party and/or third parties.  
7

8 **INTERROGATORY NO. 4:**

9 Please state with particularity all facts and identify all documents, emails, texts messages, or  
10 communication of any kind between you and any non-party to this litigation regarding the Front Sight  
11 Project referenced in the Second Amended Complaint. If you assert a privilege, please provide a  
12 privilege log.

13 **RESPONSE TO INTERROGATORY NO. 4:**

14 Responding party objects to this Special Interrogatory because; individually, and in  
15 aggregate with the other requests made herein and previously propounded, including elicited oral  
16 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
17 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
18 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
19 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
20 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
21 purports to require responding party to disclose information that is a trade secret, confidential,  
22 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
23 privacy regarding financial information and tax records of responding party and/or third parties.

24 **INTERROGATORY NO. 5:**

25 Please state with particularity all facts and identify all documents which demonstrate or relate to  
26 each and every payment, financial transaction, and/or transfer of money or property made by you to any  
27 other Defendant in this matter, or entity controlled by any other Defendant in this matter, from 2012 to  
28 the present. This includes, but is not limited to, facts and documentation related to any reimbursement,

1 salary, or equity distribution from you to any other Defendant in this matter, or entity controlled by any  
2 other Defendant or entity in this matter. If you assert a privilege, please provide a privilege log.

3 **RESPONSE TO INTERROGATORY NO. 5:**

4 Responding party objects to this Special Interrogatory because; individually, and in  
5 aggregate with the other requests made herein and previously propounded, including elicited oral  
6 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
7 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
8 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
9 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
10 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
11 purports to require responding party to disclose information that is a trade secret, confidential,  
12 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
13 privacy regarding financial information and tax records of responding party and/or third parties.  
14

15 **INTERROGATORY NO. 6:**

16 Please state with particularity all facts and identify all documents which demonstrate or relate  
17 to each and every payment, financial transaction, and/or transfer of money or property made to you  
18 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
19 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
20 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or entity  
21 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
22 privilege log.

23 **RESPONSE TO INTERROGATORY NO. 6:**

24 Responding party objects to this Special Interrogatory because; individually, and in  
25 aggregate with the other requests made herein and previously propounded, including elicited oral  
26 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
27 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
28 is duplicative of other requests contained herein and previously propounded; it seeks documents that

1 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
2 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
3 purports to require responding party to disclose information that is a trade secret, confidential,  
4 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
5 privacy regarding financial information and tax records of responding party and/or third parties.  
6

7  
8 **INTERROGATORY NO. 7:**

9 Please state with particularity all facts and identify all documents relating to or demonstrating  
10 your involvement and/or professional history with any entity Defendant, specifically your history as  
11 a Senior Vice President and/or member and/or manager and/or employee of any entity Defendant,  
12 including, but not limited to, your start date(s) and participation in the management and operation of  
13 any entity Defendant and its affairs, and any payments made from any entity Defendant to you. If you  
14 assert a privilege, please provide a privilege log.

15 **RESPONSE TO INTERROGATORY NO. 7:**

16 Responding party objects to this Special Interrogatory because; individually, and in  
17 aggregate with the other requests made herein and previously propounded, including elicited oral  
18 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
19 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
20 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
21 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
22 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
23 purports to require responding party to disclose information that is a trade secret, confidential,  
24 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
25 privacy regarding financial information and tax records of responding party and/or third parties.  
26

27 **INTERROGATORY NO. 8:**

28 Please state with particularity all facts which relate to and/or account for any and all funds you  
(or any entity controlled by you) have received from Front Sight directly, and/or that you know



1 originated from Front Sight, including all money received by you from Plaintiff, how said funds were  
2 spent, identification of who received any portion of the funds, and identify all documents to support  
3 or justify payments made or funds spent. If you assert a privilege, please provide a privilege log.

4 **RESPONSE TO INTERROGATORY NO. 8:**

5 Responding party objects to this Special Interrogatory because; individually, and in  
6 aggregate with the other requests made herein and previously propounded, including elicited oral  
7 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
8 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
9 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
10 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
11 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
12 purports to require responding party to disclose information that is a trade secret, confidential,  
13 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
14 privacy regarding financial information and tax records of responding party and/or third parties.  
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16  
17 **INTERROGATORY NO. 9:**

18 Please state with particularity all facts and identify all documents which relate to  
19 communications between you and Sean Flynn. If you assert a privilege, please provide a privilege log.

20 **RESPONSE TO INTERROGATORY NO. 9:**

21 Responding party objects to this Special Interrogatory because; individually, and in  
22 aggregate with the other requests made herein and previously propounded, including elicited oral  
23 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
24 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
25 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
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27 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
28 purports to require responding party to disclose information that is a trade secret, confidential,

1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.  
3

4 **INTERROGATORY NO. 10:**

5 Please state with particularity all facts and identify all documents which relate to each and  
6 every representation and/or communication you have made to any potential or eventual EB-5 investor  
7 of the Front Sight project, or agent of any potential EB-5 investor from 2013-2019, including  
8 representations prior to investment and updates since investment. If you assert a privilege, please  
9 provide a privilege log.  
10

11 **RESPONSE TO INTERROGATORY NO. 10:**

12 Responding party objects to this Special Interrogatory because; individually, and in  
13 aggregate with the other requests made herein and previously propounded, including elicited oral  
14 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
15 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
16 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
17 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
18 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
19 purports to require responding party to disclose information that is a trade secret, confidential,  
20 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
21 privacy regarding financial information and tax records of responding party and/or third parties.  
22

23 **INTERROGATORY NO. 11:**

24 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
25 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
26 account holder, for the time period beginning March 2012 to the present date, and identify all  
27 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.  
28

**RESPONSE TO INTERROGATORY NO. 11:**

1 Responding party objects to this Special Interrogatory because; individually, and in  
2 aggregate with the other requests made herein and previously propounded, including elicited oral  
3 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
4 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
5 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
6 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
7 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
8 purports to require responding party to disclose information that is a trade secret, confidential,  
9 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
10 privacy regarding financial information and tax records of responding party and/or third parties.  
11

12 **INTERROGATORY NO. 12:**

13 Please state with particularity all facts and identify all documents which demonstrate that you  
14 advised Front Sight, before entering into the engagement letter dated February 14, 2013, that Front  
15 Sight would have to use its own funds/profits to finish the Project. If you assert a privilege, please  
16 provide a privilege log.

17 **RESPONSE TO INTERROGATORY NO. 12:**

18 Responding party objects to this Special Interrogatory because; individually, and in  
19 aggregate with the other requests made herein and previously propounded, including elicited oral  
20 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
21 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
22 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
23 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
24 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
25 purports to require responding party to disclose information that is a trade secret, confidential,  
26 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
27 privacy regarding financial information and tax records of responding party and/or third parties.  
28

1 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
2 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
3 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
4 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
5 purports to require responding party to disclose information that is a trade secret, confidential,  
6 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
7 privacy regarding financial information and tax records of responding party and/or third parties.  
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12  
13 Dated: March 5, 2020

FARMER CASE & FEDOR

14  
15 /s/ Kathryn Holbert

16 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

17 tcase@farmercase.com

KATHRYN HOLBERT, ESQ.

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Attorneys for Defendants

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LAS VEGAS DEVELOPMENT FUND LLC.  
EB5 IMPACT CAPITAL REGIONAL CENTER,  
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCF 5(b), I hereby certify that I am an employee of Farmer Case & Fedor,  
and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, LINDA STANWOOD’S RESPONSES TO PLAINTIFF’S  
FIRST SET OF INTERROGATORIES**

to be served on the following individuals/entities, in the following manner,

**John P. Aldrich, Esq. Attorneys for Plaintiff  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146**

**Attorneys for  
FRONT SIGHT MANAGEMENT, LLC**

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

Dated: March 5, 2020

\_\_\_\_\_  
/s/ Kathryn Holbert  
An Employee

# EXHIBIT V

# EXHIBIT V

**RRFP**

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IMPACT CAPITAL REGIONAL CENTER LLC,

EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a Nevada )  
Limited Liability Company, )

Plaintiff, )

vs. )

LAS VEGAS DEVELOPMENT FUND LLC, a )  
Nevada Limited Liability Company, et al. )

Defendants. )

AND ALL RELATED COUNTERCLAIMS. )

CASE NO.: A-18-781084-B

) DEPT NO.: 16

) **DEFENDANT, EB5 IMPACT CAPITAL**  
) **REGIONAL CENTER LLC'S RESPONSES**  
) **TO PLAINTIFF'S FIRST SET OF**  
) **INTERROGATORIES**

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1  
2 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

3 **RESPONDING PARTY: Defendant, EB5 IMPACT CAPITAL REGIONAL**  
4 **CENTER, LLC**

5 **SET NO: ONE**

6 **GENERAL OBJECTIONS**

7 Defendant, EB5 IMPACT CAPITAL REGIONAL CENTER, LLC, ("Responding Party" or  
8 "Defendant"), makes the following general objections, whether or not separately set forth in response  
9 to each interrogatory, to each and every definition and document demand in the Interrogatories (Set  
10 No. 1 of Plaintiff ("Propounding party")):

11 1. Responding party objects to the requests generally, and to each and every individual  
12 request specifically, to the extent that the requests seek information not currently in responding party's  
13 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
14 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
15 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
16 expense, and would seek to impose upon responding party an obligation to investigate information or  
17 materials from third parties or persons which are equally accessible to propounding party.

18 2. Responding party objects to the requests on the ground that they have not completed  
19 investigation of the facts related to this matter, have not completed discovery in this action and have  
20 not completed preparation for any trial that may be held in this action. Any responses to the following  
21 document demands are based on documents currently known to responding party and are given  
22 without prejudice to responding party right to produce evidence of any subsequently discovered  
23 documents.

24 3. Responding party objects to the requests generally, and to each and every individual  
25 request specifically, to the extent that the requests seek documents or information which would invade  
26 the protections afforded Responding party under the attorney client privilege and/or work product  
27 doctrine. Nothing herein is intended to be or should be construed as a waiver of the attorney client  
28 privilege, the work product doctrine, or any other protection. Inadvertent production of such protected

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2 information is not intended to be and shall not operate as a waiver of the applicable privilege. Any  
3 information withheld on the basis of such privilege will be identified on a privilege log.

4 4. Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 5. The production of any documents or information by Responding Party is made without  
8 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents  
9 containing confidential or proprietary information or trade secrets.

10 6. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements with  
12 others, or that would require Responding Party to violate the privacy interests of others.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Please identify each and every document utilized, relied upon, or referred to in formulating the  
16 answers to these Interrogatories. If you assert a privilege, please provide a privilege log.

17 **RESPONSE TO INTERROGATORY NO. 1:**

18 Responding party objects to this Special Interrogatory because; individually, and in  
19 aggregate with the other requests made herein and previously propounded, including elicited oral  
20 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
21 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
22 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
23 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
24 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
25 purports to require responding party to disclose information that is a trade secret, confidential,  
26 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
27 privacy regarding financial information and tax records of responding party and/or third parties.  
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2 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
3 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
4 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
5 purports to require responding party to disclose information that is a trade secret, confidential,  
6 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
7 privacy regarding financial information and tax records of responding party and/or third parties.

8 **INTERROGATORY NO. 4:**

9 Please state with particularity all facts and identify all documents, emails, texts messages, or  
10 communication of any kind between you and any non-party to this litigation regarding the Front Sight  
11 Project referenced in the Second Amended Complaint. If you assert a privilege, please provide a  
12 privilege log.

13 **RESPONSE TO INTERROGATORY NO. 4:**

14 Responding party objects to this Special Interrogatory because; individually, and in  
15 aggregate with the other requests made herein and previously propounded, including elicited oral  
16 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
17 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
18 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
19 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
20 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
21 purports to require responding party to disclose information that is a trade secret, confidential,  
22 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
23 privacy regarding financial information and tax records of responding party and/or third parties.

24 **INTERROGATORY NO. 5:**

25 Please state with particularity all facts and identify all documents which demonstrate or relate  
26 to each and every payment, financial transaction, and/or transfer of money or property made by you  
27 to any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
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2 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
3 reimbursement, salary, or equity distribution from you to any other Defendant in this matter, or entity  
4 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
5 privilege log.

6 **RESPONSE TO INTERROGATORY NO. 5:**

7 Responding party objects to this Special Interrogatory because; individually, and in  
8 aggregate with the other requests made herein and previously propounded, including elicited oral  
9 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
10 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
11 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
12 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
13 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
14 purports to require responding party to disclose information that is a trade secret, confidential,  
15 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
16 privacy regarding financial information and tax records of responding party and/or third parties.

17 **INTERROGATORY NO. 6:**

18 Please state with particularity all facts and identify all documents which demonstrate or relate  
19 to each and every payment, financial transaction, and/or transfer of money or property made to you  
20 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from  
21 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
22 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or entity  
23 controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a  
24 privilege log.

25 **RESPONSE TO INTERROGATORY NO. 6:**

26 Responding party objects to this Special Interrogatory because; individually, and in  
27 aggregate with the other requests made herein and previously propounded, including elicited oral  
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2 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
3 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
4 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
5 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
6 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
7 purports to require responding party to disclose information that is a trade secret, confidential,  
8 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
9 privacy regarding financial information and tax records of responding party and/or third parties.

10 **INTERROGATORY NO. 7:**

11 Please provide a list which identifies or contains the details of each and every EB-5 investor  
12 and/or investment transaction related to the Front Sight Project, including but not limited to the  
13 identity of the person or entity involved, the address of the person or entity investing, the country of  
14 origin of the person or entity investing, the contact information for the agent of the EB-5 investor, the  
15 date of the transaction or investment, the amount of the investment, the source of the funds for the  
16 investment, the current immigration status of the EB-5 investor (including the status of the I-526  
17 and/or I-829 petitions), and the current status of the investment, and identify all documents relating to  
18 any investment described in this Interrogatory. If you assert a privilege, please provide a privilege log.

19 **RESPONSE TO INTERROGATORY NO. 7:**

20 Responding party objects to this Special Interrogatory because; individually, and in  
21 aggregate with the other requests made herein and previously propounded, including elicited oral  
22 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
23 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
24 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
25 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
26 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
27 purports to require responding party to disclose information that is a trade secret, confidential,  
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2 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
3 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
4 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
5 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
6 purports to require responding party to disclose information that is a trade secret, confidential,  
7 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
8 privacy regarding financial information and tax records of responding party and/or third parties.

9 **INTERROGATORY NO. 13:**

10 Please state with particularity all facts which relate to bank accounts, from each and every  
11 bank account's initial opening date to the present time, for all account(s) used to hold back the 25%  
12 of the actual, potential, or prospective EB-5 investors' and/or EB-5 visa applicants' investments that  
13 was earmarked for refunds in the event of a USCIS rejection of a particular investor's I-829 petition,  
14 and identify all documents related to the referenced bank accounts. If you assert a privilege, please  
15 provide a privilege log.

16 **RESPONSE TO INTERROGATORY NO. 13:**

17 Responding party objects to this Special Interrogatory because; individually, and in  
18 aggregate with the other requests made herein and previously propounded, including elicited oral  
19 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
20 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
21 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
22 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
23 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
24 purports to require responding party to disclose information that is a trade secret, confidential,  
25 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
26 privacy regarding financial information and tax records of responding party and/or third parties.  
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2 **INTERROGATORY NO. 14:**

3 Please state with particularity all facts which relate to any bank accounts that any Defendant  
4 used as an escrow account to receive, house, and/or distribute the money from the actual, potential, or  
5 prospective EB-5 investors and/or EB-5 visa applicants, from each and every bank account's initial  
6 opening date to the present time, and identify all documents related to the referenced bank accounts.  
7 If you assert a privilege, please provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 14:**

9 Responding party objects to this Special Interrogatory because; individually, and in  
10 aggregate with the other requests made herein and previously propounded, including elicited oral  
11 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
12 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
13 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **INTERROGATORY NO. 15:**

20 Please state with particularity all facts and identify all documents relating to all manuals,  
21 operating procedures, memoranda, circulars, announcements, emails, and/or other documents that  
22 establish, govern, amend, or otherwise control EB5IC's receipt, handling, control, utilization, and/or  
23 distribution of the money you received from the actual, potential, or prospective EB-5 investors and/or  
24 EB-5 visa applicants. If you assert a privilege, please provide a privilege log.

25 **RESPONSE TO INTERROGATORY NO. 15:**

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27 Responding party objects to this Special Interrogatory because; individually, and in  
28 aggregate with the other requests made herein and previously propounded, including elicited oral

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2 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
3 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
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6 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
7 purports to require responding party to disclose information that is a trade secret, confidential,  
8 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
9 privacy regarding financial information and tax records of responding party and/or third parties.

10 **INTERROGATORY NO. 16:**

11 Please state with particularity all facts which relate to and/or account for any and all funds you  
12 have received from Front Sight directly, and/or that you know originated from Front Sight, including  
13 all money received by you from Plaintiff, how said funds were spent, identification of who received  
14 any portion of the funds, and identify all documents to support or justify payments made or funds  
15 spent. If you assert a privilege, please provide a privilege log.

16 **RESPONSE TO INTERROGATORY NO. 16:**

17 Responding party objects to this Special Interrogatory because; individually, and in  
18 aggregate with the other requests made herein and previously propounded, including elicited oral  
19 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
20 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
21 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
22 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
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24 purports to require responding party to disclose information that is a trade secret, confidential,  
25 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
26 privacy regarding financial information and tax records of responding party and/or third parties.  
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2 **INTERROGATORY NO. 17:**

3 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
4 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
5 account holder, for the time period beginning March 2012 to the present date, and identify all  
6 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.

7 **RESPONSE TO INTERROGATORY NO. 17:**

8 Responding party objects to this Special Interrogatory because; individually, and in  
9 aggregate with the other requests made herein and previously propounded, including elicited oral  
10 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
11 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
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14 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
15 purports to require responding party to disclose information that is a trade secret, confidential,  
16 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
17 privacy regarding financial information and tax records of responding party and/or third parties.

18 **INTERROGATORY NO. 18:**

19 Please state with particularity all facts and identify all documents which relate to any trip you  
20 or any of your representatives took outside the United States related to raising funds for the Front  
21 Sight Project. This includes, but is not limited to, all communications, internal or external, related to  
22 the travel, itineraries, hotel receipts, meal receipts, plane ticket receipts, and so forth. If you assert a  
23 privilege, please provide a privilege log.

24 **RESPONSE TO INTERROGATORY NO. 18:**

25 Responding party objects to this Special Interrogatory because; individually, and in  
26 aggregate with the other requests made herein and previously propounded, including elicited oral  
27 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
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2 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
3 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
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9 privacy regarding financial information and tax records of responding party and/or third parties.

10  
11 Dated: March 5, 2020

FARMER CASE & FEDOR

12  
13 /s/ Kathryn Holbert

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26  
27 Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC.

28 EB5 IMPACT CAPITAL REGIONAL CENTER,

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LLC, EB6 IMPACT ADVISORS, LLC, ROBERT  
W. DZIUBLA, JON FLEMING and LINDA  
STANWOOD

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**CERTIFICATE OF SERVICE and/or MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Farmer Case & Fedor, and that on this date, I caused true and correct copies of the following document(s):

**DEFENDANT, EB5 IMPACT CAPITAL REGIONAL CENTER LLC'S  
RESPONSES TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES**

to be served on the following individuals/entities, in the following manner,

**John P. Aldrich, Esq. Attorneys for Plaintiff  
Catherine Hernandez, Esq.  
ALDRICH LAW FIRM, LTD.  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146**

**Attorneys for  
FRONT SIGHT MANAGEMENT, LLC**

By:

ELECTRONIC SERVICE: Said document(s) was served electronically upon all eligible electronic recipients pursuant to the electronic filing and service order of the Court (NECRF 9).

FACSIMILE: I caused said document(s) to be transmitted by facsimile transmission. The sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

Dated: March 5, 2020

FARMER, CASE & FEDOR

/s/ Kathryn Holbert  
Kathryn Holbert

**EXHIBIT W**

**EXHIBIT W**



Confidential Member Only Emergency Action Alert...

CONTACT US

WORLD CLASS INSTRUCTORS  
TESTIMONIALS  
IN THE NEWS  
FREQUENTLY ASKED QUESTIONS  
COURSE DESCRIPTIONS  
MULTI-COURSE MEMBERSHIPS  
COURSE SCHEDULE  
COURSE APPLICATION

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First Name:



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Enter your first name and primary e-mail address to receive 15 Special Gun Training Reports written by Front Sight's Founder and Director and Four Weapons Combat Master, Dr. Ignatius Piazzi

Your info is safe. We don't sell or transfer to anyone. [Privacy Policy](#)

#### Link to Our Website

Link to our website! Help spread Front Sight's message throughout the internet. Link to our website with your choice of banners or hyperlink.

## ***Extremely Confidential*** **FRONT SIGHT MEMBERS ONLY** ***Emergency Action Alert***

**Lying, Two-Faced, Gun-Grabbing Hillary Clinton Supporting, Con Man Attempting to STEAL Front Sight from YOU for His Own Greed!**

**NOW is the Time to Expose Him. NOW is the Time to Defeat Him!**

**NOW is the Time to Demonstrate the Strength of Front Sight's 200,000 Members by Giving this Traitor What He Truly Deserves While We Join Together to Complete the Resort in RECORD TIME!**

Dear Loyal and Supportive Front Sight Member,

You have seen the [construction progress videos](#) I have e-mailed to you and you know Front Sight has made steady and consistent progress toward the completion of the resort. You know all 50 ranges are completed and operational and you know we are almost done with all the grading of the entire resort, with infrastructure (water, power, sewer) going in next and then vertical construction to follow.

You also know, as I have written several times in my e-mail correspondence with you, that once the resort is completed, financially self-sufficient, self-sustaining, and running like the well-oiled machine you are accustomed to experiencing whenever you attend a course at Front Sight, I will gently and generously turn Front Sight Firearms Training Institute over to you, my loyal and supportive members, so you and your families can own and operate Front Sight for generations to come.

Well there is one, lying, two-faced, gun-grabbing Hillary Clinton supporting, con man who evidently has been sinisterly plotting for years to STEAL Front Sight away from you for his own calculated, conniving personal greed and I am going to need your help to not only stop him in his tracks, but also give him what he truly deserves for what he has done to us, while we come together as a group, 200,000 strong, to complete the resort in record time!

I am about to share all the sordid details of how Front Sight was conned out of more than \$500,000 over the last several years by a man who initially posed as a legitimate businessman in 2012, with experience in raising construction funds for established and rapidly growing projects in rural areas. He represented he was one of us, a pro-gun patriot who wanted to assist Front Sight in positively changing the image of gun ownership in our lifetimes by helping us complete the resort with low interest money he would source from his vast pool of overseas investors. He promised he would raise all the funds needed to complete the resort and do it quickly if we covered all the administrative costs and some initial marketing costs.

As I divulge the details of his identity, where he lives, what he does, and how he hoodwinked us into falling for his scam, I'm sure you will become as mad and disgusted in reading this, as I am as I write it, because it is not just the \$500,000 that he conned out of us that is his biggest atrocity.

It is not the fraudulent misrepresentation he made regarding his experience and network of investors. It is not his utter failure to deliver on his multiple promises of full funding for our project.

It is not the fact that he did not raise as promised \$150 million, or \$75 million, or \$50 million, or \$25 million or even \$10 million in funds toward the completion of the Front Sight Resort.

No, his biggest transgression against us and really his biggest sin against YOU is the fact that after we provided everything we agreed to provide and kept the resort project moving forward in spite of his

fraudulent misrepresentation and failures, **and having never failed to pay any of our financial obligations under his funding agreement**, he is now deceitfully attempting to STEAL Front Sight away from YOU by fraudulently and fictitiously claiming WE are in default of some weasel worded and highly questionable language in our agreements with him.

He is claiming he has the right to sell Front Sight's land and water rights, **EVEN THOUGH WE HAVE NEVER FAILED TO PAY ANY OF OUR FINANCIAL OBLIGATIONS UNDER HIS FUNDING AGREEMENT** and have moved the project toward completion, even though he failed to deliver his promised funding!

He is doing this as a smoke screen to hide behind his utter failure to deliver the full funding for our resort project that he promised multiple times. He is claiming WE are at fault in the lack of completion of the project, when he has provided less than 5% of what he originally promised he could fund, even after we have paid more than \$500,000 for all of the administrative and marketing fees associated with raising the funds he promised. The fact of the matter, as you have witnessed, is Front Sight has continued to build the project toward completion even though he has utterly failed multiple times in providing the promised full-funding for the Front Sight Resort Project.

But what makes me the most angry and what I am sure makes you furious as well is that he would sinisterly plot to steal Front Sight away from you and try to sell the land and water rights for his own personal greed by fraudulently and fictitiously claiming we are in default.

**I can assure you, and so can the three separate attorneys I hired to review, prepare and file our lawsuit against this crook, that FRONT SIGHT IS NOT IN DEFAULT. We have NEVER been in default.**

Quite the opposite. It is Front Sight who has performed and continuously advanced the project as you have personally witnessed.

On an interesting side note, in anticipation of having to file a lawsuit against this con man, we recently hired a private investigation firm to do a complete investigation of him. I will share the results of the investigation, including surveillance photos, his home address, his fictitious Nevada business addresses and more information later in this letter. Turns out he is not the pro-gun patriot he claimed he was. Surprise, surprise. He is a gun-grabbing Hillary Clinton financial supporter! I'll bet it makes your blood boil as much as mine to think this traitor used the money we paid him that was supposed to support the Front Sight project and instead used it to support the gun-grabbing schemes of Hillary Clinton. This turncoat needs to be punished, to the full extent the law will allow, for what he has done to us and what he has done to you.

**So WHY is this imposter claiming we are in default on some weasel-worded, highly questionable interpretation of his funding agreement?**

**WHY would he attempt to steal Front Sight from you by selling Front Sight's land and water rights?**

One word... **LEVERAGE.**

He is attempting to leverage us with his false claims that we are in default so we will not pursue our **LEGITIMATE** claims against him, representing tens of millions of dollars in actual damages, for fraudulently conning us out of more than \$500,000 dollars and delaying our project for years with false promises he could raise \$150 million in low interest construction funding for us.

When he couldn't deliver raising \$150 million, he promised \$75 million. Then when he failed to deliver on that promise, he said it would be \$50 million, then \$25 million and so on...

He would deliver an occasional, small amount of funds, with promises he had more "in the pipeline" but the promised "in the pipeline" full-funding never appeared. This is how he kept the long con in place. He kept taking our money, never providing the promised full-funding, all the while sinisterly plotting for the moment he could leverage us to negotiate his free and clear exit, after taking over \$500,000 from us.

He has manufactured a bogus claim that we are in default, made outrageous demands including charging default interest on the minimal funds he had previously delivered and threatened to foreclose on the project, and sell it, if we do not agree to his outrageous demands.

Of course he knows that with a default in place, even a fraudulent claim of default that he could never prove, it would still place a cloud on the project that would cause us to lose money and time in fighting the default, scare off contractors from working on the project, cause concern among potential students and members of Front Sight's viability, and delay the project completion for years.

He is banking on this threat of stealing Front Sight from you as leverage to negotiate a free and clear exit from his fraudulent misrepresentations and the tens of millions of dollars in the financial damages he has caused us with his lies and failure to deliver the full-funding he promised multiple times.

I know you are like me and believe that good, noble people like we are, must stand up against the corrupt and dishonorable of the world. That is why I know you are as mad as I am and I am sure you agree, we cannot let this lying, gun-grabbing Hillary Clinton supporting, con man get away with his malicious plan.

**HOW did this happen?** Quite frankly we got suckered by his fraudulent misrepresentations and the occasional funding he did deliver, and for a while, we believed the reasons he stated for the delays.

As we were building the project on our own, we needed less funding each year, so we were willing to give him more time to fulfill his promises of full funding.

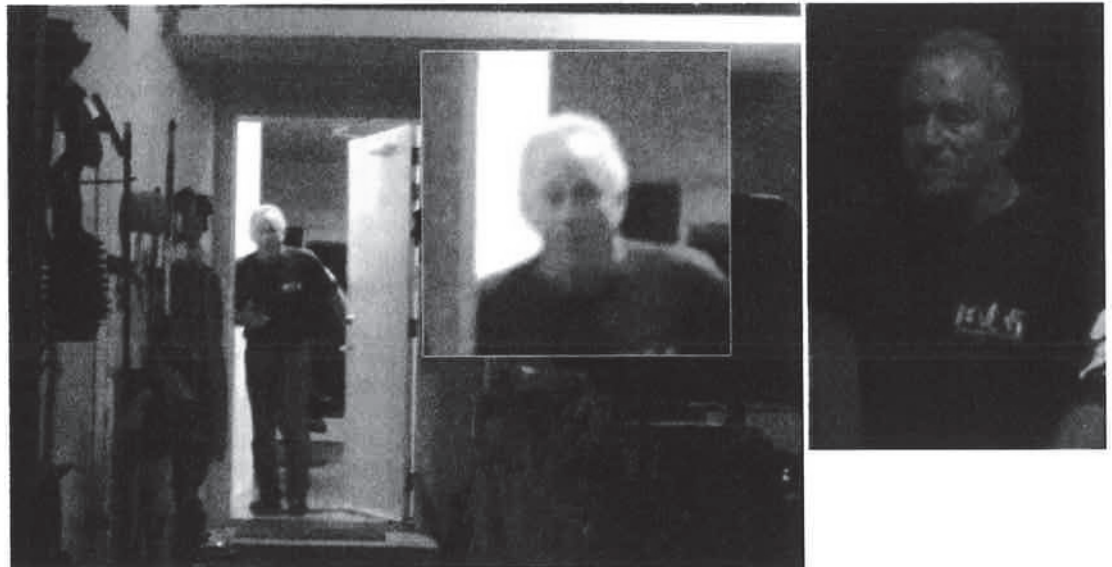
Believe me, once we realized he was nothing but a lying, two-faced, double-dealing con-artist, and made his move to try to steal Front Sight from you, WE HAD NO CHOICE BUT TO IMMEDIATELY AND AGGRESSIVELY FILE A LAWSUIT AGAINST HIM.

As I am sure you agree 100%, we cannot stand by and allow anyone to steal Front Sight from you under some bogus claim of default in an attempt to secure the right to sell Front Sight. We also cannot allow him to leverage such a frivolous default claim into some kind of settlement that allows him to get away free and clear of any responsibility for his fraudulent misrepresentations, that cost us tens of millions of dollars in delays and damages. WE HAVE NO CHOICE, WE HAVE TO FIGHT. We have all worked too hard and too long to allow such a travesty to occur or let a con man try to harm you and Front Sight in any way.

### **So who is the man attempting to steal Front Sight from You?**

His name is Robert Dziubla.

Here are a few surveillance photos of him.



He lives at 1209 Sierra Linda Drive, Escondido, CA 92025.



He claims a Nevada business address in the high end enclave of Incline Village but it is nothing more than a postal drop and cannot even accept the Fed Ex Notice of our lawsuit. He claims to have a Regional Center in Nevada for raising foreign investment money but it is just on paper.



One of his excuses, after three years of failing to deliver on multiple promises of full funding, was that he had exhausted all of his money in pursuing the funding and was financially broke. With this lie, he conned us into giving him \$8,000 per month that he claimed he would use for marketing of the project to his network of foreign investors to secure the full funding he promised. As you can see from his million dollar home and the Lexus and brand new Mercedes Benz in his garage, he had not exhausted his finances and was not broke. The private investigation firm also discovered he holds significant financial assets. Robert Dziubla is a liar and a con man who was plotting to STEAL Front Sight from you all along.

We have filed our lawsuit to seek justice against Robert Dziubla's notorious claims of default and attempt to steal Front Sight from you. I have enclosed our [Lawsuit](#) and our [Motion for Receivership](#) asking the Court to appoint a Receiver to take over Dziubla's business so you can see all our legal claims against him.

## **There's no question that we will win our lawsuit against this swindler! Every attorney we've had review this case agrees we will win.**

However, the problem that we face is not in winning the lawsuit.

The problem is the negative aspects of litigation.

They are:

1. It costs money and time to fight. If we don't act immediately and aggressively, it could take three years or more and cost \$500,000 or more in legal fees to receive justice in this case.
2. If we don't act immediately and aggressively, contractors, even those we have been using and have paid like clockwork, will be reluctant to work on the project because it is clouded in litigation.
3. If we don't act immediately and aggressively, REAL lenders, even those we have established to work with us on the project, will be reluctant to continue because the project is clouded in litigation.
4. If we don't act immediately and aggressively, potential students and potential members, even though we have never canceled a class in our 23 year history, have demonstrated consistent and phenomenal growth, even through obstacles and challenges much greater than this, will have concerns about Front Sight's viability due to the cloud of litigation and may not purchase courses or memberships.
5. If we don't act immediately and aggressively, advertisers, even those we have used in the past with great success and paid without fail will be reluctant to accept our advertising for fear they may not get paid due to the litigation.

Yes, just when we are almost done with all the grading of the entire resort, with infrastructure (water, power, sewer) going in next and then vertical construction to follow, we have the potential of the project being delayed for years... unless we all act together immediately and aggressively to stand up to this lying thief!

### **So with all the potential negative aspects of litigation, why did we file our lawsuit?**

As I said before and as I am sure you agree. WE HAVE NO CHOICE. We cannot stand by and allow a thief to steal Front Sight from YOU under some bogus claim of default in an attempt to secure the right to sell Front Sight.

We also cannot allow him to leverage such a frivolous default claim into some kind of settlement that allows him to get away free and clear of any responsibility for his fraudulent misrepresentations of full funding, that cost us tens of millions of dollars in delays and damages.

REMEMBER, this lying, two-faced, gun-grabbing Hillary Clinton supporting, con man, Robert Dziubla, knows we could suffer the adverse effects of litigation and THAT is what his is counting on by attempting to steal Front Sight from you as LEVERAGE to force us into giving him a free and clear exit from all of his transgressions against us. I know you see what he is trying to get away with, and I know you are just like me in your mindset of what is right and wrong and know we must fight.

But don't worry. We can overcome the negative aspects of litigation and get the Front Sight Resort built on schedule or even faster by immediately and aggressively following these Secrets of the Ultra-Successful that I have learned and perfected over nearly 40 years of real world experience in business matters like these.

## Here's how we turn the tables on Dziubla and shove his dirty deeds against you right down his throat...

1. Now that we filed our lawsuit, we press our prosecution of the litigation like a blitzkrieg and we do not ease our blistering legal attack until we have decisively won, forcing Dziubla into debtor's court to expose his assets for our collection or forcing him into financial ruin in bankruptcy court.
2. Now that we have filed our lawsuit, we increase our marketing dramatically by paying advertisers in advance to fill our courses and attract tens of thousands or more students to experience Front Sight first hand, and like you, want to align with our purpose to positively change the image of gun ownership in our lifetimes by becoming a member and supporting our mission. You may have already noticed endorsed radio ads we have begun running on the Larry Elder Show, the Dennis Prager Show, the Leeann Tweeden Show, the Ben Shapiro Show, and World Net Daily that are driving hundreds of new students and members to us each day. We will be adding more radio personalities and other media to our marketing each month as we press our litigation.
3. Now that we have filed our lawsuit, we continue construction progress by paying contractors currently working on the project with advance deposits to keep them working on the project with confidence. We will offer contractors we need for infrastructure and vertical construction similar advance deposits and incentives to work on project while we prosecute our litigation.
4. Now that we have filed our lawsuit we need to increase cash reserves and profit so potential lenders that may be needed to complete project see that litigation has not adversely affected Front Sight's ability to profitably operate, grow, and accumulate cash reserves.
5. Now that we have filed our lawsuit we need to REWARD YOU, my loyal and supportive member with a special "Exchange in Abundance" for your good faith in Front Sight's purpose and your immediate financial support in overcoming the obstacles of litigation as we fight against the con man who is trying to steal Front Sight from you.

Yes, this litigation we must fight against an evil man plotting to steal Front Sight from you, means I am going to reward you like never before, for your faith in action by helping good overcome evil and your continued, immediate support of Front Sight's mission.

I have created a **geometric**, ascending scale of "Exchange in Abundance" so the more you support Front Sight the greater your benefits and they grow geometrically!

**As I have written several times in the my e-mail correspondence with you, that once the resort is completed, financially self-sufficient, self-sustaining, and running like the well-oiled machine you are accustomed to experiencing whenever you attend a course at Front Sight, I will gently and generously turn the operation of Front Sight over to you, my loyal and supportive members, so you and your families can own and operate Front Sight for generations to come.**

When it is time to turn over Front Sight Firearms Training Institute to you, I will allow you to trade in your surplus credits, memberships, and certificates for your percentage of ownership.

This means that the more credits, memberships and certificates YOU have to trade in, the greater percentage of ownership you will secure relative to the other members.

**For this reason, you should build up your account AS MUCH AS YOU CAN. In other words, you cannot have too many credits, memberships and certificates to trade in. Quite the opposite. The more credits, memberships and certificates YOU have, the more percentage of ownership you will be able to secure relative to the other members.**

**And to REWARD YOU**, my loyal and supportive member for your faith in Front Sight and your financial support in overcoming the obstacles of litigation as we fight against the con man who is trying to steal Front Sight from you, I have created the greatest **GEOMETRIC** "Exchange in Abundance" that rewards you in a geometric fashion for your support. Meaning the more you participate the greater your benefits are accumulated geometrically. Instead of 1:1 benefits, you will get 2:1, 4:1, 8:1, 16:1, 32:1, and so on...

**This is the greatest opportunity you will EVER have to GEOMETRICALLY grow the surplus memberships, credits, and certificates you have in your account.**

Then, when the resort is completed, financially self-sufficient, self-sustaining, and running like the well-oiled machine you are accustomed to experiencing whenever you attend a course at Front Sight, and I offer to gently and generously turn the operation of Front Sight over to my loyal and supportive members, you will have what you need to trade in to secure as much ownership percentage as possible relative to the other members, so you and your families can own Front Sight for generations to come.

What am I going to do with your participation in this GEOMETRIC Front Sight "Exchange in Abundance" Reward? Exactly what I outlined above...

1. Destroy Dziubla by rapidly and aggressively prosecuting our lawsuit against him to overwhelming victory!
2. Increase our marketing to spread Front Sight's message to all gun owners and grow Front Sight dramatically!
3. Grow our financial reserves, increase the pace of construction and complete the Front Sight Resort in record time!

**Participate to the highest levels you possibly can so we will win our lawsuit quickly, grow Front Sight dramatically, complete the resort in record time, and pay for it in full.**

See my greatest GEOMETRIC "Exchange in Abundance" Reward for your loyal support and participate to the highest levels you can today...

### **Greatest GEOMETRIC Front Sight "Exchange in Abundance" Reward**

First, even if you only participate at the \$10 Litigation War Chest Fund level, I am placing \$200 in Front Sight Credits into your account that you can use in our pro shop or for your criminal background checks and I'm giving you 2, Four Day Course Certificates and 2, Patriot Lifetime Memberships that you can sell or transfer to anyone you wish, simply to thank you for being a Front Sight Member because I know you believe in our purpose to positively change the image of gun ownership in our lifetimes and you continue to support our mission.

**Yes, it's true. Just check the \$10 Litigation War Chest Fund box and I will place \$200 in Front Sight credits, plus 2 Four Day Course Certificates and 2 Patriot Lifetime Memberships into your account.**

**PLUS**, I will place these assets in your account **BEFORE** the Doubling, Tripling, Quadrupling, 5X, 7X, 10X, 20X, 50X or 100X occurs in your account assets! So even if you are relatively new to Front Sight and do not have much in the way of account assets, by placing \$200 in credits and 2, Four Day Course Certificates and 2, Patriot Lifetime Memberships into your account **BEFORE** processing whatever higher levels you participate you select, **YOU** will have \$200 in Credits and 2 Memberships and 2 Certificates to geometrically grow to the highest levels you want and thus position yourself for even greater future benefits and ownership.

I told you this was my Greatest GEOMETRIC "Exchange in Abundance" Reward I have ever created!

### **And here is the smartest move...**

If you start by participating at the \$25 or \$50 or \$100 or \$500 or \$1,000 Litigation War Chest Fund level, I will place even more Credits, Certificates and Memberships into your account **BEFORE** you select the Geometric Multiplying Levels of my "Exchange in Abundance" Rewards. The more you start with in your account, the **GREATER** your assets will grow with the geometric multiplier you select. So select the highest level for the greatest geometric gain!

**Step 1 is to select the HIGHEST level you would like to participate in Front Sight's Litigation War Chest Fund.**

Remember, the more you participate at this level, the more Credits, Certificates and Memberships get placed into your account, and the greater **ALL** your Front Sight assets will grow when you select the highest Geometric Multiplying Level of my "Exchange in Abundance" Reward.

**Step 2, once you have selected the HIGHEST level you would like to participate in Front Sight's Litigation War Chest Fund, then select the HIGHEST level you can from my Geometric Multiplying "Exchange in Abundance" Reward to gain the MAXIMUM BENEFITS!**

### **Here is an example of how this works...**

**Let's say you select the \$500 Litigation War Chest Level and then select the \$5997 Geometric Reward Level for a total participation of \$6,497. First, I will add \$10,000 in Front Sight Credits, 100 Four Day Course Certificates and 100 Patriot Lifetime Memberships into your account.**

**THEN, those assets I added PLUS everything that is already in your account (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas) will be INCREASED 20X! PLUS I give you a Piazza Pistol in 9mm or .40SW.**

The \$10,000 in Front Sight Credits, 100 Four Day Course Certificates and 100 Patriot Lifetime Memberships placed into your account from your Litigation War Chest participation immediately becomes **\$200,000 in Front Sight Credits, 2,000 Four Day Course Certificates and 2,000 Patriot Lifetime Membership PLUS I give you a Piazza Pistol, PLUS any other assets that were already in your account** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas) **INCREASE BY 20X too!**

**So select the HIGHEST level you can at BOTH the Litigation War Chest Level AND the Geometric "Exchange in Abundance" Reward Level for the GREATEST BENEFIT POSSIBLE!**

Complete the Litigation War Chest and Geometric Front Sight "Exchange in Abundance" Enrollment Form TODAY because it is time to deliver some long overdue justice to that lying, two-faced, gun-grabbing Hillary Clinton supporting, con man, Robert Dziuabla and its time to dramatically grow Front Sight, and it is time to complete the Front Sight Resort ahead of schedule!

Here you go... Just check the box that is best for you in Step 1 and Step 2 below...

## **Secure, On-Line Rapid Enrollment Form Litigation War Chest Fund & Geometric "Exchange in Abundance" Reward With Special Gun Bonuses**

### **STEP 1:**

Yes, Dr. Piazza. I want you to destroy the lying, two-faced, gun-grabbing Hillary Clinton supporting, con man Robert Dziuabla by rapidly and aggressively prosecuting our lawsuit against him to overwhelming victory. I understand that by checking the appropriate Litigation War Chest box below, you will place the corresponding amount of Front Sight Credits, Certificates and Memberships into my Front Sight account BEFORE you apply the Geometric Multiplying "Exchange in Abundance" Reward to my account, making ALL of my Front Sight assets grow that much larger.

I understand I can use the Front Sight Credits for purchases in the pro shop, membership transfer fees, criminal background checks and special offers Front Sight provides in the future. I understand I can gift, sell or transfer the certificates and memberships to anyone I wish. I further understand that when Front Sight Resort is completed, financially self-sufficient, self-sustaining, and running like the well-oiled machine I am accustomed to experiencing whenever I attend a course at Front Sight, I will be allowed to trade my surplus Credits, Certificates and Memberships back into Front Sight for a percentage of ownership in Front Sight. I further understand that the more Credits, Memberships and Certificates I have to trade back in relative to the other members, the greater the percentage of ownership in Front Sight I will secure.

### **Front Sight Litigation War Chest Participation**

- \$10 for \$200 in Front Sight Credits, 2 Four Day Course Certificates, 2 Patriot Lifetime Memberships**
- \$25 for \$500 in Front Sight Credits, 5 Four Day Course Certificates, 5 Patriot Lifetime Memberships**
- \$50 for \$1,000 in Front Sight Credits, 10 Four Day Course Certificates, 10 Patriot Lifetime Memberships**
- \$100 for \$2,000 in Front Sight Credits, 20 Four Day Course Certificates, 20 Patriot Lifetime Memberships**
- \$500 for \$10,000 in Front Sight Credits, 100 Four Day Course Certificates, 100 Patriot Lifetime Memberships**
- \$1,000 for \$20,000 in Front Sight Credits, 200 Four Day Course Certificates, 200 Patriot Lifetime Memberships**

### **Step 2**

Yes Dr. Piazza I want you to geometrically increase my Front Sight Credits, Certificates, and Memberships AFTER you place the Front Sight Credits, Memberships and Certificates into my Front Sight account that I selected above with my Front Sight Litigation War Chest Participation, so my Front Sight assets have greater growth with the Geometric Multiplier I select below.

I understand I can use the Front Sight Credits for purchases in the pro shop, membership transfer fees, criminal background checks and special offers Front Sight provides in the future. I understand I can gift, sell or transfer the certificates and memberships to anyone I wish. I further understand that when Front Sight Resort is completed, financially self-sufficient, self-sustaining, and running like the well-oiled machine I am accustomed to experiencing whenever I attend a course at Front Sight, I will be allowed to trade my surplus Credits, Certificates and Memberships back into Front Sight for a percentage of ownership in Front Sight. I further understand that the more Credits, Memberships and Certificates I have to trade back in relative to the other members, the greater the percentage of ownership in Front Sight I will secure.

**NOTE:** You must select a level of Front Sight Litigation War Chest participation BEFORE selecting your highest level of Geometric "Exchange in Abundance" Reward.

### Front Sight Geometric "Exchange in Abundance" Reward

🎯 **\$497 DOUBLES all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$997 TRIPLES all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$1497 QUADRUPLES all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$1997 5X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$2497 7X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$2997 10X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas)

🎯 **\$5997 20X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas) **PLUS I'll give you a Front Sight Piazza SP1 Pistol in 9mm or .40SW**

🎯 **\$11,997 50X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas) **PLUS I'll give you 2, Front Sight Piazza SP1 Pistols. One in 9mm and the other in .40SW**

🎯 **\$23,997 100X's all your Front Sight Account Assets** (except hotel certificates, private training certificates, TBD President memberships, Vacation Club Villas) **PLUS I'll give you 4, Front Sight Piazza SP1 Pistols. Two in 9mm and the other two in .40SW**



### STEP 3:

Fill our your membership details:

First Name:\*

Last Name:\*

Membership Type:\*(Current)

Select Membership: ▼

Membership Number:\*(Including words/letters)

Address:\*

Address 2:

City:\*

State:\*

▼

Zip Code:\*

Email Address:\*

Confirm Email Address:\*

Phone:

My Front Sight Username:(Optional)

**Payment Information:**



Name on Card:\*

Card Number:\*

Expiration Date (mm/yy):\*

Security Code: \* [What is this?](#)

[Click Here](#) if your Billing Address is Different Than Your Shipping Address.

If you would like to use multiple credit cards, call my Concierge Staff at (800) 987-7719 between the hours of 8:30am and 5:30pm PST and they will assist you in your purchase.

**Because we have filed our lawsuit and the case is in litigation, the Concierge Staff will only be able answer questions about participating in the Front Sight War Chest Fund and the Geometric "Exchange in Abundance" Reward.**

**If after reading all of the information I have shared with you, you still have questions that only I can answer, then please e-mail me directly at [DrPiazza@FrontSight.com](mailto:DrPiazza@FrontSight.com) and I will personally respond.**

**If after I have personally responded to your email, you still have questions that only I can answer, then feel free to call me on my cell phone at (707) 838-3450 and I will personally answer your questions over the phone.** This is a private e-mail and phone number so please keep it to yourself, but feel free to use them should you really have important questions preventing you from taking full advantage of my way of honoring you for your alignment with Front Sight's purpose and your participation in our phenomenal success.

**4. Confirm Your Order**

Select Your Level of Participation in Front Sight's Litigation War Chest and Geometric "Exchange in Abundance" Reward above.

I UNDERSTAND and agree that all Front Sight Products, Front Sight Certificates and Front Sight Memberships offered in the past, the present, and future, including "To Be Determined" memberships, as well as any special memberships not listed here, are NON REFUNDABLE, no exceptions. I further understand I may sell and transfer "To Be Determined" memberships, but I am not allowed to sell/transfer them to existing Front Sight members or advertise the sale of any memberships in any public media. I also acknowledge that Front Sight is not guaranteeing a specific date of resort completion or specific time when Dr. Piazza will gently and generously turn over the ownership of Front Sight Firearms Training Institute to his loyal and supportive members, although Front Sight is making every effort and working diligently to complete construction within the next 18 months.

Enter the information above and press the **Submit** button to process your order securely.

**\* Required**

Having Trouble? [Click here.](#)

Thanks again for your participation in Front Sight's phenomenal success!

Sincerely,



Dr. Ignatius Piazza

Dr. Ignatius Piazza  
Founder and Director



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 Reservations | CQB Training | Firearms Training | Martial Arts | AFD | Firearms | Personal Body | Firearms | Firearms  
 and More | Front Sight Alaska | Alaska | Facilities | Private Sight Reservations | Free BULK | Self Defense Classes  
 Courses Description | Firearms Training Schedule | Gifts & Incentive Programs | Collateral & Youth Applications |  
 Martial Arts | Firearms Training | Specialty Training | Scope & Repair

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# EXHIBIT 2



1 JOHN R. BAILEY  
 Nevada Bar No. 0137  
 2 JOSHUA M. DICKEY  
 Nevada Bar No. 6621  
 3 ANDREA M. CHAMPION  
 Nevada Bar No. 13461  
 4 **BAILEY ❖ KENNEDY**  
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 5 Las Vegas, Nevada 89148-1302  
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 AChampion@BaileyKennedy.com  
 8

*Attorneys for Defendants*

9 LAS VEGAS DEVELOPMENT FUND LLC;  
 EB5 IMPACT CAPITAL REGIONAL CENTER  
 10 LLC; EB5 IMPACT ADVISORS LLC; ROBERT  
 W. DZIUBLA; JON FLEMING; and  
 11 LINDA STANWOOD

12 DISTRICT COURT  
 13 CLARK COUNTY, NEVADA  
 14

15 FRONT SIGHT MANAGEMENT LLC, a  
 Nevada Limited Liability Company,

Plaintiff,

vs.

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
 19 Nevada Limited Liability Company; et al,

Defendants.

Case No. A-18-781084-B  
 Dept. No. XVI

**DEFENDANT LAS VEGAS  
 DEVELOPMENT FUND LLC'S FIFTH  
 SUPPLEMENTAL RESPONSES TO  
 PLAINTIFF'S THIRD SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS**

21 \_\_\_\_\_  
 22 AND ALL RELATED COUNTERCLAIMS.  
 23

24 Pursuant to Rules 26 and 34 of the Nevada Rules of Civil Procedure, Defendant, Las Vegas  
 25 Development Fund LLC ("LVD Fund") hereby supplements its responses to Plaintiff's Third Set of  
 26 Requests for Production (the "Requests") as follows:

27 ///

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**PRELIMINARY STATEMENT**

1. LVD Fund does not waive any objection set forth herein by interposing these objections or by making any subsequent production of documents.

2. LVD Fund objects to the “Definitions and Instructions” in Plaintiff’s Requests to the extent that they purport to impose obligations upon LVD Fund greater than or different from those imposed by the Nevada Rules of Civil Procedure.

3. The objections and responses contained herein are made solely for the purpose of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds to which the same statement would be subject to if delivered as live testimony at trial. All such objections and grounds are expressly reserved by LVD Fund and may be interposed at the time of trial or in conjunction with any other use of these responses.

4. LVD Fund reserves the right to supplement its objections and responses to this Third Set of Requests for Production of Documents.

**FIFTH SUPPLEMENTAL RESPONSES TO THIRD SET OF REQUESTS FOR PRODUCTION**

LVD Fund’s supplemental responses appear **bolded** below.

**REQUEST FOR PRODUCTION NO. 113:**

Please provide copies of all documents which support or relate to the truthfulness of the representations made to Front Sight that Defendant Dziubla and his associates “have great depth of experience in the real estate and real estate financing market, and I personally have been involved in over \$10 billion of hospitality and leisure transactions during my 35-year career as an investor, owner, operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

**RESPONSE TO REQUEST NO. 113:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the

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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose Information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

11 Subject to and without waiving the previously asserted objections, Responding Party will  
12 produce all non-privileged documents that are responsive to this request.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

14 *See* A-009926-010007.

15 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

16 *See* A-009926-010007; A-00001-00005; A-010757-010910; A-021507 -021511.

17 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

18 *See also* A025963-25965; A-025966-25972; A-026024-26025.

19 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

20 LVD Fund objects to this request as overly broad and unduly burdensome. The EB5 Parties  
21 provided a copy of their resumé and information regarding their background to Front Sight years  
22 before Front Sight commenced this litigation. Consequently, as drafted, this request is intended to  
23 harass and burden LVD Fund and is not intended for a legitimate purpose.

24 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
25 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
26 a singular party making representations in propounding these requests.

27 Pursuant to the parties’ recent meet and confer efforts on Front Sight’s related  
28

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1 interrogatories, LVD Fund understands that Front Sight now agrees it will not be seeking all  
2 documents related to Mr. Dziubla and “his associates”’ experience in the real estate and real estate  
3 financing markets, or the production of documents specific to the transactions they have been  
4 involved in. Rather, the parties have agreed to limit this request to only those documents which  
5 would provide a broad understanding of Mr. Dziubla and his associates’ experience. Based on that  
6 understanding and agreement, LVD Fund responds as follows: *see also* A-006164-006170; A-  
7 006180; A-010899-010902; A-013355-013357; A-013387-013393; A-013412-013419; A-020793-  
8 020796.

9 **REQUEST FOR PRODUCTION NO. 114:**

10 Please provide copies of all documents which support or relate to the truthfulness of the  
11 representations made to Front Sight that Defendant Dziubla and his associates “have been  
12 underwriting over a dozen hospitality transaction during the past 8 months, with two of them located  
13 in the desert just like Front Sight, so we have a keen appreciation and understanding of the  
14 peculiarities of that market and how to structure the transaction appropriately,” as set forth in  
15 Evidentiary Hearing Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

16 **RESPONSE TO REQUEST NO. 114:**

17 Responding party objects to this Document Request because; individually, and in aggregate  
18 with the other requests made herein and previously propounded, this request fails to meet the  
19 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
20 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
21 contained herein and previously propounded; it seeks documents that are already in requesting  
22 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
24 documents that are not relevant to this issues presented; and it purports to require responding party to  
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is privileged or protected by rights of privacy regarding financial information and  
27 tax records of responding party and/or third parties.  
28

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

Subject to and without waiving the previously asserted objections, Responding Party will produce all non-privileged documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

*See* A-009926-010007.

**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

*See* A-009926-010007; A-010757-010910; A-020636 -020816; A-021507-021511.

**FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

LVD Fund objects to this request as overly broad and unduly burdensome. The EB5 Parties provided a copy of their resumé and information regarding their background to Front Sight years before Front Sight commenced this litigation. Consequently, as drafted, this request is intended to harass and burden LVD Fund and is not intended for a legitimate purpose.

LVD Fund further objects to this request to the extent it implies that LVD Fund made the representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into a singular party making representations in propounding these requests.

Pursuant to the parties’ recent meet and confer efforts on Front Sight’s related interrogatories, LVD Fund understands that Front Sight now agrees it will not be seeking all documents related to Mr. Dziubla and “his associates”’ experience in the real estate and real estate financing markets, or the production of documents specific to the transactions they have been involved in. Rather, the parties have agreed to limit this request to only those documents which would provide a broad understanding of Mr. Dziubla and his associates’ experience. Based on that understanding and agreement, LVD Fund responds as follows: *see also* A-000001-000005; A-006164-006170; A-006180; A-009926-010007; A-010899-010902; A-013355-013357; A-013387-013393; A-013412-013419; A-020793-020796.

**FIFTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

*See also* A025963-25965; A-025966-25972; A-026024-26025.

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1 **REQUEST FOR PRODUCTION NO. 115:**

2 Please provide copies of all documents which support or relate to the truthfulness of the  
3 representations made to Front Sight that Defendant Dziubla and his associates had the ability,  
4 experience and networking breadth with Chinese investors to enable Defendant Dziubla “to put  
5 together a financing package for some, or perhaps, all, of the \$150 million you were seeking to  
6 raise,” as set forth in Evidentiary Hearing Exhibit 2, August 27, 2012 Email from Robert Dziubla to  
7 Mike Meacher, p. 0002.

8 **RESPONSE TO REQUEST NO. 115:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

21 Subject to and without waiving the previously asserted objections, Responding Party will  
22 produce all non-privileged documents that are responsive to this request.

23 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

24 *See A-009926-010007*

25 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

26 *See A-009926-010007; A-010757-010910; A-020636-020816; A-021507-021513*  
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1 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

2 LVD Fund objects to this request as overly broad and unduly burdensome. The EB5 Parties  
3 provided a copy of their resumé and information regarding their background to Front Sight years  
4 before Front Sight commenced this litigation. Consequently, as drafted, this request is intended to  
5 harass and burden LVD Fund and is not intended for a legitimate purpose.

6 ///

7 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
8 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
9 a singular party making representations in propounding these requests.

10 Pursuant to the parties’ recent meet and confer efforts on Front Sight’s related  
11 interrogatories, LVD Fund understands that Front Sight now agrees it will not be seeking all  
12 documents related to Mr. Dziubla and “his associates”’ experience and networking breadth with  
13 Chinese investors or their ability to put together a financing package for some, or perhaps all, of the  
14 \$150 million Front Sight was seeking to raise. Rather, the parties have agreed to limit this request to  
15 only those documents which would provide a broad understanding of Mr. Dziubla and his  
16 associates’ experience. Based on that understanding and agreement, LVD Fund responds as follows:  
17 *see also* A-000001-000005; A-006164-006170; A-006180; A-010899-010902; A-013355-013357;  
18 A-013387-013393; A-013412-013419; A-020793-020796.

19 **FIFTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

20 *See also* A025963-25965; A-025966-25972; A-026024-26025.

21 **REQUEST FOR PRODUCTION NO. 116:**

22 Please provide copies of any and all documents which support the truthfulness of the  
23 representations made to Front Sight that “EB-5 funding initiatives typically take 5 – 8 months before  
24 first funds are placed into escrow with the balance of the funds being deposited during the next 6 – 8  
25 months. This sort of extended timing seems to be compatible with Front Sight’s development  
26 timeline given our discussions,” as set forth in Evidentiary Hearing Exhibit 3, p. 0006.

27 **RESPONSE TO REQUEST NO. 116:**

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Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 116:**

Subject to and without waiving the previously asserted objections, Responding Party will produce all non-privileged documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 116:**

After a diligent search, no responsive documents have been located.

**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 116:**

LVD Fund states that no supplemental response to this request is necessary.

**REQUEST FOR PRODUCTION NO. 117:**

Please provide copies of all documents which support or relate to the truthfulness of the representations made to Front Sight that “Our partners, Emphyrean West (Dave Keller and Jay Carter), are the owners and managers of a USCIS-approved regional center, Liberty West Regional Center, through which we will invest the \$65m of EB-5 funding,” as set forth in Evidentiary Hearing Exhibit 3, p. 0006.

**RESPONSE TO REQUEST NO. 117:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the



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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

11 Subject to and without waiving the previously asserted objections, Responding Party will  
12 produce all non-privileged documents that are responsive to this request.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

14 *See* A-010756-010910.

15 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

16 *See* A-010757-010910; A-020636-020816; A-021512-021518.

17 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

18 LVD Fund states that no supplemental response to this request is necessary.

19 **REQUEST FOR PRODUCTION NO. 118:**

20 Please provide copies of all documents which support or relate to the truthfulness of the  
21 representations made to Front Sight that “... we don’t make any money until we have successfully  
22 raised the \$65m...,” as set forth in Evidentiary Hearing Exhibit 3, p. 0007.

23 **RESPONSE TO REQUEST NO. 118:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28

1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

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10 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 118:**

11 Subject to and without waiving the previously asserted objections, Responding Party will all  
12 produce all non-privileged documents that are responsive to this request.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 118:**

14 *See* A-000879-000894.

15 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 118:**

16 LVD Fund states that no supplemental response to this request is necessary.

17 **REQUEST FOR PRODUCTION NO. 119:**

18 Please provide copies of all documents which support or relate to the truthfulness of the  
19 representations made to Front Sight that "In addition to the Chinese EB-5 funding, Emphyrean West  
20 has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam and  
21 has been exempted from the \$5,000 limit on international money transfers," as set forth in  
22 Evidentiary Hearing Exhibit 3, p. 0006.

23 **RESPONSE TO REQUEST NO. 119:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28

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1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

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11 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 119:**

12 Subject to and without waiving the previously asserted objections, Responding Party will  
13 produce all non-privileged documents that are responsive to this request.

14 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 119:**

15 After a diligent search no responsive documents have been identified other than the exhibit  
16 itself.

17 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 119:**

18 LVD Fund states that no supplemental response to this request is necessary.

19 **REQUEST FOR PRODUCTION NO. 120:**

20 Please provide copies of all documents which support or relate to the truthfulness of the  
21 representations made to Front Sight that Defendant Dziubla and his partners were working on a  
22 proposal for "the creation of a new regional center for the Front Sight project and the raise of up to  
23 \$75m (interest reserve included) of EB-5 immigrant investor financing," as set forth in Evidentiary  
24 Hearing Exhibit 4, p. 0010.

25 **RESPONSE TO REQUEST NO. 120:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

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12 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 120:**

13 Subject to and without waiving the previously asserted objections, Responding Party will  
14 produce all non-privileged documents that are responsive to this request.

15 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 120:**

16 See A-001426-001431, A-001918-006138, A-006139-008763, A-013352-015269, A-  
17 010330-010417; A-022220-022227; A-022403-022404; A-022449-022482; A-022518; A-023109;  
18 A-025687-025713; A-025725-025783; A-025786-025814; A-025816-025845; A-025847-025877;  
19 A-025899-025906; A-025919-025942; A-025957-025962; A-025995-026023; A-026026-026033.

20 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 120:**

21 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
22 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
23 a singular party making representations in propounding these requests.

24 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
25 supplements its prior response to this request as follows: *see also* A-001426-001431, A-001918-  
26 001944; A-001955-1986; A-001990-1991; A-001994-002023; A-002027-002030; A-002032-  
27 002035; A-002042-002044; A-022220-022227; A-022403-022404; A-022449-022482; A-022518;  
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1 A-023109; A-025687-025713; A-025725-025783; A-025786-025814; A-025816-025845; A-  
2 025847-025877; A-025899-025906; A-025919-025942; A-025957-025962; A-025995-026023; A-  
3 026026-026033.

4 **REQUEST FOR PRODUCTION NO. 121:**

5 Please provide copies of all documents which support or relate to the truthfulness of the  
6 statement in the February 14, 2013 engagement letter that Professor Sean Flynn will “prepare the  
7 business plan” and that Professor Flynn will be paid \$20,000 to prepare the business plan, as set  
8 forth in Evidentiary Hearing Exhibit 6, pp. 0020, 0026.

9 **RESPONSE TO REQUEST NO. 121:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 121:**

22 Subject to and without waiving the previously asserted objections, Responding Party will  
23 produce all non-privileged documents that are responsive to this request.

24 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 121:**

25 *See* A-010097-010192 and the exhibit itself.

26 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 121:**

27 *See* A-010097-010192 and the exhibit itself; A-21526.  
28

**FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 121:**

LVD Fund further objects to this request to the extent it implies that LVD Fund made the representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into a singular party making representations in propounding these requests.

Subject to and without waiver of the foregoing objections, LVD Fund supplements its prior response as follows: *see also* A-0022483-0022516.

**REQUEST FOR PRODUCTION NO. 122:**

Please provide copies of all documents which demonstrate how Professor Sean Flynn was compensated for the creation of the business plan referenced in the February 14, 2013 engagement letter, including all communications between any party to this litigation and Professor Flynn related to how and when the terms of that compensation were agreed upon.

///

///

**RESPONSE TO REQUEST NO. 122:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party's possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 122:**

Subject to and without waiving the previously asserted objections, Responding Party will

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1 produce all non-privileged documents that are responsive to this request.

2 **[SECOND] SUPPLEMENTAL RESPONSE TO REQUEST NO. 122:**

3 *See* A-21526-21527.

4 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 122:**

5 LVD Fund supplements its prior response as follows: *see also* A-0022483-0022516.

6 **REQUEST FOR PRODUCTION NO. 123:**

7 Please provide copies of all documents which support or relate to the truthfulness of  
8 Defendants Dziubla and Fleming’s representations to Front Sight that the approval process for the  
9 new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing Exhibit 7, p.  
10 0029.

11 **RESPONSE TO REQUEST NO. 123:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 123:**

24 Subject to and without waiving the previously asserted objections, Responding Party will  
25 produce all non-privileged documents that are responsive to this request.

26 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 123:**

27 After a diligent search, no responsive documents could be identified other than the subject  
28

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1 exhibit.

2 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 123:**

3 *See* A-021500-021504.

4 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 123:**

5 LVD Fund states that no supplemental response to this request is necessary.

6 **REQUEST FOR PRODUCTION NO. 124:**

7 Please provide copies of all documents which support or relate to the truthfulness of the  
8 representations made to Front Sight that "... a very big advantage – we should have the first tranche  
9 of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e. \$18.75m, as  
10 discussed) within 4 – 5 months," as set forth in Evidentiary Hearing Exhibit 9, p. 0036.

11 **RESPONSE TO REQUEST NO. 124:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 124:**

24 Subject to and without waiving the previously asserted objections, Responding Party will  
25 produce all non-privileged documents that are responsive to this request.

26 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 124:**

27 *See* A-001426-001431, A-001918-006138, A-006139-008763, A-013352-015269, A-  
28

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1 010330-010417.

2 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 124:**

3 *See* A-001426-001431, A-001918-006138, A-006139-008763, A-013352-015269, A-  
4 010330-010417; A-010757-010910; A-021512-021513.

5 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 124:**

6 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
7 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
8 a singular party making representations in propounding these requests.

9 Subject to and without waiver of the foregoing objections, LVD Fund supplements its prior  
10 response as follows: *see* A-023109-023109; A-025656-025683; A-025687-025713; A-025725-  
11 025783; A-025786-025814; A-025816-025845; A-025847-025877; A-025899-025906; A-025919-  
12 025942; A-025957-025962; A-025995--026023; A-026026-026033.

13 **REQUEST FOR PRODUCTION NO. 125:**

14 Please provide copies of all documents which support or relate to the truthfulness of the  
15 representations made to Front Sight that “We look forward to having the \$53.5k deposited into our  
16 Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and of course  
17 receives our full and diligent attention...,” as set forth in Evidentiary Hearing Exhibit 11, p. 0044.

18 **RESPONSE TO REQUEST NO. 125:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
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1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 125:**

4 Subject to and without waiving the previously asserted objections, Responding Party will  
5 produce all non-privileged documents that are responsive to this request.

6 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 125:**

7 After a diligent search no responsive documents could be identified other than the exhibit  
8 itself.

9 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 125:**

10 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
11 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
12 a singular party making representations in propounding these requests.

13 Subject to and without waiver of the foregoing objections, LVD Fund supplements its prior  
14 response as follows: *see* A-000501-000505; A-000928-000946; A-001413-001417; A-002195-  
15 002209; A-002220-002240; A-002249-002268; A-006385-006841; A-022564-022566; A-022596-  
16 022603; A-022617-022619; A-022622-022623; A-022625-022627; A-022675-022678; A-022684-  
17 022692; A-022728-022731; A-022739-022744; A-022746-022752; A-022764; A-022806-022821;  
18 A-022832-022838; A-022845-022900; A-022918-022928; A-022931; A-022933-022955; A-  
19 022965-022967; A-023005-023006; A-023012-023031; A-023070-023078; A-023088; A-023099-  
20 023101; A-023109; A-023115-023120; A-023128-023145; A-023147-023181; -023191-023199; A-  
21 023202-023213; A-023219-023220; A-023231-023233.

22 **REQUEST FOR PRODUCTION NO. 126:**

23 Please provide copies of all documents which support or relate to the truthfulness of the  
24 representations made to Front Sight that “As we mentioned in an earlier email, the uncertainty  
25 surrounding what Congress was going to do has really sidelined the investors. We have been in  
26 contact with our agents in China over night, and they are ecstatic with this news and assure us that  
27 with this logjam now cleared, the investors will be signing up. We were, of course, dismayed by the  
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1 slow sales progress, but now expect the sales pace to increase substantially,” as set forth in  
2 Evidentiary Hearing Exhibit 13, p. 0052.

3 **RESPONSE TO REQUEST NO. 126:**

4 Responding party objects to this Document Request because; individually, and in aggregate  
5 with the other requests made herein and previously propounded, this request fails to meet the  
6 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
7 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
8 contained herein and previously propounded; it seeks documents that are already in requesting  
9 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
10 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
11 documents that are not relevant to this issues presented; and it purports to require responding party to  
12 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is privileged or protected by rights of privacy regarding financial information and  
14 tax records of responding party and/or third parties.

15 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 126:**

16 Subject to and without waiving the previously asserted objections, Responding Party will  
17 produce all non-privileged documents that are responsive to this request.

18 ///

19 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 126:**

20 *See* A-001426-001431, A-001918-006138, A-006139-008763, A-013352-015269, A-  
21 010330-010417.

22 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 126:**

23 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
24 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
25 a singular party making representations in propounding these requests.

26 Subject to and without waiver of the foregoing objections, LVD Fund supplements its prior  
27 response as follows: *see* A-002665-002680; A-002683-002714; A-002721-002726; A-002778-  
28

1 002795;A-002804-002809; A-002894-002895; A-002904-002907; A-002909-002912; A-002914-  
2 002920; A-004767-004767;A-004784-004785; A-004787-004788; A-004802; A-004804-004808;  
3 A-004811-004812; A-004869-004873;A-005077-005079; A-005082-005084; A-005414-005418; A-  
4 005565; A-005856-005860; A-005938-005939; A-007078-007083; A-025973-025978; A-025995-  
5 026023; A-026026-026033; A-026075-026089; A-026201-026234; A-026236-026237; A-026243-  
6 026249; A-026283-026284; A-026297-026299; A-026300-026302; A-026309-026311; A-026366-  
7 026367; A-026382-026394; A-026416-026423; A-026438-026447; A-027233-027234.

8 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 126:**

9 *See also A-030303-030338.*

10 **REQUEST FOR PRODUCTION NO. 127:**

11 Please provide copies of all documents which support or relate to the truthfulness of the  
12 representations made to Front Sight that “With regard to the timeline, we may still be able to achieve  
13 the minimum raise of \$25m by January 31 and thereupon begin disbursing the construction loan  
14 proceeds to you, but a more realistic date might be February 8. Why that date you ask? Because the  
15 Christmas holidays and January 1st new year holiday are rather insignificant in China and,  
16 importantly, February 8 is the start of the Chinese New Year. Chinese people like to conclude their  
17 major business decisions before the start of that 2 – 3 week holiday period, so we expect to see  
18 interest in the FS project growing rapidly over the next couple of weeks with interested investors  
19 getting their source and path of funds verification completed in January so that they can make the  
20 investment by February 8,” as set forth in Evidentiary Hearing Exhibit 13, p. 0052.

21 **RESPONSE TO REQUEST NO. 127:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting  
27 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
28

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1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and  
5 tax records of responding party and/or third parties.

6 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 127:**

7 Subject to and without waiving the previously asserted objections, Responding Party will  
8 produce all non-privileged documents that are responsive to this request.

9 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 127:**

10 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
11 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
12 a singular party making representations in propounding these requests.

13 Subject to and without waiver of the foregoing objections, LVD Fund supplements its prior  
14 response as follows: *see* A-000493-000494; A-001406; A-002401-002412; A-002416-002423; A-  
15 002688-002692; A-002697-002714; A-002721-002726; A-002732; A-002734-002738; A-002820-  
16 002826; A-002829-002833; A-002835-002840; A-004869-004873; A-005492; A-007078-007083;  
17 A-007093-007094; A-020786-020789; A-021975-021975; A-022025-022025; A-025957-025962;  
18 A-025973-025978; A-025995-026023; A-026026-026033; A-026075-026089; A-026201-026205;  
19 A-026228-026234; A-026236-026237; A-026389-026394; A-026416-026423; A-026438-026447;  
20 A-027235.

21 **REQUEST FOR PRODUCTION NO. 128:**

22 Please provide copies of all documents which support or relate to the truthfulness of the  
23 representations made to Front Sight that “With regard to timing, based on discussions with our  
24 agents over the past few days, including today, it looks like we may have 5 – 10 investors into  
25 escrow by February 8, with an additional 20 – 30 in the pipeline,” as set forth in Evidentiary Hearing  
26 Exhibit 14, p. 0056.

27 **RESPONSE TO REQUEST NO. 128:**

1 Responding party objects to this Document Request because; individually, and in aggregate  
 2 with the other requests made herein and previously propounded, this request fails to meet the  
 3 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
 4 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
 5 contained herein and previously propounded; it seeks documents that are already in requesting  
 6 party's possession or equally accessible to the requesting party; it seeks information protected by the  
 7 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
 8 documents that are not relevant to this issues presented; and it purports to require responding party to  
 9 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
 10 information that is privileged or protected by rights of privacy regarding financial information and  
 11 tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 128:**

13 Subject to and without waiving the previously asserted objections, Responding Party will  
 14 produce all non-privileged documents that are responsive to this request.

15 **SECOND SUPPLEMENTAL RESPONSE NO. 128:**

16 *See* A-001426-001431, A-001918-006138, A-006139-008763, A-013352-015269, A-010330-  
 17 010417.

18 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 128:**

19 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
 20 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
 21 a singular party making representations in propounding these requests.

22 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
 23 supplements its prior response as follows: *see* A-002732; A-002734-002738; A-002778-002784; A-  
 24 002872-002875; A-002880-002884; A-007093-007094; A-002732-002732; A-002734-002738; A-  
 25 002778-002784; A-002872-002875; A-002880-002884; A-007093-007094; A-021975-021975; A-  
 26 022025-022025; A-022567-022567; A-026001-026004; A-026075; A-026076-026089; A-026201-  
 27 026202; A-026205; A-026206-026207; A-026209-026214; A-026219-026234; A-026236-026240;  
 28

1 A-026243-026277; A-026281-026325; A-026336-026344.

2 **REQUEST FOR PRODUCTION NO. 129:**

3 Please provide copies of all documents which relate to representations made to Front Sight  
4 that USCIS would not allow Front Sight to be an owner of EB5IC because USCIS would look  
5 unfavorably on a developer owning a regional center, as alleged in Paragraph 43 of the Second  
6 Amended Complaint.

7 **RESPONSE TO REQUEST NO. 129:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting  
13 party's possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 129:**

20 Subject to and without waiving the previously asserted objections, Responding Party asserts  
21 that no responsive documents exist because no representation was made that Front Sight could not  
22 own a regional center.

23 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 129:**

24 LVD Fund further objects to this request to the extent it implies that LVD Fund made the  
25 representation identified to Front Sight. Front Sight has intentionally conflated the EB5 Parties into  
26 a singular party making representations in propounding these requests.

27 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
28

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1 supplements its prior response as follows: the following documents belie Front Sight’s claim that the  
2 EB5 Parties represented that Front Sight could not own a regional center and demonstrate that the  
3 EB5 Parties actually offered to sell the regional center to Front Sight. See A-000462-000465; A-  
4 001373-001376; A-003181-003193; A-007396-007408.

5 **REQUEST FOR PRODUCTION NO. 130:**

6 Please provide copies of all documents which support the representations made to Front  
7 Sight that “we are legally and ethically bound by confidentiality restrictions in all of our contracts  
8 with our Chinese agents (and all others) not to disclose the terms thereof. The EB-5 business is  
9 highly and increasingly competitive, and the agents absolutely will not tolerate the disclosure of the  
10 terms of their compensation,” as set forth in Evidentiary Hearing Exhibit 16, p. 0065.

11 **RESPONSE TO REQUEST NO. 130:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 ///

24 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 130:**

25 Subject to and without waiving the previously asserted objections, Responding Party will  
26 produce all non-privileged documents that are responsive to this request.

27 **[SECOND] SUPPLEMENTAL RESPONSE TO REQUEST NO. 130:**

28





**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 131:**

LVD Fund supplements its prior response as follows: *see also* A000160-000161; A-001069-001071; A-021531-021532.

**REQUEST FOR PRODUCTION NO. 132:**

Please provide copies of all documents which support, refute, or relate to each and every Affirmative Defense you raised in Defendants’ Answer to the Second Amended Complaint.

**RESPONSE TO REQUEST NO. 132:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 132:**

Subject to and without waiving the previously asserted objections, Responding Party will produce all non-privileged documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 132:**

*See* A-00001-020816.

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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 132:**

LVD Fund objects to this request as overly broad and unduly burdensome as Front Sight

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1 does not specify which affirmative defense or affirmative defenses this request relates to. Based on  
2 the foregoing objections, LVD Fund can only assume that this request relates to *all* defenses it may  
3 have to Front Sight’s claims.

4 LVD Fund further objects to this request as seeking the production of documents that are in  
5 the custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight  
6 has not produced all documents in response to LVD Fund’s Requests for Production of Documents,  
7 LVD Fund specifically reserves the right to supplement this response to identify those documents  
8 subsequently produced by Front Sight that are responsive to this request.

9 Subject to, and based on the foregoing objection, LVD Fund responds as follows: *see* A-  
10 000006-000012; A-000018-000036; A-000037-000338; A-000341-000359; A-000417-000461; A-  
11 000483; A-000485; A-000495-000500; A-000514-000548; A-000881-000892; A-000901-000903;  
12 A-000928-001248; A-001252-001270; A-001395; A-001397; A-001407-001417; A-001421-  
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**FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 132:**

*See also A-030303-030338.*

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2 **REQUEST FOR PRODUCTION NO. 133:**

3 Please provide copies of all documents which support, refute, or in any way relate to your  
4 Counterclaims.

5 **RESPONSE TO REQUEST NO. 133:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting  
11 party's possession or equally accessible to the requesting party; it seeks information protected by the  
12 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
13 documents that are not relevant to this issues presented; and it purports to require responding party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is privileged or protected by rights of privacy regarding financial information and  
16 tax records of responding party and/or third parties.

17 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 133:**

18 Subject to and without waiving the previously asserted objections, Responding Party will  
19 produce all non-privileged documents that are responsive to this request.

20 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 133:**

21 *See* A-00001-020816.

22 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 133:**

23 LVD Fund objects to this request as overly broad and unduly burdensome as this Front Sight  
24 does not specify which counterclaim and/or parties this request relates to. Based on the foregoing  
25 objections, LVD Fund can only assume that this request relates to *all* counterclaims it has against *all*  
26 parties.

27 Subject to and based on the foregoing objections, LVD Fund supplements its response as  
28

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1 follows: *see* A-000006-000012; A-000018-000338; A-000341-000359; A-000417-000473; A-  
2 000483; A-000485; A-000495-000500; A-000514-000548; A-000881-000892; A-000901-000903;  
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5 028527; A-028544-028551; A-028574-028576; A-028602-028606; A-028613; A-028634-028637;  
6 A-028641-028647; A-028660-028661; A-024907-024910; A-028662-028678; A-028682-028706;  
7 A-028771-028787; A-028790-028804; A-028840-028841; A-029141; A-029143-029208; A-  
8 029341-029343; A-029441-029444; A-028965; A-028968-028969; A-028972-028980; A-028984-  
9 028987; A-028991-028994; A-028997-029000; A-029503-029504; A-029531-029568; A-029758-  
10 029760; A-029766; A-029585; A-029767; A-029770-029772; A-029789-029790; A-029800-  
11 030219.

12 **REQUEST FOR PRODUCTION NO. 134:**

13 Please provide copies of all documents which show or relate to each and every payment  
14 and/or transfer of money or property made by Plaintiff to you from 2012 to the present, including  
15 documents that show where or how that money or property was used after you received it.

16 **RESPONSE TO REQUEST NO. 134:**

17 Responding party objects to this Document Request because; individually, and in aggregate  
18 with the other requests made herein and previously propounded, this request fails to meet the  
19 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
20 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained  
21 herein and previously propounded; it seeks documents that are already in requesting party's possession  
22 or equally accessible to the requesting party; it seeks information protected by the attorney-client  
23 privilege and/or attorney work product doctrine; it calls for the production of documents that are not  
24 relevant to this issues presented; and it purports to require responding party to disclose information  
25 that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged  
26 or protected by rights of privacy regarding financial information and tax records of responding party  
27 and/or third parties.  
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1 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 134:**

2 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
3 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
4 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
5 Therefore, LVD Fund will not respond to this request.

6 ///

7 **REQUEST FOR PRODUCTION NO. 135:**

8 Please provide copies of all documents which show or relate to each and every payment  
9 and/or transfer of money or property made by you to any other Defendant in this matter, or entity  
10 controlled by any other Defendant in this matter, from 2012 to the present. This includes, but is not  
11 limited to, documentation related to any reimbursement, salary, or equity distribution from you to  
12 any other Defendant in this matter, or entity controlled by any other Defendant or entity in this  
13 matter.

14 **RESPONSE TO REQUEST NO. 135:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose

24 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 135:**

25 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
26 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
27 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
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1 Therefore, LVD Fund will not respond to this request.

2 **REQUEST FOR PRODUCTION NO. 136:**

3 Please provide copies of all documents which show or relate to each and every financial  
4 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to  
5 the present.

6 ///

7 ///

8 **RESPONSE TO REQUEST NO. 136:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party's possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 ///

21 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 136:**

22 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
23 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
24 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.

25 Therefore, LVD Fund will not respond to this request.

26 **REQUEST FOR PRODUCTION NO. 137:**

27 Please provide copies of all documents which show or relate to each and every financial  
28

1 transaction and/or transfer of money or property made to you by any other Defendant from 2012 to  
2 the present.

3 **RESPONSE TO REQUEST NO. 137:**

4 Responding party objects to this Document Request because; individually, and in aggregate  
5 with the other requests made herein and previously propounded, this request fails to meet the  
6 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
7 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
8 contained herein and previously propounded; it seeks documents that are already in requesting  
9 party's possession or equally accessible to the requesting party; it seeks information protected by the  
10 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
11 documents that are not relevant to this issues presented; and it purports to require responding party to  
12 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is privileged or protected by rights of privacy regarding financial information and  
14 tax records of responding party and/or third parties.

15 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 137:**

16 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
17 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
18 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
19 Therefore, LVD Fund will not respond to this request.

20 **REQUEST FOR PRODUCTION NO. 138:**

21 Please provide copies of all documents which support, refute, or in any way relate to each  
22 and every payment and/or transfer of money or property made to you by any foreign or immigrant  
23 investor from 2012 to the present.

24 **RESPONSE TO REQUEST NO. 138:**

25 Responding party objects to this Document Request because; individually, and in aggregate  
26 with the other requests made herein and previously propounded, this request fails to meet the  
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
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1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party to  
6 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 ///

10 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 138:**

11 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order  
12 Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery  
13 of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to  
14 conduct discovery as to the investors. Therefore, LVD Fund will not respond to this request.

15 **REQUEST FOR PRODUCTION NO. 139:**

16 Please provide copies of all documents which identify or contain the details of each and  
17 every EB-5 investor and/or investment transaction related to the Front Sight project, including but  
18 not limited to the identity of the person or entity involved, the address of the person or entity  
19 investing, the country of origin of the person or entity investing, the contact information for the  
20 agent of the EB-5 investor, the date of the transaction, the amount of the investment, the source of  
21 the funds for the investment, the current immigration status of the EB-5 investor, and the current  
22 status of the investment.

23 **RESPONSE TO REQUEST NO. 139:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
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1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

8 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 139:**

9 *See* A-015270-018192.

10 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 139:**

11 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order  
12 Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery  
13 of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to  
14 conduct discovery as to the investors. Therefore, LVD Fund will not respond to this request.

15 **REQUEST FOR PRODUCTION NO. 140:**

16 Please provide copies of all documents which demonstrate each and every representation you  
17 have made to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5  
18 investor, including representations prior to investment and updates since investment.

19 **RESPONSE TO REQUEST NO. 140:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting  
25 party's possession or equally accessible to the requesting party; it seeks information protected by the  
26 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
27 documents that are not relevant to this issues presented; and it purports to require responding party to  
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1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is privileged or protected by rights of privacy regarding financial information and  
3 tax records of responding party and/or third parties.

4 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 140:**

5 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order  
6 Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery  
7 of Consultants’ and Individual investors’ Confidential Information, Front Sight is not entitled to  
8 conduct discovery as to the investors. Therefore, to the extent this request seeks communications  
9 with investors, LVD Fund will not respond to that portion of the request. In addition, to the extent  
10 this request seeks communications with foreign placement agents referencing or regarding potential,  
11 prospective, or actual EB-5 investors, LVD Fund will only provide redacted communications,  
12 protecting the information subject to the Court’s Protective Order.

13 LVD Fund further objects to this request to the extent it implies that LVD Fund made  
14 representations to potential EB-5 investors. Front Sight has intentionally conflated the EB5 Parties  
15 into a singular party making representations in propounding these requests.

16 Subject to, and based on the foregoing objections, LVD Fund responds as follows: *see* A-  
17 000339-000340; A-000474-000482; A-000489-000492; A-000495-00498; A-000550-000694; A-  
18 001249-001250; A-001385-001394; A-001448-001459; A-001461; A-001619; A-001955-001956;  
19 A-002024-002030; A-002032-002038; A-002041 -002099; A-002105; A-002108-002110; A-  
20 002114-002115; A-002122-002128; A-002162-002164; A-002181; A-002187; A-002210-002226;  
21 A-002234-002268; A-002321-002328; A-002332-002356; A-002368-002383; A-002432; A-  
22 002437; A-002563-002568; A-002573-002574; A-002591-002593; A-002614-002616; A-002619-  
23 002624; A-002626-002630; A-002634-002642; A-002649A-002658; A-002661-002664; A-002681-  
24 002682; A-002785-002795; A-002804-002809; A-002858; A-02864-002867; A-002870-002871; A-  
25 002879; A-002921-002921; A-002930-002931; A-002975; A-002979; A-002988-002990; A-  
26 003076-003091; A-003101; A-003104-003110; A-003113-003114; A-003135-003138; A-003142-  
27 003148; A-003152-003157; A-003160-003165; A-003283-003284; A-003407-003408; A-003458-  
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1 003460; A-004247; A-004917-004926; A-004935-004937; A-005011-005012; A-005414-005418;  
2 A-005647-005649; A-005861-005935; A-006744-006746; A-006760-006761; A-006763-006764;  
3 A-006772-006777; A-006827-006865; A-006887-006902; A-006925; A-006966; A-007026; A-  
4 007034-007038; A-007049-007057; A-007059-007061; A-007063-007088; A-007091;A-007173-  
5 007176; A-007446-007450; A-007468-007469; A-007535-007537; A-007594-007600; A-007606-  
6 007607; A-007610; A-007613; A-007642-007644; A-007654-007656; A-007744-007746; A-  
7 008187-008191; A-008192-008193; A-008200-008201; A-008227-008229; A-008230-008235; A-  
8 008239-008244; A-008245-008249; A-008316-008318; A-008320-008325; A-008327-008330; A-  
9 008332-008333; A-008339; A-008344; A-008353; A-008360-008371; A-008375-008387; A-  
10 008413-008414; A-008455-008456; A-008601; A-008604-008607; A-008613-008616; A-008627-  
11 008628; A-008632; 008633; A-008664-008691; A-009085-009086; A-009088; A-010418-010454;  
12 A-019417-019453.

13 **REQUEST FOR PRODUCTION NO. 141:**

14 Please provide copies of all documents which support or relate to each and every  
15 representation you have made to the USCIS regarding the loan at issue in this case, including any  
16 and all documents provided to USCIS at any time.

17 **RESPONSE TO REQUEST NO. 141:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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tax records of responding party and/or third parties

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 141:**

LVD Fund supplements its prior relevance objection to clarify that this request seeks information which is neither relevant to the claims at issue in this action nor is this request reasonably calculated to lead to the discovery of admissible evidence. Specifically, what representations (if any) LVD Fund made to USCIS regarding the loan at issue in this case will not help the parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting over 6 million dollars in loan proceeds from LVD Fund or whether Front Sight breached its obligations under the CLA.

Subject to and without waiver of the foregoing objection, LVD Fund responds that it did not correspond with USCIS and therefore has no documents to identify or produce in response to this request.

**REQUEST FOR PRODUCTION NO. 142:**

Please provide copies of all documents you have received from the USCIS regarding the Front Sight Project.

**RESPONSE TO REQUEST NO. 142:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party's possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

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1 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 142:**

2 LVD Fund supplements its prior relevance objection to clarify that this request seeks  
3 information which is neither relevant to the claims at issue in this action nor is this request  
4 reasonably calculated to lead to the discovery of admissible evidence. Specifically, what  
5 representations (if any) LVD Fund made to USCIS regarding the loan at issue in this case will not  
6 help the parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into  
7 accepting over 6 million dollars in loan proceeds from LVD Fund or whether Front Sight breached  
8 its obligations under the CLA.

9 Subject to and without waiver of the foregoing objection, LVD Fund responds that it did not  
10 correspond with USCIS and therefore has no documents to identify or produce in response to this  
11 request.

12 ///

13 ///

14 **REQUEST FOR PRODUCTION NO. 143:**

15 Please provide copies of all documents provided to you by Plaintiff or any representative of  
16 Plaintiff at any time between 2012 and the present.

17 **RESPONSE TO REQUEST NO. 143:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 143:**

3 Subject to and without waiving the previously asserted objections, Responding Party will  
4 produce all non-privileged documents that are responsive to this request.

5 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 143:**

6 All responsive documents have been produced and are identified in response to specific  
7 document demands.

8 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 143:**

9 Pursuant to the parties' recent meet and confer efforts on Front Sight's related  
10 interrogatories, LVD Fund understands that in propounding this request, Front Sight did not intend  
11 to seek the production and identification of every communication and/or document exchanged  
12 between LVD Fund and Front Sight, or anyone on behalf of LVD Fund and/or Front Sight. Based  
13 upon that understanding, LVD Fund states that no supplemental response to this request is necessary.

14 **REQUEST FOR PRODUCTION NO. 144:**

15 Please provide a copy of all of the documents you received in the 23-lb. box of documents  
16 received from Front Sight by FedEx on or about June 20, 2018.

17 **RESPONSE TO REQUEST NO. 144:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 144:**

3 Responding Party will produce all documents that are responsive to this request.

4 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 144:**

5 *See* A-00119-00701.

6 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 144:**

7 LVD Fund states that no supplemental response to this request is necessary.

8 **REQUEST FOR PRODUCTION NO. 145:**

9 Please produce a copy of Exhibit A (entitled “Budget”) to the Construction Loan Agreement  
10 dated October 6, 2016.

11 **RESPONSE TO REQUEST NO. 145:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 145:**

24 Responding Party will produce all responsive documents that are responsive to this request.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 145:**

26 After a diligent search Responding Party has been unable to locate a copy of the Construction  
27 Loan Agreement with Exhibits attached.  
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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 145:**

LVD Fund states that it has no responsive documents to this request. LVD Fund has requested responsive documents from the attorney who handled the drafting of the Construction Loan Agreement and produce the same upon receipt.

**FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 145:**

*See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

**REQUEST FOR PRODUCTION NO. 146:**

Please produce a copy of Exhibit B (entitled “Draw Request”) to the Construction Loan Agreement dated October 6, 2016.

**RESPONSE TO REQUEST NO. 146:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 146:**

Responding Party will produce all documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 146:**

After a diligent search Responding Party has been unable to locate a copy of the Construction Loan Agreement with Exhibits attached.

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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 146:**

LVD Fund states that it has no responsive documents to this request. LVD Fund has requested responsive documents from the attorney who handled the drafting of the Construction Loan Agreement and produce the same upon receipt.

**FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 146:**

*See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

**REQUEST FOR PRODUCTION NO. 147:**

Produce a copy of Exhibit C (entitled “Draw Request Certificate”) to the Construction Loan Agreement dated October 6, 2016.

**RESPONSE TO REQUEST NO. 147:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 147:**

Responding Party will produce all documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 147:**

After a diligent search Responding Party has been unable to locate a copy of the Construction Loan Agreement with Exhibits attached.

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1 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 147:**

2 LVD Fund states that it has no responsive documents to this request. LVD Fund has  
3 requested responsive documents from the attorney who handled the drafting of the Construction  
4 Loan Agreement and produce the same upon receipt.

5 **FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 147:**

6 *See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

7 **REQUEST FOR PRODUCTION NO. 148:**

8 Please produce a copy of Exhibit D (entitled “Legal Description”) to the Construction Loan  
9 Agreement dated October 6, 2016.

10 **RESPONSE TO REQUEST NO. 148:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting  
16 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 148:**

23 Responding Party will produce all documents that are responsive to this request.

24 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 148:**

25 After a diligent search Responding Party has been unable to locate a copy of the Construction  
26 Loan Agreement with Exhibits attached.

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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 148:**

LVD Fund states that it has no responsive documents to this request. LVD Fund has requested responsive documents from the attorney who handled the drafting of the Construction Loan Agreement and produce the same upon receipt.

**FOURTH SUPPLEMENTAL REPONSE TO REQUEST NO. 148:**

*See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

**REQUEST FOR PRODUCTION NO. 149:**

Please produce a copy of Exhibit E (entitled “Estimated Construction Cost Statement”) to the Construction Loan Agreement dated October 6, 2016.

**RESPONSE TO REQUEST NO. 149:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 149:**

Responding Party will produce all documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUET NO. 149:**

After a diligent search Responding Party has been unable to locate a copy of the Construction Loan Agreement with Exhibits attached.

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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 149:**

LVD Fund states that it has no responsive documents to this request. LVD Fund has requested responsive documents from the attorney who handled the drafting of the Construction Loan Agreement and produce the same upon receipt.

**FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 149:**

*See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

**REQUEST FOR PRODUCTION NO. 150:**

Please produce a copy of Exhibit F (entitled “Improvements”) to the Construction Loan Agreement dated October 6, 2016.

**RESPONSE TO REQUEST NO. 150:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

///

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**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 150:**

Responding Party will produce all documents that are responsive to this request.

**SECOND SUPPLEMENTAL RESPONSE TO REQUUST NO. 150:**

After a diligent search Responding Party has been unable to locate a copy of the Construction

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1 Loan Agreement with Exhibits attached.

2 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 150:**

3 LVD Fund states that it has no responsive documents to this request. LVD Fund has  
4 requested responsive documents from the attorney who handled the drafting of the Construction  
5 Loan Agreement and produce the same upon receipt.

6 **FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 150:**

7 *See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

8 **REQUEST FOR PRODUCTION NO. 151:**

9 Please produce a copy of Exhibit G (entitled “Ownership and Control”) to the Construction  
10 Loan Agreement dated October 6, 2016.

11 **RESPONSE TO REQUEST NO. 151:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 151:**

24 Responding Party will produce all documents that are responsive to this request.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 151:**

26 After a diligent search Responding Party has been unable to locate a copy of the Construction  
27 Loan Agreement with Exhibits attached.

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**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 151:**

LVD Fund states that it has no responsive documents to this request. LVD Fund has requested responsive documents from the attorney who handled the drafting of the Construction Loan Agreement and produce the same upon receipt.

**FOURTH SUPPLEMENTAL REPSONSE TO REQUEST NO. 151:**

*See A-030231-030233; A-030234-30298; A-030299-30300; A-30301.*

**REQUEST FOR PRODUCTION NO. 152:**

Please produce a copy of the Note, as defined on page 1 of the document entitled Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture Filing (recorded on October 13, 2016, as Document #860867 in the Nye County Official Records).

**RESPONSE TO REQUEST NO. 152:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party's possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 152:**

Responding Party will search for the requested document and produce it if the document if it exists.

**SECOND SUPPLEMENTAL RESPONSE NO. 152:**

*See A-00006-00012, A-001752-001763.*

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1 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 152:**

2 LVD Fund states that no supplemental response to this request is necessary.

3 **REQUEST FOR PRODUCTION NO. 153:**

4 Please produce a copy of the eight binders of documents described as “EB-5 Documents”  
5 you received as set forth in Evidentiary Hearing Exhibit 20, July 30, 2018 Correspondence from Las  
6 Vegas Development Fund LLC to Ignatius Piazza regarding Notice of Multiple Defaults, etc., Bates-  
7 labeled 0079-0085.

8 **RESPONSE TO REQUEST NO. 153:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 153:**

21 Responding Party will produce the requested documents.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 153:**

23 *See* A-00119-00701.

24 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 153:**

25 LVD Fund states that no supplemental response to this request is necessary.

26 **REQUEST FOR PRODUCTION NO. 154:**

27 Please produce a copy of all documents, writings, and/or communications that were authored  
28

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1 by, sent or received by, and/or in possession or control of LVDF, that discuss, memorialize, and/or  
2 mention the formation of, or the terms and conditions of, the CLA and other Loan Documents (as  
3 defined in the CLA).

4 **RESPONSE TO REQUEST NO. 154:**

5 Responding party objects to this Document Request because; individually, and in aggregate  
6 with the other requests made herein and previously propounded, this request fails to meet the  
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
9 contained herein and previously propounded; it seeks documents that are already in requesting  
10 party's possession or equally accessible to the requesting party; it seeks information protected by the  
11 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
12 documents that are not relevant to this issues presented; and it purports to require responding party to  
13 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
14 information that is privileged or protected by rights of privacy regarding financial information and  
15 tax records of responding party and/or third parties.

16 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 154:**

17 LVD Fund supplements its prior relevance objection to clarify that this request seeks  
18 information which is neither relevant to the claims at issue in this action nor is this request  
19 reasonably calculated to lead to the discovery of admissible evidence. Specifically, what  
20 representations (if any) LVD Fund made to USCIS regarding the loan in this case will not help the  
21 parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting  
22 over 6 million dollars in loan proceeds from LVD Fund or whether Front Sight breached its  
23 obligations under the CLA.

24 LVD Fund further objects to this request to the extent that it seeks documents and/or  
25 communications protected by the attorney-client privilege and/or work product doctrine. Front Sight  
26 has not produced all communications with its counsel that discuss, memorialize, and/or mention the  
27 formation of, terms and/or conditions of the CLA or other loan documents. Nor has Front Sight  
28

1 provided a privilege log listing the same. Therefore, in responding to this request, LVD Fund  
2 presumes that Front Sight is similarly not seeking LVD Fund’s privileged information such that a  
3 privilege log is required.

4 Subject to and based on the foregoing objections, LVD Fund responds as follows: *see* A-  
5 000006-000017; A-000360-000416; A-000424-000461; A-000695-000701; A-000887; A-000890-  
6 000892; A-000905; A-000923-000927; A-000948-000949; A-001271-001327; A-001335-001372;  
7 A-001418-001420; A-001426-001438; A-002442-002444; A-002451-002496; A-002497-002499;  
8 A-002501-002506; A-002507-002509; A-002510-002513; A-002534-002541; A-002544-002562;  
9 A-002569-002572; A-002610-002613; A-002617-002618; A-002660; A-002674-002680; A-  
10 002683-002696; A-002697-002702; A-002965-002966; A-002703-002726; A-002733-002738; A-  
11 002872-002875; A-002880-002891; A-002899-002903; A-002922-002929; A-002932-002962; A-  
12 002967-002987; A-003111-003112; A-003181-003186; A-003194-003195; A-003199-003222; A-  
13 003226; A-003258-003259; A-003261-003263; A-003274-003275; A-003279-003281; A-003285-  
14 003310; A-003313-003326; A-003355-003360; A-003371-003392; A-003415-003416; A-003419;  
15 A-003452-003453; A-003503-003526; A-003528-003543; A-003544-003547; A-003548-003573;  
16 A-003576-003577; A-003593-003595; A-003624-003654; A-003658-003705; A-003707-003713;  
17 A-003716-003719; A-003725-003730; A-003741-003763; A-003769-003772; A-003785-003793;  
18 A-003858-003866; A-003900-003902; A-003988-003990; A-004517-004521; A-004582-004584;  
19 A-004592-004594; A-004596-004596; A-004604-004607; A-004647-004648; A-005065-005066;  
20 A-005071-005075; A-005080-005081; A-005103-005114; A-005120; A-005129-005141; A-  
21 005147-005149; A-005156-005158; A-005161-005162; A-005170-005180; A-005547-005554; A-  
22 005572-005574; A-005591-005593; A-005609; A-005620-005624; A-005630-005631; A-005700-  
23 005702; A-005760-005763; A-005775-005776; A-005778-005779; A-005780-005784; A-005791-  
24 005795; A-005834-005849; A-005856-005857; A-005875-005887; A-005889-005895; A-005951;  
25 A-005956-005964; A-005966-005968; A-005970-005973; A-005975-005979; A-005982-005988;  
26 A-005991-006000; A-006013; A-006115-006117; A-006131-006132; A-006969-006970; A-  
27 006972-006977; A-006980-006998; A-007003-007004; A-007016-007024; A-007027; A-007060-  
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1 007061; A-007092-007094; A-007173-007176; A-007185-007191; A-007195-007199; A-007215-  
2 007252; A-007257-007273; A-007287-007292; A-007396-007401; A-007427-007428; A-007442-  
3 007444; A-007446-007450; A-007452; A-007455-007483; A-007490-007493; A-007505-007529;  
4 A-007572-007574; A-007585-007640; A-007619-007622; A-007673-007674; A-007709-007718;  
5 A-007645-007653; A-007657-007743; A-007747-007820; A-007728-007737; A-007829-007834;  
6 A-007841-007847; A-007850-007871; A-007884-007912; A-007914-007961; A-007963-007966;  
7 A-007969-007978; A-007979-007983; A-007980-007983; A-007984-007985; A-007986-008006;  
8 A-008007-008032; A-008033-008036; A-008037-008048; A-008049; A-008050-008064; A-  
9 008074-008075; A-008107-008113; A-008116-008123; A-008125-008146; A-008153-008157; A-  
10 008158-008174; A-008182-008184; A-008204-008226; A-008265-008266; A-008565; A-008583-  
11 008584; A-008585; A-008602-008603; A-008624-008626; A-008636-008637; A-008639-008653;  
12 A-010221-010222; A-015225; A-019464-019472; A-019613-019614; A-019632-019636; A-  
13 019638-019654; A-019657-019659; A-019661-019690; A-019696-019735; A-019738; A-019755-  
14 019768; A-019775-019786; A-019795-019803; A-019813-019837; A-019859-019865; A-019881;  
15 A-019891-019895; A-019911-019913; A-019922-019923; A-019930-019931; A-019249-019252;  
16 A-019922-019923; A-019959-019961; A-019962-019963; A-019964-019976; A-019979-019993;  
17 A-019994; A-019999-020006; A-020166-020183; A-020189-020202; A-020208-020224; A-  
18 020230-020266; A-020282-020286; A-020300-020302; A-020304-020312; A-020379; A-020630-  
19 020632; A-021872-021876; A-027300; A-027989-028059; A-028129-028130; A-028133-028135;  
20 A-028165-028171; A-028175-028179; A-028185-028190; A-028196-028216; A-028222; A-  
21 028313-028323; A-028413-028419; A-028434-028446; A-028453-028459; A-028461-028473; A-  
22 028481-028573; A-028578-028590; A-028592-028601; A-028607-028612; A-028614-028623; A-  
23 028648-028652; A-028679-028681; A-028686-028695; A-028711-028713; A-028714-028770; A-  
24 028842-028848; A-028776-028787; A-028790-028804; A-028834-028835; A-028839; A-028842-  
25 028848; A-028854-028856; A-028963-028965; A-028968-028971; A-028984-028996; A-028999-  
26 029001; A-029003-029006; A-029091-029096; A-029098-029100; A-029131-029137; A-029699-  
27 029712.  
28



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2 **SECOND SUPPLEMENTAL REPSONSE TO REQUEST NO. 145:**

3 *See also* A-030225-30227; A-030228-30230; A-030231-030233; A-030234-30298; A-  
4 030299-30300; A-30301.

5 **REQUEST FOR PRODUCTION NO. 155:**

6 Please produce a copy of all documents, writings, and/or communications that discuss,  
7 memorialize, and/or mention the loan disbursements that LVDF made to Front Sight pursuant to the  
8 CLA and/or other Loan Documents.

9 **RESPONSE TO REQUEST NO. 155**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party's possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 155:**

22 LVD Fund supplements its prior response as follows: *see* A-000212-000213; A-000541-  
23 000548; A-000881-000892; A-000901-000903; A-000948-000949; A-001076-001079; A-001122-  
24 001123; A-003285-003287; A-003338-003340; A-003343-003345; A-003355-003392; A-003394-  
25 003395; A-003397-003408; A-003419; A-003480-003481; A-003487-003497; A-003503-003505;  
26 A-003506-003516; A-003518-003521; A-003528-003539; A-003541-003551; A-003564-003565;  
27 A-003684-003692; A-003708-003719; A-003725-003730; A-003741-003753; A-003773-003778;  
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1 A-003785-003857; A-003866-004104; A-004129-004165; A-004193-004197; A-004243 -004246;  
2 A-004248; A-004430-004432; A-004434-004439; A-004590-004594; A-004596-004607; A-  
3 004625-004628; A-004642; A-004646-004650; A-004665; A-004687-004688; A-004693-004704;  
4 A-004713-004716; A-005139-005141; A-005147-005149; A-005156-005158; A-005164-005166;  
5 A-005203-005205; A-005215-005217; A-005224-005227; A-005250-005252; A-005330-005336;  
6 A-005343-005353; A-005361-005413; A-005521-005564; A-005785; A-005788-005790; A-  
7 005793-005795; A-005800; A-005803-005807; A-005834-005841; A-005845-005847; A-005853-  
8 005854; A-005975-005979; A-005982-005988; A-005991-006006; A-006013-006014; A-006032-  
9 006039; A-006058-006061; A-006115-006117; A-006130-006132; A-007004; A-007013-007014;  
10 A-007016-007024; A-007418-007421; A-007446-007450; A-007452-007461; A-007463-007467;  
11 A-007490-007534; A-007539-007545; A-007548; A-007550-007552; A-007560-007566; A-  
12 007583-007584; A-007593-007607; A-007610-007613; A-007619-007637; A-007728-007737; A-  
13 007786-007787; A-007809-007811; A-007816-007828; A-007848-007849; A-007877-007891; A-  
14 007908-007912; A-007914-007926; A-007929-007935; A-007951-007958; A-007969-007978; A-  
15 008087-008091; A-008092-008101; A-008124; A-008179-008180; A-008227-008229; A-008236-  
16 008238; A-008257-008259; A-008265-008266; A-008268-008270; A-008287-008290; A-008319;  
17 A-008621-008622; A-008624-008626; A-008645-008649; A-008654-008661; A-008666-008670;  
18 A-008673-008679; A-008684-008685; A-008692-008694; A-008711-008716; A-008719-008722;  
19 A-008726-008749; A-019604-019607; A-019632-019636; A-019638; A-019649-019654; A-  
20 019657-019659; A-019661-019666; A-019771-019772; A-019775-019779; A-019820-019825; A-  
21 019848-019865; A-019873-019880; A-019891-019893; A-019896-019898; A-019957-019958; A-  
22 019967-019967; A-019968-019971; A-019972-019974; A-019977-019978; A-019979-019981; A-  
23 019986-019989; A-019995-019998; A-020287-020294; A-020356-020363; A-028209-028216; A-  
24 028313-028322; A-028429-028433; A-028443-028446; A-028602-028606; A-028662-028678; A-  
25 028771-028787; A-028790-028804; A-028984-028987; A-028991-028994; A-028997-029000; A-  
26 029141; A-029503-029504; A-029555-029568; A-029585; A-029758; A-029770.

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1 **REQUEST FOR PRODUCTION NO. 156:**

2 Please produce a copy of all documents, writings, and/or communications that discuss,  
3 memorialize, and/or mention the loan payments that Front Sight made to LVDF pursuant to the CLA  
4 and/or other Loan Documents.

5 **RESPONSE TO REQUEST NO. 156:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting  
11 party's possession or equally accessible to the requesting party; it seeks information protected by the  
12 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
13 documents that are not relevant to this issues presented; and it purports to require responding party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is privileged or protected by rights of privacy regarding financial information and  
16 tax records of responding party and/or third parties.

17 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 156:**

18 LVD Fund supplements its prior relevance objection to clarify that this request seeks  
19 information which is neither relevant to the claims at issue in this action nor is this request  
20 reasonably calculated to lead to the discovery of admissible evidence. Specifically, the parties do  
21 not dispute the amount of money that was disbursed from LVD Fund to Front Sight pursuant to the  
22 CLA or the dates of such disbursements. Asking LVD Fund to identify the same will not help the  
23 parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting  
24 over 6 million dollars in loan proceeds from LVD Fund or help the parties determine whether Front  
25 Sight breached its obligations under the CLA.

26 LVD Fund further objects to this request as vague and ambiguous, and unduly burdensome.  
27 Because Front Sight is in possession of documents that would reflect the interest payments that Front  
28

1 Sight made to LVD Fund pursuant to the CLA, this request appears to be intended solely to harass  
2 LVD Fund.

3 Subject to and without waiver of the foregoing objections, *see* A-000484; A-000485; A-  
4 001244-001246; A-001396; A-004767; A-004779; A-004780; A-004802; A-004881; A-005021-  
5 005022; A-005025; A-005026; A-005609; A-005801-005802; A-008196; A-008202-008203; A-  
6 008204-008208; A-008209-008212; A-008213-008217; A-008218-008222; A-008223-008226; A-  
7 008260-008264; A-008331; A-008334-008335; A-008359; A-008389; A-008460; A-008594-  
8 008596; A-021942; A-029531-029532; A-029759; A-029766-029767; A-029771-029772.

9 **REQUEST FOR PRODUCTION NO. 157:**

10 Please produce a copy of all documents, writings, and/or communications that LVDF used to  
11 calculate, support, or otherwise establish the amount of \$345,787.24 allegedly owed to LVDF as  
12 stated in the document entitled Notice of Breach, Default and Election to Sell Under Deed of Trust  
13 (recorded on Jan. 18, 2019, as Document #905512 in the Nye County Official Records).

14 **RESPONSE TO REQUEST NO. 157:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 157:**

27 Responding Party will produce additional non-privileged documents that are responsive to  
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1 this request.

2 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 157:**

3 Responding party refers Front Sight to the monthly notices it received that itemized the  
4 accrued interest each month and further responds that Responding party does not have any other  
5 documents that are responsive to this demand that are not privileged (i.e., attorney invoices).

6 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 157:**

7 LVD Fund amends and supplements its prior response as follows: *see* A-000719-836; A-  
8 021629-21647; A-021721-21746; A-021925; A-030220-30224.

9 **REQUEST FOR PRODUCTION NO. 158:**

10 Please produce a copy of all documents, writings, and/or communications showing the names  
11 and other demographical information pertaining to LVDF’s Class B Members, as defined in LVDF’s  
12 Operating Agreement dated March 26, 2014, and including but not limited to the identity of the  
13 Class B Members, the address of the Class B Member, the country of origin of the Class B Member,  
14 the contact information for the agent of the Class B Member, the date of the transaction, the amount  
15 of the investment, the source of the funds for the investment, the current immigration status of the  
16 Class B Member, and the current status of the investment.

17 **RESPONSE TO REQUEST NO. 158:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 158:**

3 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order  
4 Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery  
5 of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to  
6 conduct discovery as to the investors (and Class B Members). Therefore, LVD Fund will not  
7 respond to this request.

8 **REQUEST FOR PRODUCTION NO. 159:**

9 Please produce a copy of all documents, writings, and/or communications showing the names  
10 and other demographical information pertaining to LVDF’s distributions and investment returns  
11 made to its Class B Members, as defined in LVDF’s Operating Agreement dated March 26, 2014.

12 **RESPONSE TO REQUEST NO. 159:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting  
18 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
19 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
20 documents that are not relevant to this issues presented; and it purports to require responding party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is privileged or protected by rights of privacy regarding financial information and  
23 tax records of responding party and/or third parties.

24 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 159:**

25 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order  
26 Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery  
27 of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to  
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1 conduct discovery as to the investors (and Class B Members). Therefore, LVD Fund will not  
2 respond to this request.

3 **REQUEST FOR PRODUCTION NO. 160:**

4 Please produce a copy of all bank account statements, from each and every bank account’s  
5 initial opening date to the present time, for all account(s) used to hold the 25% of the actual,  
6 potential, or prospective EB-5 investors’ and/or EB-5 visa applicants’ investments that was  
7 earmarked for refunds in the event of a USCIS rejection of a particular investor’s I-829 petition.

8 **RESPONSE TO REQUEST NO. 160:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 160:**

21 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
22 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
23 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
24 Therefore, LVD Fund will not respond to this request.

25 **REQUEST FOR PRODUCTION NO. 161:**

26 Please produce a copy of all bank account statements, from each and every bank account’s  
27 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the  
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1 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

2 **RESPONSE TO REQUEST NO. 161:**

3 Responding party objects to this Document Request because; individually, and in aggregate  
4 with the other requests made herein and previously propounded, this request fails to meet the  
5 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
6 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
7 contained herein and previously propounded; it seeks documents that are already in requesting  
8 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
9 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
10 documents that are not relevant to this issues presented; and it purports to require responding party to  
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is privileged or protected by rights of privacy regarding financial information and  
13 tax records of responding party and/or third parties.

14 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 161:**

15 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
16 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
17 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
18 Therefore, LVD Fund will not respond to this request.

19 **REQUEST FOR PRODUCTION NO. 162:**

20 Please produce a copy of all manuals, operating procedures, memoranda, circulars,  
21 announcements, emails, and/or other documents that establish, govern, amend, or otherwise control  
22 LVDF’s receipt, handling, control, utilization, and/or distribution of the money received from the  
23 actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

24 **RESPONSE TO REQUEST NO. 162:**

25 Responding party objects to this Document Request because; individually, and in aggregate  
26 with the other requests made herein and previously propounded, this request fails to meet the  
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
28



1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party to  
6 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 ///

10 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 162:**

11 LVD Fund supplements its prior response to this request to state that there are no responsive  
12 documents to this request.

13 **REQUEST FOR PRODUCTION NO. 163:**

14 Please produce a copy of all documents showing, recording, and/or memorializing LVDF's  
15 distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any members (as  
16 defined in LVDF's operating agreement) of LVDF who are not already parties to this lawsuit.

17 **RESPONSE TO REQUEST NO. 163:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 163:**

3 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
4 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
5 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
6 Therefore, LVD Fund will not respond to this request.

7 **REQUEST FOR PRODUCTION NO. 164:**

8 Please produce a copy of all documents, writings, and/or communications showing or  
9 demonstrating Defendant Linda Stanwood’s involvement and/or professional history with LVDF,  
10 specifically her history as a Senior Vice President and/or member and/or manager and/or employee  
11 of LVDF, including, but not limited to, her start date(s) and participation in the management and  
12 operation of LVDF and its affairs, and any payments made from LVDF to Defendant Stanwood.

13 **RESPONSE TO REQUEST NO. 164:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting  
19 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
20 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
21 documents that are not relevant to this issues presented; and it purports to require responding party to  
22 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is privileged or protected by rights of privacy regarding financial information and  
24 tax records of responding party and/or third parties.

25 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 164:**

26 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
27 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
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1 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
2 Therefore, LVD Fund will not respond to the portion of this request that seeks the production of  
3 documents and/or communications regarding any payments made to Ms. Stanwood from LVD Fund.

4 Subject to and based on the foregoing objection, LVD Fund responds to the remainder of the  
5 request as follows: *see* A-000522-000538; A-001432-001438; A-005808-005824; A-005837-  
6 005838; A-005841; A-005845-005847; A-005875-005887; A-005896-005897; A-005936; A-  
7 005951; A-005956; A-005959-005964; A-005975-005979; A-006007-006012; A-006043-006049;  
8 A-006098; A-006115-006117; A-006662-006663; A-015218-015219; A-021810-021834; A-  
9 024907-024913; A-024943-024945; A-024957; A-024980-024983; A-029469-029473; A-029503-  
10 029504; A-029560-029566.

11 ///

12 **REQUEST FOR PRODUCTION NO. 165:**

13 Please produce a copy of all communications between LVDF and Kathryn Holbert, Esq., in  
14 her capacity as prospective and/or actual substitute trustee under the Construction Deed of Trust,  
15 Security Agreement, Assignment of Leases and Rents and Fixture Filing (recorded on Oct. 13, 2016,  
16 as Document #860867 in the Nye County Official Records).

17 **RESPONSE TO REQUEST NO. 165:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
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1 tax records of responding party and/or third parties.

2 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 165:**

3 Pursuant to the parties' recent meet and confer efforts on Front Sight's related  
4 interrogatories, the parties have agreed that this request shall be limited to only those  
5 communications between LVD Fund and Kathryn Holbert, Esq., *solely* in her capacity as prospective  
6 and/or actual substitute trustee under the Construction Deed of Trust. The parties have further  
7 agreed that LVD Fund does not need to provide a privilege log for communications between LVD  
8 Fund and Kathryn Holbert, Esq. in her capacity as former counsel of record in this case.

9 Based on this understanding, LVD Fund supplements its response as follows: there are no  
10 responsive documents to this request.

11 ///

12 ///

13 **REQUEST FOR PRODUCTION NO. 166:**

14 Produce a copy of all communications between LVDF and Chicago Title Company, in its  
15 capacity as trustee under the Construction Deed of Trust, Security Agreement, Assignment of Leases  
16 and Rents and Fixture Filing (recorded on Oct. 13, 2016, as Document #860867 in the Nye County  
17 Official Records).

18 **RESPONSE TO REQUEST NO. 166:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party's possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
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1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 166:**

4 LVD Fund supplements its response as follows: there are no responsive documents to this  
5 request.

6 **REQUEST FOR PRODUCTION NO. 167:**

7 Produce a copy of any and all communications between LVDF and the actual, potential, or  
8 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

9 **RESPONSE TO REQUEST NO. 167:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party's possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 167:**

22 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order  
23 Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery  
24 of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to  
25 conduct discovery as to the investors. Therefore, to the extent this request seeks communications  
26 between LVD Fund and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants,  
27 LVD Fund will not respond to that portion of the request.  
28

1 LVD Fund further objects to this request to the extent it implies that LVD Fund made  
2 representations to foreign placement agents and actual, potential, or prospective EB-5 investors  
3 and/or EB-5 visa applicants. Front Sight has intentionally conflated the EB5 Parties into a singular  
4 party making representations in propounding these requests.

5 To the extent this request seeks communications between LVD Fund and foreign placement  
6 agents related to the solicitation of potential investors, *see* A-006744-006745; A-006866-006867; A-  
7 006914-006920; A-007050-007054; A-007059-007061; A-007063-007088; A-007091; A-007115-  
8 007133; A-007143-007147; A-007159-007160; A-007200-007213; A-007274-007275; A-008316-  
9 008318; A-019615-019625; A-020668-020670; A-020686-020689; A-020693-020694; A-020699;  
10 A-020740; A-020743-020746; A-020761-020762; A-020781-020785; A-022032-022040; A-  
11 022193-022198; A-022418-022424; A-022429-022431; A-022435; A-022447-022482; A-022517;  
12 A-022523-022538; A-022558-022559; A-022567; A-022603; A-022618-022619; A-022625-  
13 022627; A-022664-022674; A-022684-022687; A-022728-022731; A-022739-022744; A-022746-  
14 022752; A-022754-022764; A-022806-022821; A-022832-022838; A-022845-022885; A-022896-  
15 022900; A-022918-022929; A-022931; A-022933-022939; A-022943-022955; A-022965-022967;  
16 A-023005-023029; A-023070-023078; A-023088-023088; A-023099-023101; A-023114-023120;  
17 A-023124-023145; A-023147-023199; A-023205-023213; A-023217-023220; A-023231-023235;  
18 A-023238-023256; A-023269-023269; A-023279-023288; A-023295-023303; A-023313-023331;  
19 A-023334-023337; A-023341-023343; A-023345-023349; A-023351-023367; A-023370-023373;  
20 A-023384-023389; A-023397-023411; A-023414; A-023417-023421; A-023422-023440; A-  
21 023443-023454; A-023458-023468; A-023473-023500; A-023503-023508; A-023516-023518; A-  
22 023566; A-023568; A-023570; A-023572-023588; A-023590-023590; A-023631-023635; A-  
23 023637-023642; A-023644-023649; A-023659; A-023697-023703; A-023705-023722; A-023725-  
24 023739; A-023743-023746; A-023750-023769; A-023771-023772; A-023797-023799; A-023801-  
25 023803; A-023812-023815; A-023817-023818; A-023827-023828; A-023832; A-023878-023882;  
26 A-023885-023889; A-023891-023898; A-023900-023904; A-023908-023913; A-023915; A-  
27 023917-023918; A-023920-023929; A-023936-023945; A-023949-023962; A-023964-023970; A-  
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1 023974-023979; A-023983-023986; A-023991-023991; A-023993-023999; A-024003-024011; A-  
2 024020-024026; A-024028-024057; A-024059-024062; A-024067-024068; A-024085; A-024246-  
3 024262; A-024264-024269; A-024271-024278; A-024787-024792; A-024794-024805; A-024807-  
4 024814; A-024816-024824; A-024828-024829; A-024831-024833; A-024837-024847; A-024851-  
5 024856; A-024858-024861; A-024864-024875; A-024877-024881; A-024884-024886; A-024888-  
6 024889; A-024891-024923; A-024925-024940; A-024942; A-024946-024947; A-024955-024962;  
7 A-024964-024965; A-024969-024971; A-024974-024976; A-024979; A-024980-024989; A-  
8 025006-025008; A-025013; A-025017-025026; A-025032-025051; A-025062-025074; A-025077-  
9 025082; A-025094-025098; A-025109-025160; A-025184-025199; A-025231-025237; A-025240-  
10 025296; A-025304-025332; A-025341-025370; A-025372-025387; A-025413-025428; A-025439-  
11 025456; A-025469; A-025500-025543; A-025546-025564; A-025567-025621; A-025627-025654;  
12 A-025656-025783; A-025786-025906; A-025919-025942; A-025954-025962; A-025973-026023;  
13 A-026026-026034; A-026036-026066; A-026070-026240; A-026243-026328; A-026331-026334;  
14 A-026336-026339; A-026345-026351; A-026354-026357; A-026360-026394; A-026416-026449;  
15 A-026457-026460; A-026464-026467; A-026480-026482; A-026503-026505; A-026512-026522;  
16 A-026533-026539; A-026549-026551; A-026553; A-026599-026606; A-026609-026629; A-  
17 026726-026737; A-026740; A-026743; A-026746-026750; A-026847-026854; A-026862; A-  
18 026864-027047; A-027051-027060; A-027062-027071; A-027082; A-027173-027174; A-027200-  
19 027216; A-027218-027244; A-027254-027290; A-027293-027301; A-027305-027308; A-027534-  
20 027544; A-028060; A-028062-028094; A-028096-028099; A-028101-028132; A-028136-028164;  
21 A-028679-028681; A-028840-028841; A-029270-029282; A-029289-029299; A-029307-029322;  
22 A-029341-029386; A-029391-029440; A-029445-029468; A-029479-029480; A-029482-029499;  
23 A-029505-029507; A-029509-029510; A-029580-029581; A-029583-029584.

**REQUEST FOR PRODUCTION NO. 168:**

25 Produce a copy of any and all communications between LVDF and the actual, potential, or  
26 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2018.

**RESPONSE TO REQUEST NO. 168:**

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1 Responding party objects to this Document Request because; individually, and in aggregate  
2 with the other requests made herein and previously propounded, this request fails to meet the  
3 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
4 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
5 contained herein and previously propounded; it seeks documents that are already in requesting  
6 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
7 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
8 documents that are not relevant to this issues presented; and it purports to require responding party to  
9 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
10 information that is privileged or protected by rights of privacy regarding financial information and  
11 tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 168:**

13 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order  
14 Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery  
15 of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to  
16 conduct discovery as to the investors. Therefore, to the extent this request seeks communications  
17 between LVD Fund and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants,  
18 LVD Fund will not respond to that portion of the request.

19 LVD Fund further objects to this request to the extent it implies that LVD Fund made  
20 representations to foreign placement agents and actual, potential, or prospective EB-5 investors  
21 and/or EB-5 visa applicants. Front Sight has intentionally conflated the EB5 Parties into a singular  
22 party making representations in propounding these requests.

23 To the extent this request seeks communications between LVD Fund and foreign placement  
24 agents related to the solicitation of potential investors, *see* LVD Fund’s First Supplemental Response  
25 to Request for Production No. 167.

26 **REQUEST FOR PRODUCTION NO. 169:**

27 Produce a copy of any and all communications between LVDF and the actual, potential, or  
28



1 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2017.

2 **RESPONSE TO REQUEST NO. 169:**

3 Responding party objects to this Document Request because; individually, and in aggregate  
4 with the other requests made herein and previously propounded, this request fails to meet the  
5 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
6 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
7 contained herein and previously propounded; it seeks documents that are already in requesting  
8 party's possession or equally accessible to the requesting party; it seeks information protected by the  
9 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
10 documents that are not relevant to this issues presented; and it purports to require responding party to  
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is privileged or protected by rights of privacy regarding financial information and  
13 tax records of responding party and/or third parties.

14 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 169:**

15 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order  
16 Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery  
17 of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to  
18 conduct discovery as to the investors. Therefore, to the extent this request seeks communications  
19 between LVD Fund and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants,  
20 LVD Fund will not respond to that portion of the request.

21 LVD Fund further objects to this request to the extent it implies that LVD Fund made  
22 representations to foreign placement agents and actual, potential, or prospective EB-5 investors  
23 and/or EB-5 visa applicants. Front Sight has intentionally conflated the EB5 Parties into a singular  
24 party making representations in propounding these requests.

25 To the extent this request seeks communications between LVD Fund and foreign placement  
26 agents related to the solicitation of potential investors, *see* LVD Fund's First Supplemental Response  
27 to Request for Production No. 167.  
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**REQUEST FOR PRODUCTION NO. 170:**

Produce a copy of any and all communications between LVDF and the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2016.

**RESPONSE TO REQUEST NO. 170:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

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**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 170:**

Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this request seeks communications between LVD Fund and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants, LVD Fund will not respond to that portion of the request.

LVD Fund further objects to this request to the extent it implies that LVD Fund made representations to foreign placement agents and actual, potential, or prospective EB-5 investors

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1 and/or EB-5 visa applicants. Front Sight has intentionally conflated the EB5 Parties into a singular  
2 party making representations in propounding these requests.

3 To the extent this request seeks communications between LVD Fund and foreign placement  
4 agents related to the solicitation of potential investors, *see* LVD Fund’s First Supplemental Response  
5 to Request for Production No. 167.

6 **REQUEST FOR PRODUCTION NO. 171:**

7 Produce a copy of each and every version of the Private Placement Memorandum that LVDF  
8 delivered to any actual, potential, or prospective EB-5 investor(s) and/or EB-5 visa applicant(s)  
9 and/or their agents.

10 **RESPONSE TO REQUEST NO. 171:**

11 Responding party objects to this Document Request because; individually, and in aggregate with  
12 the other requests made herein and previously propounded, this request fails to meet the proportionality  
13 requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues  
14 and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously  
15 propounded; it seeks documents that are already in requesting party’s possession or equally accessible to  
16 the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work  
17 product doctrine; it calls for the production of documents that are not relevant to this issues presented;  
18 and it purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy  
20 regarding financial information and tax records of responding party and/or third parties.

21 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 171:**

22 Responding Party will produce additional non-privileged documents that are responsive to this  
23 request to the extent they exist.

24 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 171:**

25 *See* A-010330-010417.

26 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 171:**

27 *See* A-015270-018192.  
28

**FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 171:**

Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this request seeks communications between LVD Fund and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants, LVD Fund will not respond to that portion of the request.

LVD Fund further objects to this request to the extent it implies that LVD Fund made representations to foreign placement agents and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants. Front Sight has intentionally conflated the EB5 Parties into a singular party making representations in propounding these requests.

To the extent this request seeks private placement memoranda provided by LVD Fund to foreign placement agents, *see* A-000904-000905; A-001076-001085; A-001432-001438; A-001461-001542; A-003181-003186; A-003222-003222; A-003226-003226; A-003258-003259; A-003261-003282; A-003285-003299; A-003310-003318; A-003320-003326; A-003336-003337; A-003338-003353; A-003355-003392; A-003394-003395; A-003397-003398; A-003401-003403; A-003404-003406; A-003452-003453; A-007440-007448; A-007451-007457; A-007462; A-007463-007464; A-007465-007467; A-007470-007486; A-007490-007529; A-007532-007534; A-007556-007557; A-007560-007566; A-007568-007569; A-019628-019634; A-019637-019638; A-019641-019643; A-019653-019654; A-019691-019692; A-019738-019767; A-019771-019772; A-019839-019840; A-019859-019865; A-019873-019880; A-019891-019893; A-019894-019895; A-019930-019931.

**REQUEST FOR PRODUCTION NO. 172:**

Please provide all documents which relate to and/or account for any and all funds you have received from Front Sight directly or which you know to originate from Front Sight, including all money received by you from Plaintiff, how said funds were spent, identification of who received any portion of the funds, and any and all documentation to support or justify payments made or funds spent.

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1 **RESPONSE TO REQUEST NO. 172:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 172:**

14 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
15 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
16 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
17 Therefore, to the extent this request seeks the production of documents reflecting how LVD Fund  
18 spent interest payments made by Front Sight to LVD Fund, pursuant to the CLA, LVD Fund will not  
19 respond to this request.

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21 ///

22 LVD Fund further objects to this request as vague and ambiguous, and unduly burdensome.  
23 Because Front Sight is in possession of documents that would reflect the interest payments that Front  
24 Sight made to LVD Fund pursuant to the CLA, this request appears to be intended solely to harass  
25 LVD Fund.

26 Subject to and without waiver of the foregoing objections, *see* A-000484; A-000485; A-  
27 001244-001246; A-001396; A-001397; A-004767; A-004779; A-004780; A-004802; A-004881; A-  
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1 005021-005022; A-005025; A-005026; A-005609; A-005801-005802; A-008196; A-008202-  
2 008203; A-008204-008208; A-008209-008212; A-008213-008217; A-008218-008222; A-008223-  
3 008226; A-008260-008264; A-008331; A-008334-008335; A-008359; A-008389; A-008460; A-  
4 008594-008596; A-021942; A-029531-029532; A-029759; A-029766-029767; A-029771-029772.

5 **REQUEST FOR PRODUCTION NO. 173:**

6 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
7 comply with its performance obligations under the CLA section 1.7(e) –Improper Use of Loan  
8 Proceeds.

9 **RESPONSE TO REQUEST NO. 173:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

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23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 173:**

24 All documents responsive to this request are already in demanding party’s possession.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 173:**

26 *See* A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-  
27 00528, A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.  
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1 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 173:**

2 LVD Fund objects to this request as seeking the production of documents that are in the  
3 custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has  
4 not produced all documents in response to LVD Fund’s Requests for Production of Documents,  
5 LVD Fund specifically reserves the right to supplement this response to identify those documents  
6 subsequently produced by Front Sight that are responsive to this request.

7 Subject to and without waiver of the foregoing objection, LVD Fund supplements its prior  
8 response as follows: *see also* A-000018-000039; A-000059-000108; A-000118-000338; A-000495-  
9 000498; A-000522-000540; A-000928-000946; A-000947-001248; A-001432-001438; A-001789-  
10 001796; A-001830-001849; A-006099-006111; A-006130-006132; A-007638-007640; A-007645-  
11 007649; A-007650-007653; A-007657-007658; A-007659-007661; A-007675-007681; A-007704-  
12 007708; A-020017-020021; A-008750-008759; A-008762-008763; A-009097-009098; A-009100-  
13 009104; A-010223-010227; A-020025-020029; A-020033-020035; A-020036-020037; A-021846-  
14 021851; A-021870-021883; A-029531-029534; A-029557-029566; A-029759.

15 **REQUEST FOR PRODUCTION NO. 174:**

16 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
17 comply with its performance obligations under the CLA section 3.2(b) –Failure to Provide  
18 Government Approved Plans.

19 **RESPONSE TO REQUEST NO. 174:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting  
25 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
26 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
27 documents that are not relevant to this issues presented; and it purports to require responding party to  
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1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is privileged or protected by rights of privacy regarding financial information and  
3 tax records of responding party and/or third parties.

4 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 174:**

5 There are no documents responsive to this request other than the notices of default already  
6 produced, because the allegation is proven by Front Sight’s failure to provide the required  
7 government approved plans.

8 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 174:**

9 *See* A-001271-01372, A-010911-013173, A-013174-013351, A-(1)00522-00528,  
10 A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

11 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 174:**

12 LVD Fund objects to this request as seeking the production of documents that are in the  
13 custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has  
14 not produced all documents in response to LVD Fund’s Requests for Production of Documents,  
15 LVD Fund specifically reserves the right to supplement this response to identify those documents  
16 subsequently produced by Front Sight that are responsive to this request.

17 Subject to and without waiver of the foregoing objection, LVD Fund supplements its prior  
18 response as follows: *see* A-000018-000039; A-000059-000108; A-000118-000338; A-000495-  
19 000498; A-000522-000548; A-000928-001459; A-000947-001248; A-001432-001438; A-001448-  
20 001459; A-001695-001746; A-003283-003284; A-003716-003719; A-003720-003737; A-004744;  
21 A-004748-004749; A-004781; A-004786; A-004795; A-004815; A-004831-004833; A-004835-  
22 004842; A-004844-004848; A-005035-005036; A-005057-005058; A-005068-005069; A-005106-  
23 005119; A-005121-005128; A-005276-005277; A-005340; A-005421-005426; A-005700-005702;  
24 A-006099-006111; A-006130-006132; A-007796-007797; A-008326; A-008354-008355; A-  
25 008750-008759; A-008762-008763; A-009097-009098; A-009100-009104; A-010223-010227; A-  
26 013570-013573; A-013675; A-013679-013681; A-013684-013685; A-020840; A-021188-021189;  
27 A-021230-021230; A-021261-021261; A-021846-021851; A-021870-021883; A-022199; A-  
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1 022242-022244; A-022276-022277; A-022326; A-029531-029534; A-029557-029566; A-029759.

2 **REQUEST FOR PRODUCTION NO. 175:**

3 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
4 comply with its performance obligations under the CLA section 5.1 –Failure to Timely Complete  
5 Construction.

6 **RESPONSE TO REQUEST NO. 175:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting  
12 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
13 attorney- client privilege and/or attorney work product doctrine; it calls for the production of  
14 documents that are not relevant to this issues presented; and it purports to require responding party to  
15 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is privileged or protected by rights of privacy regarding financial information and  
17 tax records of responding party and/or third parties.

18 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 175:**

19 There are no documents responsive to this request because the allegation is proven by Front  
20 Sight’s failure to complete the project by October 4, 2019, as required by the CLA.

21 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 175:**

22 See A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-00528,  
23 A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

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26 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 175:**

27 LVD Fund objects to this request as seeking the production of documents that are in the  
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1 custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has  
2 not produced all documents in response to LVD Fund’s Requests for Production of Documents,  
3 LVD Fund specifically reserves the right to supplement this response to identify those documents  
4 subsequently produced by Front Sight that are responsive to this request.

5 Subject to and without waiver of the foregoing objection, LVD Fund supplements its prior  
6 response as follows: *see* A-000018-000039; A-000059-000338; A-000495-000498; A-000522-  
7 000540; A-000928-001248; A-001432-001438; A-004865-004873; A-006099-006111; A-006130-  
8 006132; A-008750-008759; A-008762-008763; A-009097-009098; A-009100-009104; A-010049-  
9 010096; A-010223-010227; A-021188-021189.

10 **REQUEST FOR PRODUCTION NO. 176:**

11 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
12 comply with its performance obligations under the CLA section 5.2 –Material Change of Costs,  
13 Scope, or Timing of Work.

14 **RESPONSE TO REQUEST NO. 176:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 ///

27 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 176:**

All responsive documents are in demanding party’s possession.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 176:**

See A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-00528, A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227, A-010455-010616.

**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 176:**

LVD Fund objects to this request as seeking the production of documents that are in the custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has not produced all documents in response to LVD Fund’s Requests for Production of Documents, LVD Fund specifically reserves the right to supplement this response to identify those documents subsequently produced by Front Sight that are responsive to this request.

Subject to and without waiver of the foregoing objection, LVD Fund supplements its prior response as follows: *see also* A-000018-000039; A-000059-000338; A-000495-000498; A-000522-000540; A-000928-001248; A-001413-001417; A-001421-001425; A-001432-001438; A-002186-002190; A-004865-004873; A-005049; A-006808-006821; A-006099-006111; A-006130-006132; A-008103-008104; A-008750-008759; A-008762-008763; A-009097-009098; A-009100-009104; A-010223-010227.

**REQUEST FOR PRODUCTION NO. 177:**

Please produce all documents that relate to LVDF’s allegation that Front Sight failed to comply with its performance obligations under the CLA section 5.27 –Refusal to Comply Regarding Senior Debt.

**RESPONSE TO REQUEST NO. 177:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting

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1 party's possession or equally accessible to the requesting party; it seeks information protected by the  
2 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
3 documents that are not relevant to this issues presented; and it purports to require responding party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is privileged or protected by rights of privacy regarding financial information and  
6 tax records of responding party and/or third parties.

7 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 177:**

8 All responsive documents are in demanding party's possession.

9 **SECOND SUPPLEMENTAL RESONSE TO REQUEST NO. 177:**

10 *See* A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-  
11 00528, A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

12 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 177:**

13 LVD Fund objects to this request as seeking the production of documents that are in the  
14 custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has  
15 not produced all documents in response to LVD Fund's Requests for Production of Documents,  
16 LVD Fund specifically reserves the right to supplement this response to identify those documents  
17 subsequently produced by Front Sight that are responsive to this request.

18 Subject to and without waiver of the foregoing objection, LVD Fund supplements its prior  
19 response as follows: *see* A-000018-000039; A-000059-000338; A-000341-000359; A-000495-  
20 000498; A-000520-000521; A-000499-000500; A-000522-000540; A-000541-000548; A-000881-  
21 000882; A-000890-000892; A-000928-001248; A-001007; A-001076-001079; A-001017-001018;  
22 A-001080-001085; A-001210-001213; A-001237; A-001244-001246; A-001252-001270; A-  
23 001395; A-001407-001412; A-001432-001438; A-001439-001446; A-003313-003318; A-003335-  
24 003353; A-003355-003409; A-003412-003416; A-003419-003429; A-003434-003462; A-003465-  
25 003516; A-003518-003521; A-003527-003539; A-003541-003551; A-003564-003565; A-003569-  
26 003570; A-003574-003575; A-003585-003586; A-003607-003609; A-003629-003638; A-003645-  
27 003654; A-003658-003683; A-003714-003740; A-003746-003757; A-003764-003768; A-003773-  
28

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1 003793; A-004253-004259; A-004262-004265; A-004274-004285; A-004444-004445; A-004459;  
2 A-004471-004474; A-004590-004594; A-004708-004711; A-004719-004722; A-004738-004740;  
3 A-004782-004782; A-004784-004785; A-004787-004788; A-004805-004808; A-004811-004812;  
4 A-004816-004824; A-004854-004861; A-004869-004873; A-004881-004881; A-004885-004923; A-  
5 004933-004937; A-004969-004972; A-004996-004997; A-005000-005002; A-005096-005097; A-  
6 005104-005119; A-005121-005132; A-005135-005136; A-005142-005143; A-005147-005149; A-  
7 005156-005160; A-005163; A-005195-005196; A-005208-005210; A-005213-005221; A-005414-  
8 005426; A-005432-005434; A-005462-005464; A-005476-005478; A-005480-005483; A-005525-  
9 005528; A-005532-005564; A-005572-005776; A-005778-005784; A-005786-005787; A-005791-  
10 005792; A-005796-005799; A-005817-005821; A-005834-005850; A-005856-005857; A-005861-  
11 005935; A-005937; A-005940-005942; A-005952-005964; A-005966-005968; A-005970-005973;  
12 A-005975-005979; A-005982-005988; A-005991-006000; A-006099-006111; A-006118-006124;  
13 A-006130-006132; A-007470-007475; A-007484; A-007487-007537; A-007539-007545; A-  
14 007548-007584; A-007588-007607; A-007610-007613; A-007619-007637; A-007641-007641; A-  
15 007673-007674; A-007818-007823; A-007835-007840; A-007844-007849; A-007884-007899; A-  
16 007918-007926; A-008334-008335; A-008337-008338; A-008340-008343; A-008346-008348; A-  
17 008389-008391; A-00839-008411; A-008414; A-008449-008453; A-008466-008481; A-008604-  
18 008616; A-008621-008622; A-008632-008633; A-008638-008638; A-008671-008679; A-008750-  
19 008759; A-008762-008763; A-009097-009098; A-009100-009104; A-010223-010227; A-015225;  
20 A-019534-019557; A-019639-019643; A-019661-019666; A-019675-019683; A-019696-019722;  
21 A-019724-019741; A-019755-019767; A-019775-019794; A-019804-019816; A-019820-019825;  
22 A-019838; A-019841-019880; A-019891-019901; A-019903-019905; A-019908-019910; A-  
23 019916-019918; A-019920-019921; A-019924-019931; A-019934-019937; A-019941-019958; A-  
24 019962-019974; A-019977-019981; A-019986-019989; A-019994-020001; A-020049-020057; A-  
25 020067-020075; A-020123-020132; A-020146-020155; A-020211-020213; A-021846-021851; A-  
26 021870-021883; A-024271-024273; A-027045-027046; A-027218-027220; A-028175-028179; A-  
27 028185-028190; A-028313-028322; A-028440-028442; A-028447-028457; A-028466-028470; A-  
28

1 028474-028480; A-028494-028507; A-028544-028551; A-028972-028980; A-029143-029208; A-  
2 029441-029444; A-029503-029504; A-029531-029534; A-029557-029566; A-029759.

3 In addition, LVD Fund reserves the right to supplement its response to identify those  
4 documents subpoenaed from third parties that relate to Front Sight’s violation of Section 5.27 of the  
5 CLA.

6 **REQUEST FOR PRODUCTION NO. 178:**

7 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
8 comply with its performance obligations under the CLA section 3.2(a) –Failure to Provide Monthly  
9 Project Costs.

10 **RESPONSE TO REQUEST NO. 178:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting  
16 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 178:**

23 There are no documents responsive to this request, other than the notices of default already in  
24 demanding party’s possession, because the allegation is proven by Front Sight’s failure to provide  
25 the required Monthly Project Costs.

26 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 178:**

27 *See* A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-  
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1 00528, A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

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4 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 178:**

5 LVD Fund objects to this request as seeking the production of documents that are in the  
6 custody and control of Front Sight. Because LVD Fund continues to contend that Front Sight has  
7 not produced all documents in response to LVD Fund’s Requests for Production of Documents,  
8 LVD Fund specifically reserves the right to supplement this response to identify those documents  
9 subsequently produced by Front Sight that are responsive to this request.

10 Subject to and without waiver of the foregoing objection, LVD Fund amends and  
11 supplements its prior response as follows: *see* A-000018-000039; A-000059-000338; A-000495-  
12 000498; A-000522-000540; A-000928-001248; A-001432-001438; A-005586-005587; A-005991-  
13 005997; A-006099-006111; A-006130-006132; A-008608-008612; A-008750-008759; A-008762-  
14 008763;A-009097-009098; A-009100-009104; A-010223-010227; A-020817-020836; A-020839;  
15 A-021168-021187; A-021234-021259; A-029800-030219.

16 **REQUEST FOR PRODUCTION NO. 179:**

17 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
18 comply with its performance obligations under the CLA section 5.10 –Failure to Notify in Event of  
19 Default.

20 **RESPONSE TO REQUEST NO. 179:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting  
26 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
27 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
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1 documents that are not relevant to this issues presented; and it purports to require responding party to  
2 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 179:**

6 There are no documents responsive to this request, other than the notices of default already in  
7 demanding party’s possession, because the allegation is proven by Front Sight’s failure to provide  
8 notice of the numerous defaults under the CLA.

9 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 179:**

10 *See* A-001271-001372, A-010911-013173, A-013174-013351, A-(1)00522-00528,  
11 A(1)00530-00540, A-001432-001438, A-001395-001406, A-010223-010227.

12 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 179:**

13 LVD Fund supplements its prior response as follows: *see also* A-000013-000065; A-000118-  
14 000121; A-000166-000169; A-000328; A-000334-000336; A-000495-000498; A-000522-000548;  
15 A-000928-000949; A-000976-000977; A-001028-001068; A-001076-001079; A-001210-001234;  
16 A-001237-001246; A-001407-001410; A-001432-001446; A-001766-001917; A-004440-004443;  
17 A-004451-004452; A-004460-004470; A-005133-005134; A-005265-005267; A-005467-005472;  
18 A-005565-005571; A-005575-005581; A-005586-005595; A-005597-005606; A-005650-005655;  
19 A-005670-005672; A-005699-005702; A-005729-005738; A-005760-005763; A-005765-005770;  
20 A-005772-005773; A-005775-005776; A-005778-005784; A-005788-005790; A-005793-005795;  
21 A-005834-005841; A-005845-005847; A-005951-005955; A-005959-005961; A-005966-005968;  
22 A-005975-005979; A-005982-005988; A-005991-005997; A-006005-006006; A-006032-006033;  
23 A-006058-006061; A-006099-006105; A-006107-006111; A-006115-006117; A-006808-006811;  
24 A-006818-006821; A-008185-008186; A-008190-008191; A-008194-008195; A-008576-008580;  
25 A-008617-008618; A-008624-008626; A-008639-008640; A-008642-008644; A-010218-010220;  
26 A-020007-020008; A-020633-020634; A-02817-028179; A-028852-028853; A-028981-028983; A-  
27 029138-029140; A-029352-029353; A-029503-029504; A-029558-029566; A-029658-029698; A-  
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1 029730-029743; A-029756-029757; A-029800-030219.

2 **REQUEST FOR PRODUCTION NO. 180:**

3 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
4 comply with its performance obligations under the CLA section 5.4 –Refusal to Allow Inspection of  
5 Records.

6 **RESPONSE TO REQUEST NO. 180:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting  
12 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
13 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
14 documents that are not relevant to this issues presented; and it purports to require responding party to  
15 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is privileged or protected by rights of privacy regarding financial information and  
17 tax records of responding party and/or third parties.

18 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 180:**

19 All responsive documents are already in demanding party’s possession: *see* Second Amended  
20 Complaint, Exhibit 21.

21 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 180:**

22 LVD Fund supplements its prior response as follows: *see also* A-000018-000039; A-000059-  
23 000338; A-000495-000498; A-000522-000540; A-000928-001248; A-001395; A-001432-001438;  
24 A-004917-004923; A-006099-006111; A-006130-006132; A-006133-006138; A-007004; A-  
25 008399-008411; A-008414; A-008750-008759; A-008762-008763;A-009097-009098; A-009100-  
26 009104; A-009164; A-010223-010227.  
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1 **REQUEST FOR PRODUCTION NO. 181:**

2 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
3 comply with its performance obligations under the CLA section 3.3 –Refusal to Allow Inspection of  
4 the Project.

5 **RESPONSE TO REQUEST NO. 181:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting  
11 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
12 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
13 documents that are not relevant to this issues presented; and it purports to require responding party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is privileged or protected by rights of privacy regarding financial information and  
16 tax records of responding party and/or third parties.

17 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 181:**

18 All responsive documents are already in demanding party’s possession: *see* Second Amended  
19 Complaint, Exhibit 21.

20 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 181:**

21 LVD Fund supplements its prior response as follows: *see also* A-000018-000039; A-000059-  
22 000338; A-000495-000498; A-000522-000540; A-000928-001248; A-001395; A-001432-001438;  
23 A-004917-004923; A-006099-006111; A-006130-006132; A-006133-006138; A-007004; A-  
24 008399-008411; A-008414; A-008750-008759; A-008762-008763; A-009097-009098; A-009100-  
25 009104; A-009164; A-010223-010227.

26 **REQUEST FOR PRODUCTION NO. 182:**

27 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to  
28

1 comply with its performance obligations under the CLA section 1.7(f) –Failure to Provide EB-5  
2 Information.

3 **RESPONSE TO REQUEST NO. 182:**

4 Responding party objects to this Document Request because; individually, and in aggregate  
5 with the other requests made herein and previously propounded, this request fails to meet the  
6 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
7 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
8 contained herein and previously propounded; it seeks documents that are already in requesting  
9 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
10 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
11 documents that are not relevant to this issues presented; and it purports to require responding party to  
12 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is privileged or protected by rights of privacy regarding financial information and  
14 tax records of responding party and/or third parties.

15 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 182:**

16 All responsive documents are already in demanding party’s possession, as the allegation is  
17 supported by the lack of documentation from Front Sight.

18 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 182:**

19 LVD Fund supplements its prior response as follows: *see also* A-000018-000039; A-000059-  
20 000338; A-000495-000498; A-000522-000548; A-000928-001248; A-001407-001410; A-001432-  
21 001446; A-001766-001917; A-004440-004443; A-004451-004452; A-004460-004470; A-005133-  
22 005134; A-005265-005267; A-005467-005472; A-005565-005571; A-005575-005581; A-005586-  
23 005595; A-005597-005606; A-005650-005655; A-005670-005672; A-005699-005702; A-005729-  
24 005738; A-005760-005763; A-005765-005770; A-005772-005773; A-005775-005776; A-005778-  
25 005784; A-005788-005790; A-005793-005795; A-005834-005841; A-005845-005847; A-005951-  
26 005955; A-005959-005961; A-005966-005968; A-005975-005979; A-005982-005988; A-005991-  
27 005997; A-006005-006006; A-006032-006033; A-006058-006061; A-006099-006111; A-006115-  
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1 006117; A-006808-006811; A-006818-006821; A-006130-006132; A-008185-008186; A-008190-  
2 008191; A-008194-008195; A-008576-008580; A-008617-008618; A-008624-008626; A-008639-  
3 008640; A-008642-008644; A-008750-008759; A-008762-008763; A-009097-009098; A-009100-  
4 009104; A-010218-010220; A-010223-010227; A-020007-020008; A-020633-020634; A-029800-  
5 030219.

6 **REQUEST FOR PRODUCTION NO. 183:**

7 Please produce all communications between LVDF and any other Defendant.

8 ///

9 ///

10 **RESPONSE TO REQUEST NO. 183:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting  
16 party's possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and  
21 tax records of responding party and/or third parties.

22 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 183:**

23 Responding party will produce additional non-privileged documents that are responsive to  
24 this request.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 183:**

26 See A(1)00499-00500, A-000879-000894, A-001373-001376, A-001426-001431, A-001918-  
27 006138, A-006139-008763, A-013352-015269, A-019195-020635, and A-020635-020816.  
28

**THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 183:**

LVD Fund supplements its prior relevance objection to clarify that this request is overly broad and unduly burdensome as drafted. The request contains no subject matter or date limitation whatsoever and therefore seeks the production and identification of every communication between LVD Fund and any of the other EB5 Parties, regardless of whether such communications are relevant to the claims and defenses in this case or whether the communications are not subject to discovery (because they are the subject of a protective order entered by this Court). In addition, as drafted, this request potentially calls for the production of privileged communications between LVD Fund and its counsel.

///

Subject to and based on the foregoing objection, LVD Fund responds to identify only those non-privileged communications between LVD Fund and the other EB5 Parties that relate to the claims and defenses at issue in this case: *see* A-000900-000900; A-002036-002038; A-004718; A-006421-006426; A-014464-014469 A-014654; A-015188; A-019290-019300; A-019457-019463; A-019480-019502; A-019559-019561; A-020379-020379; A-021500-021505; A-021512-021514; A-022541; A-022557; A-022564-022566; A-022624; A-022675-022678; A-022930-022930; A-022947-022955; A-023007-023009; A-023102-023107; A-023110-023113; A-023257-023258; A-023332-023333; A-023344; A-023350; A-023364-023367; A-023390-023394; A-023397-023401; A-023415-023416; A-023471-023472; A-023480-023483; A-023489-023500; A-023565; A-023577-023580; A-023637-023639; A-023770-023772; A-023784; A-023800; A-023816; A-023829-023831; A-023909-023911; A-023971-023973; A-023990; A-023992; A-024058; A-024063-024066; A-024069-024084; A-024086-024091; A-024196; A-024261-024263; A-024293-024294; A-024375; A-024394; A-024433; A-024437-024439; A-024453; A-024455-024456; A-024489-024493; A-024496-024599; A-024815-024819; A-024830; A-024857; A-024887; A-024966-024968; A-025027-025029; A-025083-025093; A-025184; A-025341-025358; A-025401-025412; A-025470; A-025973-025978; A-026005-026010; A-026055-026057; A-026346-026348; A-026354-026356; A-026362-026365; A-026382-026388; A-026424-026430; A-026450-026451;

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1 A-026461; A-026463; A-026470-026471; A-026473; A-026604; A-026607-026608; A-026862-  
2 026863; A-027299; A-027989-028059; A-028133-028135; A-028217; A-028220-028221; A-  
3 028413-028416; A-028460; A-028487-028493; A-028577; A-028679-028681; A-028709-028710;  
4 A-028790-028798; A-028840-028841; A-028849-028851; A-028996-029002; A-029097; A-  
5 029209-029210; A-029387-029390.

6 **REQUEST FOR PRODUCTION NO. 184:**

7 Please produce all communications between LVDF and Sean Flynn.

8 **RESPONSE TO REQUEST NO. 184:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party's possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 184:**

21 Responding party will produce additional non-privileged documents that are relevant and  
22 responsive to this request.

23 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 184:**

24 *See* A-001918-006138, A-020635-020816.

25 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 184:**

26 LVD Fund supplements its prior relevance objection to clarify that this request is overly  
27 broad and unduly burdensome as drafted. The request contains no subject matter or date limitation  
28

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1 whatsoever and therefore seeks the production and identification of every communication between  
2 LVD Fund, and anyone acting on LVD Fund’s behalf, and Sean Flynn, regardless of whether such  
3 communications are relevant to the claims and defenses in this case or whether the communications  
4 relate to Front Sight and/or the Project. As drafted, this request arguably calls for the production of  
5 communications between LVD Fund and Sean Flynn that are unrelated to Front Sight and/or the  
6 Project whatsoever (e.g., including birthday greetings, emails about the weather, etc.).

7 Subject to and based on the foregoing objection, LVD Fund responds to identify only those  
8 communications between LVD Fund and the other EB5 Parties that relate to the claims and defenses  
9 at issue in this case: *see* A-000001-000005; A-002080; A-006149; A-006190-006193; A-006216-  
10 006227; A-006232-006236; A-006241-006268; A-006320-006330; A-006341-006342; A-006345-  
11 006350; A-006354-006355; A-006407-006409; A-006452; A-006465-006466; A-006471; A-  
12 006484; A-006593-006594; A-006678-006682; A-006746; A-009692-009707; A-010809-010811;  
13 A-010815; A-010862-010863; A-010888; A-010894-010895; A-013367-013372; A-013432-  
14 013435; A-013457-013460; A-013470; A-013473-013502; A-013507-013521; A-013569; A-  
15 013575-013632; A-013678; A-013680-013681; A-013684-013688; A-013716; A-013830-013840;  
16 A-013899-013900; A-013903-013908; A-014025-014141; A-014230-014452; A-014495; A-  
17 015237-015240; A-015253-015255; A-020636-020689; A-020693-020816; A-021500-021505; A-  
18 021512-021514.

19 **REQUEST FOR PRODUCTION NO. 185:**

20 Please produce all communications between LVDF and Empyrean West and/or Dave Keller  
21 or Jay Carter.

22 **RESPONSE TO REQUEST NO. 185:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting  
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1 party's possession or equally accessible to the requesting party; it seeks information protected by the  
2 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
3 documents that are not relevant to this issues presented; and it purports to require responding party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is privileged or protected by rights of privacy regarding financial information and  
6 tax records of responding party and/or third parties.

7 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 185:**

8 Responding party will produce additional non-privileged documents that are responsive to  
9 this request.

10 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 185:**

11 *See* A-010756-010192.

12 ///

13 ///

14 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 185:**

15 LVD Fund supplements its prior relevance objection to clarify that this request is overly  
16 broad and unduly burdensome as drafted. The request contains no subject matter or date limitation  
17 whatsoever and therefore seeks the production and identification of every communication between  
18 LVD Fund, and anyone acting on LVD Fund's behalf, and Empyrean West and/or David Keller,  
19 regardless of whether such communications are relevant to the claims and defenses in this case or  
20 whether the communications relate to Front Sight and/or the Project. As drafted, this request  
21 arguably calls for the production of communications between LVD Fund and Empyrean West and/or  
22 David Keller that are unrelated to Front Sight and/or the Project whatsoever (e.g., including birthday  
23 greetings, emails about the weather, emails about projects other than Front Sight, etc.).

24 Subject to and based on the foregoing objections, LVD Fund responds that it did not have  
25 any communications with Empyrean West and/or David Keller. However, LVD Fund does identify  
26 the following documents that reflect communications between Mr. Dziubla and/or Mr. Fleming and  
27 Empyrean West and/or David Keller: *see* A-001747-001750; A-006149-006171; A-010756-010764;  
28



1 A-010769-010780; A-010789-010850; A-010852-010910; A-013367; A-013373-013397; A-  
2 013401; A-020654.

3 **REQUEST FOR PRODUCTION NO. 186:**

4 Please produce all communications between LVDF and any agent and/or broker for any EB-  
5 Investor.

6 **RESPONSE TO REQUEST NO. 186:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting  
12 party's possession or equally accessible to the requesting party; it seeks information protected by the  
13 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
14 documents that are not relevant to this issues presented; and it purports to require responding party to  
15 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is privileged or protected by rights of privacy regarding financial information and  
17 tax records of responding party and/or third parties.

18 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 186:**

19 To the extent such documents exist, responding party will produce additional non-privileged  
20 documents that are responsive to this request and relevant to the issue of the number of investors and  
21 potential investors that were "in the pipeline" on dates such representations were made.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 186:**

23 *See* A-001426-001431.

24 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 186:**

25 LVD Fund supplements its prior relevance objection to clarify that this request is overly  
26 broad and unduly burdensome as drafted. The request contains no subject matter or date limitation  
27 whatsoever and therefore seeks the production and identification of every communication between  
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1 LVD Fund, and anyone acting on LVD Fund’s behalf, and any foreign placement agent or broker,  
2 regardless of whether such communications are relevant to the claims and defenses in this case or  
3 whether the communications relate to Front Sight and/or the Project. As drafted, this request  
4 arguably calls for the production of communications between LVD Fund and foreign placement  
5 agents or brokers that are unrelated to Front Sight and/or the Project whatsoever (e.g., including  
6 birthday greetings, emails about the weather, emails about projects other than Front Sight, etc.).

7 LVD Fund further objects to this request to the extent it seeks documents and/or  
8 communications not subject to discovery pursuant to the Court’s June 30, 2020 Findings of Fact and  
9 Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for  
10 Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential  
11 Information.

12 Subject to and based on the foregoing objection, LVD Fund responds to identify only those  
13 communications between LVD Fund and the other EB5 parties that relate to Front Sight and  
14 potential investors for the Project, excluding documents and information specific to potential,  
15 prospective, or actual EB-5 investors: *see* LVD Fund’s First Supplemental Response to Request For  
16 Production No. 167.

17 **REQUEST FOR PRODUCTION NO. 187:**

18 Please provide all bank statements and other documents related to Las Vegas Development  
19 Fund LLC’s financial account with Bank of Hope, including but not limited to account #  
20 6400371502, for the time period beginning in March 2012 to the present date.

21 **RESPONSE TO REQUEST NO. 187:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting  
27 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
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1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and  
5 tax records of responding party and/or third parties.

6 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 187:**

7 Responding party will identify the scope of documents responsive to this request and then  
8 meet and confer with demanding party regarding further responses and production.

9 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 187:**

10 Responding party does not have any documents responsive to this request that are not  
11 privileged.

12 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 187:**

13 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
14 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
15 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
16 Therefore, LVD Fund will not respond to this request.

17 **REQUEST FOR PRODUCTION NO. 188:**

18 Please provide all documents related to any and all financial accounts at Bank of Hope  
19 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund  
20 LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012  
21 to the present date.

22 **RESPONSE TO REQUEST NO. 188:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting  
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1 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
2 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
3 documents that are not relevant to this issues presented; and it purports to require responding party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is privileged or protected by rights of privacy regarding financial information and  
6 tax records of responding party and/or third parties.

7 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 188:**

8 Responding party will identify the scope of documents responsive to this request, and then  
9 meet and confer with demanding party regarding further responses and production.

10 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 188:**

11 Responding party does not have any documents responsive to this request that are not  
12 privileged.

13 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 188:**

14 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
15 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
16 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
17 Therefore, LVD Fund will not respond to this request.

18 **REQUEST FOR PRODUCTION NO. 189:**

19 Please provide all documents related to any and all financial accounts at Bank of Hope  
20 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund  
21 LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012  
22 to the present date.

23 **RESPONSE TO REQUEST NO. 189:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
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1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

8 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 189:**

9 Responding party will identify the scope of documents responsive to this request, and then  
10 meet and confer with demanding party regarding further responses and production.

11 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 189:**

12 Responding party does not have any documents responsive to this request that are not  
13 privileged.

14 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 189:**

15 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
16 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
17 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
18 Therefore, LVD Fund will not respond to this request.

19 **REQUEST FOR PRODUCTION NO. 190:**

20 Please provide all bank statements and other documents related to all NES Financial's  
21 escrow accounts for Las Vegas Development Fund LLC, including Signature Bank account #  
22 1502391026, for the time period beginning in March 2012 to the present date.

23 **RESPONSE TO REQUEST NO. 190:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28

1 contained herein and previously propounded; it seeks documents that are already in requesting  
 2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
 3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
 4 documents that are not relevant to this issues presented; and it purports to require responding party to  
 5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
 6 information that is privileged or protected by rights of privacy regarding financial information and  
 7 tax records of responding party and/or third parties.

8 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 190:**

9 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
 10 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
 11 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
 12 Therefore, to the extent this request seeks any and all documents related to LVD Fund's financial  
 13 escrow accounts, LVD Fund will not respond to this request.

14 Based on the foregoing, LVD Fund now supplements its prior response to identify Loan  
 15 Statement & Invoices from NES: *see* A-000484-000485; A-008599-008600; A-009039-00905; A-  
 16 021845; A-021880; A-021910-021942; A-029764-029773.

17 **REQUEST FOR PRODUCTION NO. 191:**

18 Please provide, if any exist, any document(s) showing the check images related to deposits  
 19 made into all NES Financial's escrow accounts for Las Vegas Development Fund LLC, including  
 20 but not limited to, Signature Bank account #1502391026, for the time period beginning in March  
 21 2012 to the present date.

22 **RESPONSE TO REQUEST NO. 191:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
 24 with the other requests made herein and previously propounded, this request fails to meet the  
 25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
 26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
 27 contained herein and previously propounded; it seeks documents that are already in requesting  
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1 party's possession or equally accessible to the requesting party; it seeks information protected by the  
2 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
3 documents that are not relevant to this issues presented; and it purports to require responding party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is privileged or protected by rights of privacy regarding financial information and  
6 tax records of responding party and/or third parties.

7 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 191:**

8 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
9 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
10 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
11 Therefore, to the extent this request seeks any and all documents related to LVD Fund's financial  
12 escrow accounts, LVD Fund will not respond to this request.

13 Based on the foregoing, LVD Fund now supplements its prior response to identify Loan  
14 Statement & Invoices from NES: *see* A-000484-000485; A-008599-008600; A-009039-009051; A-  
15 021845; A-021880; A-021910-021942; A-029764-029773.

16 **REQUEST FOR PRODUCTION NO. 192:**

17 Please provide all documents related to any and all financial accounts at Signature Bank  
18 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund  
19 LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012  
20 to the present date.

21 **RESPONSE TO REQUEST NO. 192:**

22 Responding party objects to this Document Request because; individually, and in aggregate  
23 with the other requests made herein and previously propounded, this request fails to meet the  
24 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
25 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
26 contained herein and previously propounded; it seeks documents that are already in requesting  
27 party's possession or equally accessible to the requesting party; it seeks information protected by the  
28

1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and  
5 tax records of responding party and/or third parties.

6 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 192:**

7 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective  
8 Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to  
9 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
10 Therefore, LVD Fund will not respond to this request.

11 **REQUEST FOR PRODUCTION NO. 193:**

12 Please provide all documents related to any and all financial accounts at Wells Fargo  
13 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund  
14 LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012  
15 to the present date.

16 **RESPONSE TO REQUEST NO. 193:**

17 Responding party objects to this Document Request because; individually, and in aggregate  
18 with the other requests made herein and previously propounded, this request fails to meet the  
19 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
20 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
21 contained herein and previously propounded; it seeks documents that are already in requesting  
22 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
24 documents that are not relevant to this issues presented; and it purports to require responding party to  
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is privileged or protected by rights of privacy regarding financial information and  
27 tax records of responding party and/or third parties.  
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**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 193:**

Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, LVD Fund will not respond to this request.

**REQUEST FOR PRODUCTION NO. 194:**

Please provide all documents related to any and all financial accounts at Open Bank pertaining to Las Vegas Development Fund LLC, including but not limited to Account #1226364, and/or for which Las Vegas Development Fund LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

**RESPONSE TO REQUEST NO. 194:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 194:**

Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, LVD Fund will not respond to this request.

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**REQUEST FOR PRODUCTION NO. 195:**

Please provide all documents that support or relate to the representation made by Robert Dziubla during the evidentiary hearing on June 3, 2019 and LVDF’s counsel, Keith Greer, Esq., at the hearing on October 23, 2019 that LVDF has approximately \$1.5 million ready to be disbursed to Front Sight. (See Evid. Hrg. Tr. p. 156, l. 2 – p. 157, l. 25.)

**RESPONSE TO REQUEST NO. 195:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 195:**

LVD Fund supplements its prior relevance objection to clarify that this request seeks information which is neither relevant to the claims at issue in this action nor is this request reasonably calculated to lead to the discovery of admissible evidence. Specifically, whether foreign investors sought to invest in the Project after Front Sight breached the CLA will not help the parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting over 6 million dollars in loan proceeds from LVD Fund or whether Front Sight breached its obligations under the CLA.

LVD Fund further objects that, as drafted, this request seeks the disclosure of information that Front Sight is not entitled to pursuant to the Court’s June 30, 2020 Findings of Fact and

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1 Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for  
2 Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential  
3 Information and pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for  
4 Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled  
5 to financial information from LVD Fund.

6 Subject to and without waiver of the foregoing objections, LVD supplements its prior  
7 response as follows: *see* A-25020-25026.

8 **REQUEST FOR PRODUCTION NO. 196:**

9 Please provide all documents that support or relate to the representation made by Robert  
10 Dziubla during the evidentiary hearing on June 3, 2019 that LVDF has approximately \$2 million  
11 held in escrow for the Front Sight Project. (See Evid. Hrg. Tr. p. 154, ls. 7-9.)

12 **RESPONSE TO REQUEST NO. 196:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting  
18 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
19 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
20 documents that are not relevant to this issues presented; and it purports to require responding party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is privileged or protected by rights of privacy regarding financial information and  
23 tax records of responding party and/or third parties.

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25 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 196:**

26 LVD Fund supplements its prior relevance objection to clarify that this request seeks  
27 information which is neither relevant to the claims at issue in this action nor is this request  
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1 reasonably calculated to lead to the discovery of admissible evidence. Specifically, whether foreign  
2 investors sought to invest in the Project after Front Sight breached the CLA will not help the parties  
3 determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting over 6  
4 million dollars in loan proceeds from LVD Fund or whether Front Sight breached its obligations  
5 under the CLA.

6 LVD Fund further objects that, as drafted, this request seeks the disclosure of information  
7 that Front Sight is not entitled to pursuant to the Court's June 30, 2020 Findings of Fact and  
8 Conclusions of Law and Order Granting in Part and Denying in Part Defendants' Motion for  
9 Protective Order Regarding Discovery of Consultants' and Individual Investors' Confidential  
10 Information and pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for  
11 Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled  
12 to financial information from LVD Fund.

13 Subject to and without waiver of the foregoing objections, LVD supplements its prior  
14 response as follows: *see* A-25020-25026.

15 **REQUEST FOR PRODUCTION NO. 197:**

16 Please provide all documents that support or relate to the representation made by LVDF's  
17 counsel, Keith Greer, Esq., at the hearing on October 23, 2019 that LVDF recently received  
18 additional inquiries from potential immigrant investors regarding investment into the Front Sight  
19 project.

20 **RESPONSE TO REQUEST NO. 197:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting  
26 party's possession or equally accessible to the requesting party; it seeks information protected by the  
27 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
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1 documents that are not relevant to this issues presented; and it purports to require responding party to  
2 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is privileged or protected by rights of privacy regarding financial information and  
4 tax records of responding party and/or third parties.

5 **FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 197:**

6 LVD Fund supplements its prior relevance objection to clarify that this request seeks  
7 information which is neither relevant to the claims at issue in this action nor is this request  
8 reasonably calculated to lead to the discovery of admissible evidence. Specifically, whether foreign  
9 investors sought to invest in the Project after Front Sight breached the CLA will not help the parties  
10 determine whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting over 6  
11 million dollars in loan proceeds from LVD Fund or whether Front Sight breached its obligations  
12 under the CLA.

13 LVD Fund further objects that, as drafted, this request seeks the disclosure of information  
14 that Front Sight is not entitled to pursuant to the Court’s June 30, 2020 Findings of Fact and  
15 Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for  
16 Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential  
17 Information and pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for  
18 Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled  
19 to financial information from LVD Fund.

20 Subject to and without waiver of the foregoing objections, LVD supplements its prior  
21 response as follows: *see* A-25020-25026.

22 **REQUEST FOR PRODUCTION NO. 198:**

23 Please provide copies of all documents which demonstrate or relate to your involvement in  
24 the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, p. 0036.

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27 **RESPONSE TO REQUEST NO. 198:**

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1 Responding party objects to this Document Request because; individually, and in aggregate  
2 with the other requests made herein and previously propounded, this request fails to meet the  
3 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
4 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
5 contained herein and previously propounded; it seeks documents that are already in requesting  
6 party's possession or equally accessible to the requesting party; it seeks information protected by the  
7 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
8 documents that are not relevant to this issues presented; and it purports to require responding party to  
9 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
10 information that is privileged or protected by rights of privacy regarding financial information and  
11 tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 198:**

13 LVD Fund supplements its prior relevance objection to clarify that this request is overly  
14 broad and unduly burdensome as drafted. The request is broadly written to include all documents  
15 and communications regarding the EB5 Parties' involvement in the San Diego Hyatt Project,  
16 regardless of whether such information is relevant to the claims and defenses in this case. As  
17 drafted, this request also calls for the production of confidential documents and information that the  
18 EB5 Parties contend constitutes trade secrets.

19 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order  
20 Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery  
21 of Consultants' and Individual Investors' Confidential Information, the Court has found that Front  
22 Sight is not entitled to conduct discovery as to the potential, prospective, and actual EB-5 investors  
23 in the Front Sight Project and that Front Sight is only entitled to limited information about the  
24 foreign placement consultants involved in finding prospective EB-5 investors for the Front Sight  
25 Project. Based on this order, it is LVD Fund's position that Front Sight is not entitled to any  
26 information about the potential, prospective, or actual EB-5 investors in the San Diego Hyatt Project  
27 or the foreign placement consultants involved in the San Diego Hyatt Project.  
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1 Subject to and based on the foregoing objection, LVD Fund responds to this request by  
2 identifying only those documents that reference the EB5 Parties' prior involvement in the San Diego  
3 Hyatt Project: *see* A-006216-006218; A-006228-006239; A-006410-006411; A-006484-006486; A-  
4 006499-006500; A-014453-014454; A-010843; A-010826-010828; A-020676-020678; A-020798-  
5 020798; A-020713; A-020763; A-020679; A-020698; A-010903; A-010868-010869; A-010756-  
6 010757; A-010835-010837; A-013522-013568; A-020669-020671; A-020714-020717; A-010790;  
7 A-020639-020640; A-020652-020653; A-010776; A-020722-020722; A-020753-020754; A-  
8 020720-020721; A-020641; A-014895-014896; A-010844-010850; A-010872-010878; A-010829-  
9 010830; A-010769-010775; A-010805; A-010838-010842; A-010879-010879; A-010807; A-  
10 010789; A-010871; A-010823-010825; A-010781-010788; A-010891-010892; A-020700-020701;  
11 A-010884-010887; A-014880-014882; A-010777-010780; A-021528-021530 and A-026067-26069.

12 **REQUEST FOR PRODUCTION NO. 199:**

13 Please provide copies of all documents which demonstrate or relate to the status of the I-829  
14 petition for each immigrant investor who has invested funds in the Front Sight Project.

15 **RESPONSE TO REQUEST NO. 199:**

16 Responding party objects to this Document Request because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, this request fails to meet the  
18 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
19 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
20 contained herein and previously propounded; it seeks documents that are already in requesting  
21 party's possession or equally accessible to the requesting party; it seeks information protected by the  
22 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
23 documents that are not relevant to this issues presented; and it purports to require responding party to  
24 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is privileged or protected by rights of privacy regarding financial information and  
26 tax records of responding party and/or third parties.

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2 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 199:**

3 Responding party will produce additional non-privileged documents that are responsive to  
4 this request to the extent they exist.

5 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 199:**

6 No investor has filed an I-829 form.

7 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 199:**

8 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order  
9 Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery  
10 of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to  
11 conduct discovery as to the investors. Therefore, LVD Fund will not respond to this request.

12 **REQUEST FOR PRODUCTION NO. 200:**

13 Please provide copies of all documents which demonstrate or relate to the status of the I-526  
14 petition for each immigrant investor who has invested funds in the Front Sight Project.

15 **RESPONSE TO REQUEST NO. 200:**

16 Responding party objects to this Document Request because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, this request fails to meet the  
18 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
19 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
20 contained herein and previously propounded; it seeks documents that are already in requesting  
21 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
22 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
23 documents that are not relevant to this issues presented; and it purports to require responding party to  
24 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is privileged or protected by rights of privacy regarding financial information and  
26 tax records of responding party and/or third parties.

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**FOURTH SUPPLEMENTAL RESPONSE TO REQUEST NO. 200:**

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Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, LVD Fund will not respond to this request.

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**REQUEST FOR PRODUCTION NO. 201:**

9

Please provide copies of all documents which relate to communications between LVDF and the USCIS related to the Front Sight project.

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**RESPONSE TO REQUEST NO. 201:**

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Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

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**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 201:**

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LVD Fund supplements its prior relevance objection to clarify that this request seeks information which is neither relevant to the claims at issue in this action nor is this request reasonably calculated to lead to the discovery of admissible evidence. Specifically, what representations (if any) LVD Fund made to USCIS regarding the loan at issue in this case will not

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1 help the parties determine whether the EB5 Parties allegedly fraudulently induced Front Sight into  
2 accepting over 6 million dollars in loan proceeds from LVD Fund or whether Front Sight breached  
3 its obligations under the CLA.

4 Subject to and without waiver of the foregoing objection, LVD Fund responds that it did not  
5 correspond with USCIS and therefore has no documents to identify or produce in response to this  
6 request.

7 **REQUEST FOR PRODUCTION NO. 202:**

8 Please provide an accounting of all funds you have received from Front Sight. Said  
9 accounting must include all money received from Plaintiff by you, how all funds were spent,  
10 identification of who received any portion of the funds, and any and all documentation to support  
11 payments made or funds spent.

12 **RESPONSE TO REQUEST NO. 202:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting  
18 party's possession or equally accessible to the requesting party; it seeks information protected by the  
19 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
20 documents that are not relevant to this issues presented; and it purports to require responding party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is privileged or protected by rights of privacy regarding financial information and  
23 tax records of responding party and/or third parties.

24 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 202:**

25 Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for Protective  
26 Order Regarding the Defendants' Private Financial Information, Front Sight is not entitled to  
27 financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood.  
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1 Therefore, LVD Fund will not respond to this request.

2 **REQUEST FOR PRODUCTION NO. 203:**

3 Please provide copies of all documents which support, relate to, or substantiate the “Current  
4 Interest Due” of \$63,614.58 as claimed on the Loan Statement & Invoice for the period 10/1/2019-  
5 10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached  
6 hereto as Exhibit 1.

7 **RESPONSE TO REQUEST NO. 203:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting  
13 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 203:**

20 Responding Party will produce additional non-privileged documents that are responsive to  
21 this request.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 203:**

23 Responding party does not have any other documents that are responsive to this request and  
24 believes NES Financial Corp. is in possession of the requested documents.

25 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 203:**

26 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
27 21695; A-021721-21782.  
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1 **REQUEST FOR PRODUCTION NO. 204:**

2 Please provide copies of all documents which support, relate to, or substantiate the “Past Due  
3 Interest” of \$389,177.00 as claimed on the Loan Statement & Invoice for the period 10/1/2019-  
4 10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached  
5 hereto as Exhibit 1.

6 **RESPONSE TO REQUEST NO. 204:**

7 Responding party objects to this Document Request because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, this request fails to meet the  
9 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
10 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
11 contained herein and previously propounded; it seeks documents that are already in requesting  
12 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
13 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
14 documents that are not relevant to this issues presented; and it purports to require responding party to  
15 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is privileged or protected by rights of privacy regarding financial information and  
17 tax records of responding party and/or third parties.

18 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 204:**

19 Responding Party will produce additional non-privileged documents that are responsive to  
20 this request.

21 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 204:**

22 Responding party does not have any other documents that are responsive to this request and  
23 believes NES Financial Corp. is in possession of the requested documents.

24 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 204:**

25 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
26 21695; A-021721-21782.  
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1 **REQUEST FOR PRODUCTION NO. 205:**

2 Please provide copies of all documents which support, relate to, or substantiate the “Current  
3 Legal/Attorneys’ Fees” of \$85,376.16 as claimed on the Loan Statement & Invoice for the period  
4 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund,  
5 LLC, attached hereto as Exhibit 1.

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8 **RESPONSE TO REQUEST NO. 205:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 205:**

21 Responding Party will produce additional non-privileged documents that are responsive to  
22 this request.

23 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 205:**

24 Responding party does not have any other documents that are responsive to this request that  
25 are not privileged (i.e., legal invoices).

26 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 205:**

27 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
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1 21695; A-021721-21782.

2 **REQUEST FOR PRODUCTION NO. 206:**

3 Please provide copies of all documents which support, relate to, or substantiate the “Past Due  
4 Legal/Attorneys’ Fees” of \$226,848.75 as claimed on the Loan Statement & Invoice for the period  
5 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund,  
6 LLC, attached hereto as Exhibit 1.

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9 **RESPONSE TO REQUEST NO. 206:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 206:**

22 Responding Party will produce additional non-privileged documents that are responsive to  
23 this request.

24 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 206:**

25 Responding party does not have any other documents that are responsive to this request that  
26 are not privileged (i.e., legal invoices).

1 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 206:**

2 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
3 21695; A-021721-21782.

4 **REQUEST FOR PRODUCTION NO. 207:**

5 Please provide copies of all documents which support, relate to, or substantiate the “Past Due  
6 Foreclosure Costs” of \$15,000.00 as claimed on the Loan Statement & Invoice for the period  
7 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund,  
8 LLC, attached hereto as Exhibit 1.

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11 **RESPONSE TO REQUEST NO. 207:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 207:**

24 Responding Party will produce additional non-privileged documents that are responsive to  
25 this request.

26 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 207:**

27 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
28

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702.562.8820

1 21695; A-021721-21782.

2 **REQUEST FOR PRODUCTION NO. 208:**

3 Please provide copies of all documents which support, relate to, or substantiate the “Late  
4 Fee” of \$96,273.10 as claimed on the Loan Statement & Invoice for the period 10/1/2019-  
5 10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached  
6 hereto as Exhibit 1.

7 **RESPONSE TO REQUEST NO. 208:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting  
13 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 208:**

20 Responding Party will produce additional non-privileged documents that are responsive to  
21 this request.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 208:**

23 Responding party does not have any other documents that are responsive to this request and  
24 believes NES Financial Corp. is in possession of the requested documents.

25 **THIRD SUPPLEMENTAL RESPONSE TO REQUEST NO. 208:**

26 LVD Fund amends and supplements its prior response as follows: *see* A-021939; A-021629-  
27 21695; A-021721-21782.  
28

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DATED this 6<sup>th</sup> day of August, 2020.

BAILEY ❖ KENNEDY

By: /s/ Andrea M. Champion  
JOHN R. BAILEY  
JOSHUA M. DICKEY  
ANDREA M. CHAMPION

*Attorneys for Defendants*  
LAS VEGAS DEVELOPMENT FUND  
LLC; EB5 IMPACT CAPITAL  
REGIONAL CENTER LLC; EB5 IMPACT  
ADVISORS LLC; ROBERT W.  
DZIUBLA; JON FLEMING; and  
LINDA STANWOOD

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 6<sup>th</sup> day of August, 2020, service of the foregoing **DEFENDANT LAS VEGAS DEVELOPMENT FUND LLC’S FIFTH SUPPLEMENTAL RESPONSES TO PLAINTIFF’S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

JOHN P. ALDRICH  
CATHERINE HERNANDEZ  
**ALDRICH LAW FIRM, LTD.**  
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*Plaintiff/Counterdefendants*  
FRONT SIGHT MANAGEMENT,  
LLC; IGNATIUS A. PIAZZA II;  
JENNIFER PIAZZA; VNV  
DYNASTY TRUST I; VNV  
DYNASTY TRUST II; MICHAEL  
MEACHER; TOP RANK  
BUILDERS INC.; ALL  
AMERICAN CONCRETE &  
MASONRY INC.; MORALES  
CONSTRUCTION, INC.; AND  
EFRAIN RENE MORALES-  
MORENO

/s/ Angelique Mattox  
Employee of BAILEY ❖ KENNEDY

**BAILEY ❖ KENNEDY**  
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LAS VEGAS, NEVADA 89148-1302  
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**Reception**

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**Sent:** Thursday, August 6, 2020 1:58 PM  
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**Subject:** Notification of Service for Case: A-18-781084-B, Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s) for filing Service Only, Envelope Number: 6433596

**Notification of Service**

Case Number: A-18-781084-B  
Case Style: Front Sight Management LLC,  
Plaintiff(s)vs.Las Vegas Development Fund LLC,  
Defendant(s)  
Envelope Number: 6433596



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**Filing Details**

<b>Case Number</b>	A-18-781084-B
<b>Case Style</b>	Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)
<b>Date/Time Submitted</b>	8/6/2020 1:57 PM PST
<b>Filing Type</b>	Service Only
<b>Filing Description</b>	Defendant Las Vegas Development Fund LLC's Fifth Supplemental Responses to Plaintiff's Third Set of Requests for Production of Documents
<b>Filed By</b>	Angelique Mattox
<b>Service Contacts</b>	<p>Front Sight Management LLC:</p> <p>Traci Bixenmann (<a href="mailto:traci@johnaldrichlawfirm.com">traci@johnaldrichlawfirm.com</a>)</p> <p>John Aldrich (<a href="mailto:jaldrich@johnaldrichlawfirm.com">jaldrich@johnaldrichlawfirm.com</a>)</p> <p>Las Vegas Development Fund LLC:</p> <p>Joshua Dickey (<a href="mailto:jdickey@baileykennedy.com">jdickey@baileykennedy.com</a>)</p> <p>John Bailey (<a href="mailto:jbailey@baileykennedy.com">jbailey@baileykennedy.com</a>)</p> <p>Bailey Kennedy, LLP (<a href="mailto:bkfederaldownloads@baileykennedy.com">bkfederaldownloads@baileykennedy.com</a>)</p>

	<p>Kathryn Holbert (<a href="mailto:kholbert@farmercase.com">kholbert@farmercase.com</a>)</p> <p>Andrea Champion (<a href="mailto:achampion@baileykennedy.com">achampion@baileykennedy.com</a>)</p> <p>Keith Greer (<a href="mailto:keith.greer@greerlaw.biz">keith.greer@greerlaw.biz</a>)</p> <p>Dianne Lyman (<a href="mailto:dianne.lyman@greerlaw.biz">dianne.lyman@greerlaw.biz</a>)</p> <p>Mona Gantos (<a href="mailto:mona.gantos@greerlaw.biz">mona.gantos@greerlaw.biz</a>)</p>
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# EXHIBIT 3

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*Attorneys for Defendants*  
 9 LAS VEGAS DEVELOPMENT FUND LLC;  
 EB5 IMPACT CAPITAL REGIONAL CENTER  
 10 LLC; EB5 IMPACT ADVISORS LLC; ROBERT  
 W. DZIUBLA; JON FLEMING; and  
 11 LINDA STANWOOD

12 DISTRICT COURT  
 13 CLARK COUNTY, NEVADA

15 FRONT SIGHT MANAGEMENT LLC, a  
 Nevada Limited Liability Company,  
 16  
 17 Plaintiff,

18 vs.

19 LAS VEGAS DEVELOPMENT FUND LLC, a  
 Nevada Limited Liability Company; et al,  
 20  
 21 Defendants.

Case No. A-18-781084-B  
 Dept. No. XVI

**LAS VEGAS DEVELOPMENT FUND,  
 LLC’S SECOND SUPPLEMENTAL AND  
 CORRECTED RESPONSES  
 TO PLAINTIFF’S FIRST SET OF  
 INTERROGATORIES**

22  
 23 AND ALL RELATED COUNTERCLAIMS.  
 24

25 Pursuant to Rules 26 and 33 of the Nevada Rules of Civil Procedure, Defendant, LAS  
 26 VEGAS DEVELOPMENT FUND, LLC (“LVD Fund”), by and through its counsel,  
 27 Bailey ❖ Kennedy, hereby supplements its answers to Plaintiff’s First Set of Interrogatories as  
 28 follows:

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LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**PRELIMINARY STATEMENT**

1  
2 1. LVD Fund does not waive any objection set forth herein by interposing these  
3 objections or by making any subsequent response to the First Set of Interrogatories.

4 2. LVD Fund reserves the right to object to any future interrogatories propounded by  
5 Front Sight as Front Sight has exceeded the 40 permissible Interrogatories permitted by the Nevada  
6 Rules of Civil Procedure when counting discrete subparts.

7 3. LVD Fund objects to the “Definitions and Instructions” proposed by Plaintiff to the  
8 extent that they purport to impose obligations upon LVD Fund greater than or different from those  
9 imposed by the Nevada Rules of Civil Procedure.

10 4. The objections and responses contained herein are made solely for the purpose of this  
11 action. Each response is subject to all objections as to competence, relevance, materiality, propriety,  
12 admissibility, and any and all other objections and grounds to which the same statement would be  
13 subject to if delivered as live testimony at court. All such objections and grounds are expressly  
14 reserved by LVD Fund and may be interposed at the time of trial or in conjunction with any other  
15 use of these responses.

16 5. LVD Fund reserves the right to supplement its objections and responses to this First  
17 Set of Interrogatories.

18 **6. LVD Fund has agreed to respond to these revised interrogatories although they**  
19 **exceed the numerical limit of NRCP 33(a)(1) upon the express understanding that it reserves**  
20 **the right to object to any further interrogatories propounded by Front Sight.**

21 **SUPPLEMENTAL RESPONSES TO FIRST SET OF INTERROGATORIES**

22 LVD Fund’s supplemental and corrected responses appear **bolded** below.

23 **INTERROGATORY NO. 1:**

24 Please state with particularity all facts and identify all documents relating to any and all  
25 affirmative defenses asserted in your Answer to Second Amended Complaint. If you assert a  
26 privilege, please provide a privilege log.

27 *Withdrawn and revised pursuant to Plaintiff’s Revised First Set of Interrogatories to*  
28 *Defendant Las Vegas Development Fund, LLC.*

1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

2 LVD Fund objects to Interrogatory No. 1 as it contains multiple subparts. Each affirmative  
3 defense is a separate matter and should have been the subject of a separate interrogatory. *See Avila*  
4 *v. Mohave Cnty.*, No. 3:14-cv-8124-HRH, 2015 U.S. Dist. LEXIS 148956, at \*20 (D. Ariz. Oct. 30,  
5 2015) (“each of the affirmative defenses is a separate matter and should have been the subject of a  
6 separate contention interrogatory”). Front Sight has exceeded the 40 permissible Interrogatories  
7 permitted by the Nevada Rules of Civil Procedure when counting discrete subparts.

8 LVD Fund further objects to Interrogatory No. 1 as overly broad. *See Gropper v. David Ellis*  
9 *Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y. Feb. 10, 2014)  
10 (holding that requests for “any and all” documents concerning [a] subject is inherently overbroad”).

11 Subject to and without waiving the foregoing objections, LVD Fund responds as follows:

12 From the beginning, Mr. Dziubla told Front Sight representatives that any type of capital  
13 raise for a gun-training facility would be challenging. Indeed, it is LVD Fund’s understanding that  
14 Front Sight’s own banks, Bank of America and Wells Fargo, had already rejected Front Sight’s loan  
15 applications.

16 Front Sight was made aware of Mr. Dziubla, Mr. Fleming, Ms. Stanwood, and LVD Fund’s  
17 (collectively, the “EB5 Parties”) level of experience with EB-5 and the EB5 Parties’ reliance on  
18 Empyrean West for such expertise, which is why Michael Meacher asked that the EB5 Parties  
19 provide two or three references on recent EB-5 transactions where Empyrean West had successfully  
20 raised significant capital. On April 7, 2012, Mr. Dziubla informed Mr. Meacher, after discussing  
21 Front Sight’s inability to obtain traditional bank financing, that he believed with a professional and  
22 thorough presentation and underwriting, a well-honed and focused message, and a creative and  
23 experienced approach to finance raises, the EB5 Parties had a “very good chance” of raising the  
24 desired amounts. The EB5 Parties believed that to be true but made no specific promises.

25 After Front Sight rejected a written proposal from Mr. Dziubla to do a private equity  
26 financing at a 12-15% rate, Mr. Dziubla spent months researching the then-current state of the EB-5  
27 financing model and discussing the feasibility and durability of EB-5 with business colleagues.  
28 Based on those discussions, the apparent healthy state of the EB-5 market, and the favorable terms



1 associated with EB-5 capital, Mr. Dziubla later suggested that Front Sight consider using EB-5 as  
2 the vehicle to meet their professed need for additional capital. While this was LVD Fund’s first  
3 direct project in EB-5 lending, this was not the EB5 Parties’ first project as they had previously  
4 teamed up with Empyrean West to do a \$75 million EB-5 raise for the San Diego Hyatt project.

5 The EB5 Parties consistently informed Front Sight about the uncertain nature of fundraising.  
6 By way of example, the February 8, 2013 Engagement Letter specifically states:

7 *Nothing contained in this Agreement is to be construed as a commitment by*  
8 *EB5IA, its affiliates or its agents to lend to or invest in the contemplated*  
9 *Financing. This it is not a guarantee* that any such Financing can be procured  
10 by EB5IA for the Company on terms acceptable to the Company, or a  
representation or guarantee that EB5IA will be able to perform successfully the  
Services detailed in this Agreement.

11 FS 00020-27 at 21 (emphasis added). Both of the subsequent private placement memorandums,  
12 draft proposal, and February 14, 2013 letter discussing the EB5 Parties’ goal of raising \$75 million  
13 in EB-5 financing also contained similar and extensive disclaimer language and a discussion of risk  
14 factors.

15 No guarantees were ever made regarding the amount of money to be raised. On August 27,  
16 2012, Mr. Dziubla confirmed that the EB5 Parties “*may well be able to* put together a financing  
17 package *for some, or perhaps all*, of the \$150m you were seeking to raise.” (emphasis added).

18 While the EB5 Parties hoped to raise as much EB-5 money as possible, the EB5 Parties advised  
19 Front Sight on numerous occasions that there were no guarantees in fundraising. Consequently,  
20 Front Sight was keenly aware of the uncertain nature of an EB-5 raise and was expected to conduct  
21 its own due diligence (and was able to do so given Mr. Meacher and Mr. Piazza’s extensive  
22 backgrounds in commercial banking and commercial real estate financing, respectively).

23 By May 2016, it became apparent that it was unlikely that the parties would come anywhere  
24 close to their fundraising goal. Thus, on May 12, 2016, Mr. Dziubla sent an email to Front Sight  
25 informing Front Sight that, despite the EB5 Parties’ efforts for the past three years, “[t]he Front Sight

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1 raise is turning out to be much harder and taking longer than we had expected, and all of us are  
2 horribly frustrated and upset by this turn of events.” Dziubla gave Front Sight three options:

- 3 1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that we
- 4 first refund the EB5 money that is in escrow to the investors and then close our
- 5 doors.
- 6 2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)
- 7 bringing in senior debt from a timeshare lender who understands the timeshare
- 8 business. . .
- 9 3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas
- 10 Development Fund LLC entities to you, and you then proceed as you wish.

11 (See A003181-3186).

12 Front Sight opted for the second option: to take the \$2,250,000 in EB5 money that was  
13 already in escrow and to obtain senior debt to finance the remainder of the Project. After that point,  
14 while the EB5 Parties continued attempting to raise EB-5 capital, the parties agreed that they would  
15 only be paid success fees for funds they were able to generate through EB-5 sources (i.e., if they did  
16 not raise any capital, they did not get a success fee). Although there were no more minimum raises  
17 and the prior goals had been abandoned by agreement of the parties, the EB5 Parties continued to  
18 market the project until Front Sight defaulted on the loan agreement and then initiated this lawsuit.

19 Because Front Sight: (i) never submitted any government approved plans pursuant to Section  
20 3.2 of the CLA; (ii) appeared to be running behind on construction and thus not on target for the  
21 completion deadline set forth in Section 5.1 of the CLA; (iii) had not obtained senior debt pursuant  
22 to Section 5.27 of the CLA; and (iv) had never provided monthly project costs pursuant to Section  
23 3.2 of the CLA, the EB5 Parties became concerned that the project was in jeopardy. Pursuant to  
24 Section 3.1 of the CLA, LVD Fund had the authority to refrain from advancing and therefore did not  
25 disburse additional funds to Front Sight. In addition, because Front Sight refused to comply with its  
26 obligations under the CLA including, but not limited to, allowing inspections of Front Sight’s books  
27 and records and the Project and refusing to provide the necessary EB-5 Information, on or about July  
28 31, 2018, LVD Fund served its first Notice of Default/Notice of Inspection/Monthly Proof of Project

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///

1 Costs on Front Sight. Since then, the parties have exchanged written correspondence about Front  
2 Sight’s breach. Rather than complying with its contractual obligations and rectifying its breach,  
3 Front Sight commenced this litigation.

4 *See also* A-00001-020816.

5 **REVISED INTERROGATORY NO. 1A:**

6 Please state with particularity all facts and identify all documents relating to Affirmative Defense  
7 Number 4 in your Amended Answer to Second Amended Complaint. If you assert a privilege,  
8 please provide a privilege log.

9 **RESPONSE TO REVISED INTERROGATORY NO. 1A:**

10 **LVD Fund objects to Revised Interrogatory No. 1A as harassing, duplicative, and**  
11 **unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020**  
12 **Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and**  
13 **already recites the material and/or principal facts upon which LVD Fund contends that Front**  
14 **Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in**  
15 **this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories**  
16 **should not require a party to provide the equivalent of a narrative account of its case,**  
17 **including every evidentiary fact, details of testimony of supporting witnesses, and the contents**  
18 **of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.**  
19 **Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide**  
20 **a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts**  
21 **generally find interrogatories to be “overly broad and unduly burdensome on their face to the**  
22 **extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.***  
23 ***David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.**  
24 **Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is**  
25 **inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30**  
26 **(D. Md. 2005) (agreeing that a request directing the party to identify “each and every**  
27 **document on which you rely” was “impermissibly overbroad, and if answered would produce**  
28 **much tangential if not irrelevant information.”).**

1 LVD Fund also objects to that portion of Revised Interrogatory No. 1A which calls for  
2 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
3 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
4 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
5 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
6 to harass and burden LVD Fund.

7 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
8 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to *before*  
9 Front Sight withdrew and replaced it) as follows:

10 Pursuant to the Construction Loan Agreement (“CLA”) executed by the parties on or  
11 about October 4, 2016, Front Sight was contractually obligated, among other things, to:

12 (i) use the proceeds of the Loan “solely for the purpose of funding directly, or  
13 advancing to Affiliates to pay, the costs of the Project, in accordance with the terms and  
14 conditions of the [CLA] as set forth in the Budget and Project documents submitted to, and  
15 approved by, USCIS” (Section 1.7(e);

16 (ii) provide to LVD Fund, prior to the commencement date, plans “approved for  
17 construction by the Project Architect and the applicable Governmental Authority” (Section  
18 3.2(b)(1));

19 (iii) permit LVD Fund to inspect the “Project at all reasonable times” (Section 3.3);

20 (iv) complete the Project within 36 months of the commencement date (Section 5.1);

21 (v) deliver to LVD Fund estimated costs of the Project, showing any changes or  
22 variations to the original Estimated Construction Cost Statement, as soon as such changes  
23 were known to Front Sight (and requiring that Front Sight not make or consent to any  
24 changes or modification without LVD Fund’s prior written consent) (Section 5.2);

25 (vi) maintain “accurate and complete books, accounts and records” and permit LVD  
26 Fund to inspect the same (Section 5.4);

27 (vii) refrain from permitting, *inter alia*, any sale, conveyance, pledge, assignment or  
28 transfer of any ownership interest in Front Sight (whether direct or indirect);

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1 (viii) furnish to LVD Fund financial statements, operating statements and budgets, and  
2 other documents required for EB-5 reporting to USCIS (Sections 1.7 and 5.10);

3 (ix) prior to the completion date, not make distributions of money (including a loan or  
4 advance) or property to any related party (Section 5.18); and

5 (x) use its best efforts to obtain senior debt from a “traditional financial institution  
6 specializing in financing projects such as the [Front Sight] Project” (Section 5.27).

7 Front Sight breached each of the following referenced Sections of the CLA by, among  
8 other things, diverting funds away from the Project (and distributing millions of dollars to the  
9 VNV Dynasty Trust I and VNV Dynasty Trust II; failing to get and/or provide government  
10 approved plans to LVD Fund; refusing to permit LVD Fund to inspect the Project and its  
11 books and records upon request; admitting it was never on track to complete the Project by  
12 the contractual Completion Date of October 4, 2019; making multiple material changes to the  
13 plans and schedule for the Project (including, inter alia, reducing the size of the “Patriot  
14 Pavilion”) without first obtaining the written consent from LVD Fund; failing to obtain senior  
15 debt (a failure which impacted EB5IA’s ability to market the project to potential EB-5  
16 investors); failing to provide monthly project costs to LVD Fund (in fact, to date, Front Sight  
17 still has not provided a monthly project cost to LVD Fund as required by Section 3.2(a));  
18 maintain its books and records (as recently admitted by Front Sight in the briefing on LVD  
19 Fund’s Motion for Sanctions); and failing to timely make all interest payments to LVD Fund;  
20 selling “credits,” “points,” “memberships,” and “certificates” to Front Sight’s members,  
21 telling them that it would convert the same to ownership interests upon completion of the  
22 Project.

23 As a result of Front Sight’s multiple breaches of the CLA, on July 30, 2018, LVD Fund  
24 notified Front Sight that it was in breach of the CLA.

25 *See also* First Supplemental Response to Interrogatory Nos. 23, 24, 25, 26, 27, 28, 29, 30,  
26 and 31.

27 ///

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1 **REVISED INTERROGATORY NO. 1B:**

2 Please state with particularity all facts and identify all documents relating to Affirmative  
3 Defense Number 5 in your Amended Answer to Second Amended Complaint. If you assert a  
4 privilege, please provide a privilege log.

5 **RESPONSE TO REVISED INTERROGATORY NO. 1B:**

6 **LVD Fund objects to Revised Interrogatory No. 1B as harassing, duplicative, and**  
7 **unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020**  
8 **Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and**  
9 **already recites the material and/or principal facts upon which LVD Fund contends that Front**  
10 **Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in**  
11 **this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories**  
12 **should not require a party to provide the equivalent of a narrative account of its case,**  
13 **including every evidentiary fact, details of testimony of supporting witnesses, and the contents**  
14 **of supporting documents”)); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.**  
15 **Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide**  
16 **a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts**  
17 **generally find interrogatories to be “overly broad and unduly burdensome on their face to the**  
18 **extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.***  
19 ***David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.**  
20 **Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is**  
21 **inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30**  
22 **(D. Md. 2005) (agreeing that a request directing the party to identify “each and every**  
23 **document on which you rely” was “impermissibly overbroad, and if answered would produce**  
24 **much tangential if not irrelevant information.”).**

25 **LVD Fund also objects to that portion of Revised Interrogatory No. 1B which calls for**  
26 **the identification of documents related to Affirmative Defense Number 4. Front Sight’s**  
27 **request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of**  
28 **Requests for Production of Documents to LVD Fund, to which LVD Fund previously**

1 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
2 to harass and burden LVD Fund.

3 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
4 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to *before*  
5 Front Sight withdrew and replaced it) as follows:

6 See Response to Revised Interrogatory No. 1A.

7 **REVISED INTERROGATORY NO. 1C:**

8 Please state with particularity all facts and identify all documents relating to Affirmative  
9 Defense Number 8 in your Amended Answer to Second Amended Complaint. If you assert a  
10 privilege, please provide a privilege log.

11 **RESPONSE TO REVISED INTERROGATORY NO. 1C:**

12 LVD Fund objects to Revised Interrogatory No. 1C as harassing, duplicative, and  
13 unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020  
14 Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and  
15 already recites the material and/or principal facts upon which LVD Fund contends that Front  
16 Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in  
17 this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories  
18 should not require a party to provide the equivalent of a narrative account of its case,  
19 including every evidentiary fact, details of testimony of supporting witnesses, and the contents  
20 of supporting documents”)); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.  
21 Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide  
22 a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts  
23 generally find interrogatories to be “overly broad and unduly burdensome on their face to the  
24 extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.*  
25 *David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.  
26 Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is  
27 inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30  
28 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every

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1 document on which you rely” was “impermissibly overbroad, and if answered would produce  
2 much tangential if not irrelevant information.”).

3 LVD Fund also objects to that portion of Revised Interrogatory No. 1C which calls for  
4 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
5 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
6 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
7 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
8 to harass and burden LVD Fund.

9 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
10 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to *before*  
11 Front Sight withdrew and replaced it) as follows:

12 See Response to Revised Interrogatory No. 1A.

13 **REVISED INTERROGATORY NO. 1D:**

14 Please state with particularity all facts and identify all documents relating to Affirmative  
15 Defense Number 9 in your Amended Answer to Second Amended Complaint. If you assert a  
16 privilege, please provide a privilege log.

17 **RESPONSE TO REVISED INTERROGATORY NO. 1D:**

18 LVD Fund objects to Revised Interrogatory No. 1D as harassing, duplicative, and  
19 unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020  
20 Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and  
21 already recites the material and/or principal facts upon which LVD Fund contends that Front  
22 Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in  
23 this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories  
24 should not require a party to provide the equivalent of a narrative account of its case,  
25 including every evidentiary fact, details of testimony of supporting witnesses, and the contents  
26 of supporting documents”); see also *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.  
27 Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide  
28 a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts



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1 generally find interrogatories to be “overly broad and unduly burdensome on their face to the  
2 extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.*  
3 *David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.  
4 Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is  
5 inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30  
6 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
7 document on which you rely” was “impermissibly overbroad, and if answered would produce  
8 much tangential if not irrelevant information.”).

9 LVD Fund also objects to that portion of Revised Interrogatory No. 1D which calls for  
10 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
11 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
12 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
13 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
14 to harass and burden LVD Fund.

15 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
16 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to before  
17 Front Sight withdrew and replaced it) as follows:

18 *See Response to Revised Interrogatory No. 1A.*

19 **REVISED INTERROGATORY NO. 1E:**

20 Please state with particularity all facts and identify all documents relating to Affirmative  
21 Defense Number 10 in your Amended Answer to Second Amended Complaint. If you assert a  
22 privilege, please provide a privilege log.

23 **RESPONSE TO REVISED INTERROGATORY NO. 1E:**

24 LVD Fund responds to Interrogatory No. 1E by stating that Affirmative Defense 10  
25 does not apply to LVD Fund.

26 **REVISED INTERROGATORY NO. 1F:**

27 Please state with particularity all facts and identify all documents relating to Affirmative  
28 Defense Number 12 in your Amended Answer to Second Amended Complaint. If you assert a

1 privilege, please provide a privilege log.

2 **RESPONSE TO REVISED INTERROGATORY NO. 1F:**

3 LVD Fund objects to Revised Interrogatory No. 1F as harassing, duplicative, and  
4 unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020  
5 Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed. Thus,  
6 Front Sight improperly seeks information already disclosed in this action. *Lucero v. Valdez*,  
7 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories should not require a party to  
8 provide the equivalent of a narrative account of its case, including every evidentiary fact,  
9 details of testimony of supporting witnesses, and the contents of supporting documents”); *see*  
10 *also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D. Kan. 1998) (holding that  
11 “[i]nterrogatories should not require the answering party to provide a narrative account of its  
12 case,” or to “duplicate initial disclosures,” and noting that courts generally find interrogatories  
13 to be “overly broad and unduly burdensome on their face to the extent they ask for ‘every fact’  
14 which supports identified allegations or defenses”); *Gropper v. David Ellis Real Estate, L.P.*, No.  
15 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y. Feb. 10, 2014) (holding that  
16 requests for “any and all” documents concerning [a] subject is inherently overbroad”); *see also*  
17 *United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a  
18 request directing the party to identify “each and every document on which you rely” was  
19 “impermissibly overbroad, and if answered would produce much tangential if not irrelevant  
20 information.”).

21 LVD Fund also objects to that portion of Revised Interrogatory No. 1F which calls for  
22 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
23 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
24 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
25 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
26 to harass and burden LVD Fund.

27 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
28 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to before

1 **Front Sight withdrew and replaced it) as follows:**

2 **LVD Fund’s only obligation under the CLA was to loan investments made to LVD**  
3 **Fund by EB-5 investors to Front Sight. Pursuant to Section 1.7 of the CLA, upon satisfaction**  
4 **of each EB-5 Investor’s Subscription Conditions, LVD Fund was to release 75% (\$375,000) of**  
5 **the EB-5 investor’s subscription to Front Sight pursuant to a separate Escrow Agreement, and**  
6 **made available to Front Sight upon its request. LVD Fund was contractually obligated to hold**  
7 **back the remaining 25% (\$125,000) of each EB-5 investor’s subscription in an escrow account**  
8 **for LVD Fund’s benefit until the EB-5 Investor’s I-526 Immigrant Petition was either**  
9 **approved or finally adjudicated and denied by USCIS.**

10 **LVD Fund fully performed under the CLA by disbursing EB-5 investor’s subscriptions**  
11 **to Front Sight on a rolling basis. Indeed, there is no allegation in this case that LVD Fund**  
12 **failed to comply with Section 1.7 of the CLA.**

13 **REVISED INTERROGATORY NO. 1G:**

14 Please state with particularity all facts and identify all documents relating to Affirmative  
15 Defense Number 13 in your Amended Answer to Second Amended Complaint. If you assert a  
16 privilege, please provide a privilege log.

17 **RESPONSE TO REVISED INTERROGATORY NO. 1G:**

18 **LVD Fund objects to Revised Interrogatory No. 1G as harassing, duplicative, and**  
19 **unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020**  
20 **Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and**  
21 **already recites the material and/or principal facts upon which LVD Fund contends that Front**  
22 **Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in**  
23 **this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories**  
24 **should not require a party to provide the equivalent of a narrative account of its case,**  
25 **including every evidentiary fact, details of testimony of supporting witnesses, and the contents**  
26 **of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.**  
27 **Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide**  
28 **a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts**

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1 generally find interrogatories to be “overly broad and unduly burdensome on their face to the  
2 extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.*  
3 *David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.  
4 Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is  
5 inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30  
6 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
7 document on which you rely” was “impermissibly overbroad, and if answered would produce  
8 much tangential if not irrelevant information.”).

9 LVD Fund also objects to that portion of Revised Interrogatory No. 1G which calls for  
10 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
11 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
12 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
13 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
14 to harass and burden LVD Fund.

15 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
16 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to before  
17 Front Sight withdrew and replaced it) as follows:

18 *See Response to Revised Interrogatory No. 1A.*

19 **REVISED INTERROGATORY NO. 1H:**

20 Please state with particularity all facts and identify all documents relating to Affirmative  
21 Defense Number 14 in your Amended Answer to Second Amended Complaint. If you assert a  
22 privilege, please provide a privilege log.

23 **RESPONSE TO REVISED INTERROGATORY NO. 1H:**

24 LVD Fund objects to Revised Interrogatory No. 1H as harassing, duplicative, and  
25 unduly burdensome because LVD Fund’s First Amended Counterclaim and March 11, 2020  
26 Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and  
27 already recites the material and/or principal facts upon which LVD Fund contends that Front  
28 Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in

1 this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories  
 2 should not require a party to provide the equivalent of a narrative account of its case,  
 3 including every evidentiary fact, details of testimony of supporting witnesses, and the contents  
 4 of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.  
 5 Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide  
 6 a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts  
 7 generally find interrogatories to be “overly broad and unduly burdensome on their face to the  
 8 extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.*  
 9 *David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.  
 10 Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is  
 11 inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30  
 12 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
 13 document on which you rely” was “impermissibly overbroad, and if answered would produce  
 14 much tangential if not irrelevant information.”).

15 LVD Fund also objects to that portion of Revised Interrogatory No. 1H which calls for  
 16 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
 17 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
 18 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
 19 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
 20 to harass and burden LVD Fund.

21 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
 22 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to before  
 23 Front Sight withdrew and replaced it) as follows:

24 *See Response to Revised Interrogatory No. 1A.*

25 **REVISED INTERROGATORY NO. 1I:**

26 Please state with particularity all facts and identify all documents relating to Affirmative  
 27 Defense Number 15 in your Amended Answer to Second Amended Complaint. If you assert a  
 28 privilege, please provide a privilege log.

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1 **RESPONSE TO REVISED INTERROGATORY NO. 11:**

2 LVD Fund objects to Revised Interrogatory No.12I as overly broad and unduly  
3 burdensome. *See Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention  
4 interrogatories should not require a party to provide the equivalent of a narrative account of  
5 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
6 contents of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
7 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party  
8 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
9 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
10 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
11 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4  
12 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
13 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
14 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
15 document on which you rely” was “impermissibly overbroad, and if answered would produce  
16 much tangential if not irrelevant information.”).

17 LVD Fund also objects to that portion of Revised Interrogatory No. 1I which calls for  
18 the identification of documents related to Affirmative Defense Number 15. Front Sight’s  
19 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
20 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
21 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
22 to harass LVD Fund.

23 Subject to and without waiver of the foregoing objections, LVD Fund responds as  
24 follows:

25 The only tort claim that remains pending against LVD Fund is Front Sight’s  
26 Intentional Interference with Prospective Economic Advantage claim, which relates to the  
27 alleged disruption of a prospective contractual relationship between Front Sight and another  
28 potential lender for the Project who would have provided senior debt under the CLA. (*See*

1 Second Am. Compl. at ¶ 123). However, Front Sight was contractually obligated to provide  
2 LVD Fund with information about its attempts to obtain senior debt. LVD Fund simply  
3 requested that Front Sight comply with the CLA by: (i) timely obtaining senior debt and (ii)  
4 providing LVD Fund with evidence of its efforts to obtain senior debt.

5 Front Sight was originally contractually required to obtain such senior debt no later  
6 than December 31, 2016. Front Sight failed to comply with that contractual obligation. LVD  
7 Fund subsequently gave Front Sight two extensions of the deadline by which to obtain senior  
8 debt, up and until June 30, 2018 to obtain senior debt. Still, Front Sight violated its  
9 contractual obligations and failed to secure senior debt.

10 In July 2018, Mr. Dziubla, on behalf of LVD Fund, requested that Front Sight provide  
11 LVD Fund with the documentation required by the Second Amendment to the CLA, reflecting  
12 Front Sight's recent attempts to obtain senior debt. Still, Front Sight refused to provide the  
13 necessary documentation.

14 On July 12, 2018, Mr. Dziubla, on behalf of LVD Fund, informed Front Sight that it  
15 would be implementing the requirements of Article 5.27 of the CLA. For two months, instead  
16 of working to secure senior debt, Front Sight continued to fight with LVD Fund and  
17 threatened to file suit if LVD Fund attempted to implement Article 5.27 of the CLA.  
18 Eventually, LVD Fund opted to proceed and declared Front Sight in default of the CLA on or  
19 about September 11, 2018 (for, among other things, failing to obtain senior debt).

20 *See also* Response to Interrogatory No. 11.

21 **REVISED INTERROGATORY NO. 1J:**

22 Please state with particularity all facts and identify all documents relating to Affirmative  
23 Defense Number 16 in your Amended Answer to Second Amended Complaint. If you assert a  
24 privilege, please provide a privilege log.

25 **RESPONSE TO REVISED INTERROGATORY NO. 1J:**

26 LVD Fund objects to Revised Interrogatory No. 1J as harassing, duplicative, and  
27 unduly burdensome because LVD Fund's First Amended Counterclaim and March 11, 2020  
28 Motion for Partial Summary Judgment Pursuant to NRCP 56, are extremely detailed and

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1 already recites the material and/or principal facts upon which LVD Fund contends that Front  
2 Sight breached the CLA. Thus, Front Sight improperly seeks information already disclosed in  
3 this action. *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention interrogatories  
4 should not require a party to provide the equivalent of a narrative account of its case,  
5 including every evidentiary fact, details of testimony of supporting witnesses, and the contents  
6 of supporting documents”); see also *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D.  
7 Kan. 1998) (holding that “[i]nterrogatories should not require the answering party to provide  
8 a narrative account of its case,” or to “duplicate initial disclosures,” and noting that courts  
9 generally find interrogatories to be “overly broad and unduly burdensome on their face to the  
10 extent they ask for ‘every fact’ which supports identified allegations or defenses”); *Gropper v.*  
11 *David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y.  
12 Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is  
13 inherently overbroad”); see also *United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30  
14 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
15 document on which you rely” was “impermissibly overbroad, and if answered would produce  
16 much tangential if not irrelevant information.”).

17 LVD Fund also objects to that portion of Revised Interrogatory No. 1J which calls for  
18 the identification of documents related to Affirmative Defense Number 4. Front Sight’s  
19 request is subsumed within Front Sight’s Request for Production No. 132 in its Fifth Set of  
20 Requests for Production of Documents to LVD Fund, to which LVD Fund previously  
21 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
22 to harass and burden LVD Fund.

23 Subject to and without waiver of the foregoing objections, LVD Fund amends and  
24 supplements its prior response to Interrogatory No. 1 (which LVD Fund responded to before  
25 Front Sight withdrew and replaced it) as follows:

26 See Response to Revised Interrogatory No. 1A.

27 ///

28 ///



1 **INTERROGATORY NO. 2:**

2 Please state with particularity all facts and identify all documents, emails, texts messages, or  
3 communication of any kind between you or your representative and any party to this litigation  
4 regarding the Front Sight Project referenced in the Second Amended Complaint. This includes all  
5 internal communications among representatives of LVDF. If you assert a privilege, please provide a  
6 privilege log.

7 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

8 LVD Fund objects to Interrogatory No. 2 as it is vague and ambiguous and thus overly broad.  
9 *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4  
10 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject  
11 is inherently overbroad”). Interrogatory No. 2 appears to request that LVD Fund identify all  
12 communications between the parties (i.e., LVD Fund and any of its representatives on the one hand  
13 and Front Sight on the other hand) in addition to all internal communications between LVD Fund’s  
14 representatives and/or the Defendants regarding the Project. It would be impossible for LVD Fund  
15 to identify, in response to this Interrogatory, every single communication (whether oral or in writing)  
16 it had with Front Sight and/or its agents, principals, and/or employees. Likewise, it would be  
17 impracticable for LVD Fund to identify every communication between LVD Fund, its agents, and  
18 the other Defendants.

19 To the extent this Interrogatory requests LVD Fund detail every communication it had with  
20 Front Sight about the Project, this information is equally within Front Sight’s control and appears to  
21 be requested for no other reason than to harass LVD Fund. Moreover, because the parties have not  
22 yet met and conferred on this set of Interrogatories, if Front Sight is not satisfied with this summary  
23 of the parties’ communications about the Project, LVD Fund proposes that the parties meet and  
24 confer on the scope of this Interrogatory or Front Sight simply re-phrase its request.

25 To the extent this Interrogatory requests LVD Fund detail every communication between  
26 agents and/or employees of LVD Fund and the other Defendants in this case, this interrogatory seeks  
27 the disclosure of information protected by the joint defense/common interest privilege and attorney-  
28 client privilege. Therefore, LVD Fund will presume in responding to this Interrogatory that Front

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1 Sight is not seeking the disclosure of privileged communications and is only seeking information  
2 about internal communications about the Project between LVD Fund agents and/or employees prior  
3 to this litigation.

4 LVD Fund also objects to this Interrogatory as containing numerous subparts as discussed  
5 above. Front Sight has exceeded the 40 permissible Interrogatories permitted by the Nevada Rules  
6 of Civil Procedure when counting discrete subparts.

7 Subject to and without waiving the foregoing objections, LVD Fund will respond to  
8 Interrogatory No. 2 by providing a summary of the parties’ communications about the Project:

9 In approximately 2012, Robert Dziubla began discussing a potential EB-5 raise with Front  
10 Sight’s principal Ignatius A. Piazza, and its Chief Operating Officer, Mike Meacher. Mr. Dziubla,  
11 Mr. Piazza and Mr. Meacher discussed that potential for quite some time, both orally and in written  
12 communications, that have been previously produced in this case before the parties agreed to  
13 proceed. Ultimately, on or about October 6, 2016, Front Sight and LVD Fund executed a  
14 Construction Loan Agreement by which LVD Fund agreed to help fund the construction of the  
15 Project. Because the parties mutually understood that the loan would be funded by international EB-  
16 5 investors, Front Sight agreed to provide LVD Fund with documents necessary for LVD Fund and  
17 the EB-5 investors’ reporting requirements (among other obligations).

18 While Front Sight and the EB5 Parties had initially discussed attempting to raise over \$100  
19 million in EB-5 investments for the Project, on or about May 12, 2016, Mr. Dziubla informed Front  
20 Sight that despite its efforts for the past three years, “[t]he Front Sight raise is turning out to be much  
21 harder and taking longer than we had expected, and all of us are horribly frustrated and upset by this  
22 turn of events.” Mr. Dziubla gave Front Sight three options:

- 23 1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that we  
first refund the EB5 money that is in escrow to the investors and then close our  
doors.
- 24 2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)  
bringing in senior debt from a timeshare lender who understands the timeshare  
25 business. . .
- 26 3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas  
Development Fund LLC entities to you, and you then proceed as you wish.

27 (See A003181-3186).

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1 Front Sight opted to take the second option, to take the \$2,250,000 in EB5 money raised and  
2 to obtain senior debt to finance the remainder of the Project. Thereafter, Front Sight refused to  
3 comply with its obligations under the CLA including, but not limited to, allowing inspections of  
4 Front Sight’s books and records and the Project and refusing to provide the necessary EB-5  
5 Information. Therefore, on or about July 31, 2018, LVD Fund served its first Notice of  
6 Default/Notice of Inspection/Monthly Proof of Project Costs on Front Sight. Since then, the parties  
7 have exchanged numerous written correspondence about Front Sight’s breach and then Front Sight  
8 commenced this litigation to address the parties’ dispute over the Project.

9 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

10 **Pursuant to the parties’ meet and confer efforts, LVD Fund agreed to supplement its**  
11 **response to confirm that all non-privileged communications, that are not subject to the Court’s**  
12 **July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the**  
13 **Defendants’ Private Financial Information, between LVD Fund’s representatives have been**  
14 **produced. LVD Fund now supplements its prior response to confirm the same.**

15 **INTERROGATORY NO. 3:**

16 Please state with particularity all facts and identify all documents, emails, texts messages, or  
17 communication of any kind between you and any non-party to this litigation regarding the Front  
18 Sight Project referenced in the Second Amended Complaint. If you assert a privilege, please provide  
19 a privilege log.

20 *Withdrawn and revised pursuant to Plaintiff’s Revised First Set of Interrogatories to*  
21 *Defendant Las Vegas Development Fund, LLC.*

22 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

23 LVD Fund objects to Interrogatory No. 3 as it is overly broad. *See Gropper v. David Ellis*  
24 *Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y. Feb. 10, 2014)  
25 (holding that requests for “any and all” documents concerning [a] subject is inherently overbroad”).  
26 Interrogatory No. 3 contains no time limitation whatsoever. It would be impossible for LVD Fund to  
27 provide a summary of every communication it has had about the Project over the past seven years.

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1 LVD Fund also objects to Interrogatory No. 3 as vague and ambiguous. As phrased, it is  
2 unclear whether Interrogatory No. 3 seeks communications between LVD Fund and non-parties  
3 about the Front Sight Project that are referenced in the Second Amended Complaint or, more  
4 generally, communications between LVD Fund and non-parties regarding the Project whether or not  
5 the Second Amended Complaint references those communications.

6 As phrased, Interrogatory No. 3 may call for the disclosure of attorney-client  
7 communications between LVD Fund and its counsel. LVD Fund presumes that Front Sight does not  
8 intend to make LVD Fund log every communication it has ever had with its counsel and therefore  
9 will not provide a privilege log on the same.

10 LVD Fund also objects to Interrogatory No. 3 as seeking the disclosure of confidential and  
11 protected (i.e., trade secret and proprietary) information. As Front Sight is well aware, the EB5  
12 Parties marketed the Front Sight Project to potential EB-5 Investors in an effort to raise money for  
13 the Project. Not only would it be impossible to summarize those communications in response to this  
14 request but disclosure of LVD Fund’s communications would also reveal trade secret and  
15 proprietary information. LVD Fund has recently filed a motion for protective order to protect the  
16 disclosure of those communications and therefore will not respond to this portion of this  
17 Interrogatory until the Court decides that Motion.

18 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
19 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
20 is seeking.

21 **REVISED INTERROGATORY NO. 3:**

22 Please identify all documents, emails, text messages, or communications of any kind between  
23 any officer or manager of LVDF and any foreign placement consultant regarding the Front Sight  
24 Project referenced in the Second Amended Complaint from October 2016 to July 2018. If you assert  
25 a privilege, please provide a privilege log.

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1 **RESPONSE TO REVISED INTERROGATORY NO. 3:**

2 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and  
3 Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order  
4 Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the  
5 Court has found that Front Sight is not entitled to conduct discovery as to the potential,  
6 prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only  
7 entitled to limited information about the foreign placement consultants involved in finding  
8 prospective EB-5 investors for the Front Sight Project (including communications with foreign  
9 placement agents about EB5IA’s attempts to market the Project to potential EB-5 investors).  
10 Based on the Court’s Order, LVD Fund states that it was not involved in marketing the  
11 Project from October 2016 to July 2018 and therefore had no communications with foreign  
12 placement agents about the same.

13 **INTERROGATORY NO. 4:**

14 Please state with particularity all facts and identify all documents which support or relate to  
15 the truthfulness of the representations made to Front Sight that “... we don’t make any money until  
16 we have successfully raised the \$65m...” as set forth in Evidentiary Hearing Exhibit 3, p. 0007. If  
17 you assert a privilege, please provide a privilege log.

18 **FIRST [CORRECTED] RESPONSE TO INTERROGATORY NO. 4:**

19 LVD Fund objects to Interrogatory No. 4 as vague and ambiguous as phrased. It is  
20 unclear what Front Sight is asking for when it asks for facts and documents “which support or  
21 relate to the truthfulness” of representations made to Front Sight.

22 Subject to and without waiver of the foregoing objections, LVD Fund responds as  
23 follows:

24 The statement identified in Interrogatory No. 4 was not made by LVD Fund. Front  
25 Sight has only made interest payments to LVD Fund and the Court has already determined  
26 that Front Sight is not entitled to know if (and how) LVD Fund spent those interest payments.  
27 See July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the  
28 Defendants’ Private Financial Information.

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1 **INTERROGATORY NO. 5:**

2 Please state with particularity all facts and identify all documents which demonstrate or relate  
3 to each and every payment, financial transaction, and/or transfer of money or property made by you  
4 to any other Defendant in this matter, or entity controlled by any other Defendant in this matter,  
5 from 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
6 reimbursement, salary, or equity distribution from you to any other Defendant in this matter, or  
7 entity controlled by any other Defendant or entity in this matter. If you assert a privilege, please  
8 provide a privilege log.

9 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

10 LVD Fund objects to Interrogatory No. 5 as unduly burdensome. Front Sight has already  
11 subpoenaed and produced financial records from Wells Fargo that would reflect payments and  
12 transfers of money made by LVD Fund to another Defendant. It would be burdensome for LVD  
13 Fund to have to provide a written response, confirming that information in response to this  
14 interrogatory. Therefore, pursuant to NRCP 33(d), LVD Fund responds as follows: *see* WF(2013)  
15 00001-41, WF(2014) 00001-60, WF(2015) 00001-68, WF(2016) 00001-88, WF(2017) 00001-78,  
16 WF(2018) 00001-42; *see also* Declarations of Robert Dziubla regarding Accounting.

17 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

18 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
19 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
20 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
21 **Stanwood. Therefore, LVD Fund will not respond to this request.**

22 **INTERROGATORY NO. 6:**

23 Please state with particularity all facts and identify all documents which demonstrate or relate  
24 to each and every payment, financial transaction, and/or transfer of money or property made to you  
25 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter,  
26 from 2012 to the present. This includes, but is not limited to, facts and documentation related to any

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1 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or  
2 entity controlled by any other Defendant or entity in this matter. If you assert a privilege, please  
3 provide a privilege log.

4 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

5 LVD Fund objects to Interrogatory No. 6 as unduly burdensome. Front Sight has already  
6 subpoenaed and produced financial records from Wells Fargo that reflect payments and transfers of  
7 money made to LVD Fund by another Defendant. It would be burdensome for LVD Fund to have  
8 to provide a written response, confirming that information in response to this interrogatory.  
9 Therefore, pursuant to NRCP 33(d), LVD Fund responds as follows: *see* WF(2013) 00001-41,  
10 WF(2014) 00001-60, WF(2015) 00001-68, WF(2016) 00001-88, WF(2017) 00001-78, WF(2018)  
11 00001-42; *see also* Declarations of Robert Dziubla regarding Accounting.

12 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

13 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
14 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
15 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
16 **Stanwood. Therefore, LVD Fund will not respond to this request.**

17 **INTERROGATORY NO. 7:**

18 Please provide a list which identifies or contains the details of each and every EB-5 investor  
19 and/or investment transaction related to the Front Sight Project, including but not limited to, the  
20 identity of the person or entity involved, the address of the person or entity investing, the country of  
21 origin of the person or entity investing, the contact information for the agent of the EB-5 investor,  
22 the date of the transaction or investment, the amount of the investment, the source of the funds for  
23 the investment, the current immigration status of the EB-5 investor (including the status of the I-526  
24 and/or I-829 petitions), and the current status of the investment, and identify all documents relating  
25 to any investment described in this Interrogatory. If you assert a privilege, please provide a privilege  
26 log.

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

2 LVD Fund objects to Interrogatory No. 7 as seeking the disclosure of confidential and  
3 protected (i.e., trade secret and proprietary) information. As Front Sight is aware, the EB-5 investors  
4 have an expectation of privacy and investor information are protected trade secrets. LVD Fund has  
5 recently filed a motion for protective order to protect the disclosure of this same type of information  
6 sought via Requests for Production of Documents and therefore will not respond to this portion of  
7 this Interrogatory unless and until the Court decides that Motion and requires the disclosure of such  
8 information.

9 LVD Fund also objects to Interrogatory No. 7 as not likely to lead to the discovery of  
10 admissible evidence. While the existence of investors show that the EB5 Parties were actively  
11 marketing and attracting investors, the personal information of those investors is simply not relevant  
12 to the claims and defenses in this case.

13 Subject to and without waiving the foregoing objections, LVD Fund will agree to provide the  
14 number of EB-5 investors, the amount of each EB-5 investor’s investment, and the status of each  
15 investor’s I-829 petition. LVD Fund now responds as follows:

16 A total of eighteen EB-5 investors invested in the Front Sight Project. Each EB-5 investor  
17 invested \$500,000. None of the EB-5 Investors have filed their I-829 petitions with USCIS as of the  
18 date of these supplemental responses. The first EB-5 Investor in the Front Sight project will need to  
19 file his I-829 petition to remove conditions on his residency status no later than May 21, 2020  
20 (although his counsel intends to file the I-829 petition well before May 21, 2020 given the  
21 processing delays caused by the COVID-19 pandemic).

22 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO 7:**

23 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
24 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
25 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
26 **Front Sight is not entitled to conduct discovery as to the investors.**

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1           **Subject to and without waiver of the foregoing objection, LVD Fund responds as**  
2 **follows: To LVD Fund’s knowledge, as of today’s date, the first and second EB-5 Investors**  
3 **have filed their I-829 Petition with USCIS. LVD Fund anticipates that at least two additional**  
4 **EB-5 investors will need to file an I-829 petition within the next year.**

5 **INTERROGATORY NO. 8:**

6           Please state with particularity all facts and identify all documents which relate to each and  
7 every representation you have made to any potential or eventual EB-5 investor of the Front Sight  
8 Project, or agent of any potential EB-5 investor from 2013-2019, including representations prior to  
9 investment and updates since investment. If you assert a privilege, please provide a privilege log.

10 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

11           LVD Fund objects to Interrogatory No. 8 as overly broad as phrased. *See Gropper v. David*  
12 *Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y. Feb. 10,  
13 2014) (holding that requests for “any and all” documents concerning [a] subject is inherently  
14 overbroad”).

15           This Interrogatory appears to call for LVD Fund to first identify every document or  
16 representation made to potential or eventual EB-5 investors and then go through each representation  
17 and provide facts and/or cite to document sin support of each representation. Such a request is also  
18 unduly burdensome, not proportional to the needs of the case, and contains multiple discrete  
19 subparts. Front Sight appears to have intentionally drafted its requests in such a way to not exceed  
20 the numerical limit of NRCP 33(a)(1).

21           LVD Fund further objects to Interrogatory No. 8 as seeking the disclosure of confidential and  
22 protected (i.e., trade secret and proprietary) information. As Front Sight is aware, the EB-5 investors  
23 have an expectation of privacy and investor information are protected trade secrets. LVD Fund has  
24 recently filed a motion for protective order to protect the disclosure of this same type of information  
25 sought via Requests for Production of Documents and therefore will not respond to this Interrogatory  
26 unless and until the Court decides that Motion and requires the disclosure of such information.

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1 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

2 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and  
3 Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order  
4 Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the  
5 Court has found that Front Sight is not entitled to conduct discovery as to the potential,  
6 prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only  
7 entitled to limited information about the foreign placement consultants involved in finding  
8 prospective EB-5 investors for the Front Sight Project (including communications with foreign  
9 placement agents about EB5IA’s attempts to market the Project to potential EB-5 investors).

10 Subject to and based on the foregoing objection, LVD Fund states that it provided its  
11 EB-5 investors with updates on the Front Sight Project from time to time. LVD Fund  
12 previously produced those updates and now directs Front Sight to the same: *see* A-009088; A-  
13 024795-024796; A-024862-024863; A-024882-024883; A-025010-025012; A-025014-025016; A-  
14 025210-025211; A-026453; A-026455; A-026462; A-029089-029090; A-029582; A-029585-  
15 029589.

16 **INTERROGATORY NO. 9:**

17 Please state with particularity all facts and identify all documents which support or relate to  
18 each and every representation you have made to the USCIS regarding the Front Sight Project and/or  
19 loan at issue in this case, including any and all documents provided to the USCIS at any time. If you  
20 assert a privilege, please provide a privilege log.

21 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

22 LVD Fund objects to Interrogatory No. 9 as vague and ambiguous. As drafted, it is unclear  
23 whether Interrogatory No. 9 seeks the disclosure of documents provided by LVD Fund to USCIS  
24 related to the Project, documents provided by LVD Fund to USCIS that are unrelated to the Project,  
25 representations made to USCIS regarding the loan provided by LVD Fund to Front Sight, or all  
26 documents that relate to the Project in any way (because they would relate to loan at issue in this  
27 case and the Project).

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1 To the extent Interrogatory No. 9 seeks the disclosure of all of the above possible  
2 information, LVD Fund further objects that the Interrogatory is compound and contains multiple  
3 discrete subparts.

4 LVD Fund also objects to this Interrogatory as better suited for a request for production of  
5 documents. To the extent this Interrogatory asks LVD Fund to identify all representations made to  
6 USCIS regarding the Project or the loan at issue and then provide all facts and identify all documents  
7 that arguably may relate to those representations, it would be unduly burdensome to require LVD  
8 Fund to provide such a response. Front Sight should have identified specific representations LVD  
9 Fund has made and then asked LVD Fund to state the facts that support that specific representation.  
10 But it appears that Front Sight has intentionally drafted its Interrogatories in such a way to not  
11 exceed the numerical limit of NRCP 33(a)(1).

12 To the extent Interrogatory No. 9 seeks the disclosure of communications with USCIS  
13 regarding LVD Fund and the EB-5 investors, LVD Fund further objects that the Interrogatory  
14 seeking the disclosure of protected proprietary trade secret information and confidential information.  
15 LVD Fund has already moved for a protective order to protect similar information from disclosure in  
16 response to Front Sight’s Requests for Production of Documents. Therefore, LVD Fund will not  
17 respond to this Interrogatory unless and until the Court decides that Motion and requires the  
18 disclosure of such information.

19 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

20 **LVD Fund states that it has not communicated with USCIS about the Front Sight**  
21 **Project.**

22 **INTERROGATORY NO. 10:**

23 Please state with particularity all facts and identify all documents which support or relate to  
24 communications you have received from the USCIS regarding the Front Sight Project. If you assert a  
25 privilege, please provide a privilege log.

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

2 LVD Fund objects to Interrogatory No. 10 as vague and ambiguous as phrased. This request  
3 appears to call for LVD Fund to first identify every document or communication received from  
4 USCIS regarding the Front Sight project, then go through each document and communication to  
5 identify every statement or representation made therein, and then provide facts and/or cite to  
6 documents in support of each statement and representation. Such a request is also unduly  
7 burdensome, not proportional to the needs of the case, and contains multiple discrete subparts. Front  
8 Sight appears to have intentionally drafted its requests in such a way to not exceed the numerical  
9 limit of NRCP 33(a)(1).

10 LVD Fund further objects to Interrogatory No. 10 as seeking the disclosure of confidential  
11 and protected (i.e., trade secret and proprietary) information. As Front Sight is aware, the EB-5  
12 investors have an expectation of privacy and investor information are protected trade secrets.  
13 Therefore, any information provided to USCIS regarding the EB-5 investors is protected from  
14 disclosure in this case.

15 Subject to and without waiver of the foregoing objections, LVD Fund responds to this  
16 Interrogatory as follows:

17 LVD Fund has received no requests from USCIS. Therefore it has no information, or  
18 documents, to provide in response to this Interrogatory.

19 **INTERROGATORY NO. 11:**

20 Please state with particularity all facts and identify all documents which support or relate to  
21 communications or information provided to you by Plaintiff or any representative of Plaintiff at any  
22 time between 2012 and the present related to the Front Sight Project or the loan at issue in this  
23 litigation. If you assert a privilege, please provide a privilege log.

24 *Withdrawn and revised pursuant to Plaintiff's Revised First Set of Interrogatories to*  
25 *Defendant Las Vegas Development Fund, LLC.*

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

2 LVD Fund objects to Interrogatory No. 11 as vague and ambiguous as phrased. Interrogatory  
3 No. 11 appears to ask LVD Fund to first identify every communication or information provided to  
4 LVD Fund from Front Sight and/or any of its representatives and then to state all facts and identify  
5 all documents which may relate to that communication or information. The request is nonsensical as  
6 phrased.

7 LVD Fund also objects to Interrogatory No. 11 as containing multiple discrete subparts in  
8 excess of the numerical limitation of NRCP 33(a)(1). Each underlying “communication or  
9 information provided” by Front Sight is a discrete subpart. Front Sight should have identified  
10 specific communications or representations in its request but appears to have intentionally drafted  
11 this request in a way to bypass the numerical limitation of NRCP 33(a)(1).

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13 LVD Fund also objects to Interrogatory No. 11 as unduly burdensome not proportional to the  
14 needs of the case. Even assuming LVD Fund could provide a response as to every “communication  
15 or information provided” by Front Sight, it would be unduly burdensome to require LVD Fund to go  
16 through every communication it has ever had with Front Sight and then put together a response of  
17 everything that may arguably “support or relate to” that communication. This type of request is  
18 intended solely to harass LVD Fund.

19 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
20 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
21 is seeking.

22 **REVISED INTERROGATORY NO. 11:**

23 Please identify all communications and state with particularity the substance of those  
24 communications between you and Plaintiff or any representative of Plaintiff at any time between  
25 July 1, 2016 and July 31, 2018 pertaining to Front Sight’s obtaining senior debt pursuant to the  
26 Construction Loan Agreement. If you assert a privilege, please provide a privilege log.

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**RESPONSE TO REVISED INTERROGATORY NO. 11:**

LVD Fund objects to Interrogatory No. 11 as it is vague and ambiguous and thus overly broad. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \* 4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is inherently overbroad”). It would be impossible for LVD Fund to identify, in response to this Interrogatory, every single communication (whether oral or in writing) it had with Front Sight and/or its agents, principals, and/or employees regarding the senior debt requirement of the Construction Loan Agreement.

LVD Fund further objects to this interrogatory as seeking information equally within Front Sight’s custody and control. Consequently, it appears that Front Sight has propounded this interrogatory solely to harass and burden LVD Fund.

Subject to, and without waiver, of the foregoing objection, LVD Fund responds as follows:

For context, it is important to note that in May 2016, when it became apparent that the parties were not going to raise their goal of \$75 million in-EB-5 investments, Mr. Dziubla gave Front Sight three options:

1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that we first refund the EB5 money that is in escrow to the investors and then close our doors.
2. Restructure the capital stack by (i) eliminating the minimum raise and (ii) bringing in senior debt from a timeshare lender who understands the timeshare business. . .
3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas Development Fund LLC entities to you, and you then proceed as you wish.

Rather than purchasing EB5IC, Front Sight elected to take the second option—i.e., to take the \$2,250,000 in EB-5 money raised and obtain senior debt to finance the remainder of the Project. Front Sight’s obligation to secure senior debt for the project was included in the CLA at page 11 (defining Senior Debt as “the additional loan that will be sought by Borrower, and which Borrower will use its best efforts to obtain, from a traditional institution specializing in financing projects such as the Project”) and Article 5.27 (which stated that “Borrower will use its best efforts to obtain Senior Debt” and “[i]f Borrower has not obtained

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1 such Senior Debt by March 31, 2017, Borrower agrees that Lender may impose provisions  
2 concerning such matters similar to those customarily found in construction loans made by  
3 institutional lenders.” Front Sight was contractually required to obtain such senior debt no  
4 later than December 31, 2016.

5 As soon as August 2016, LVD Fund began impressing upon Front Sight the importance  
6 of timely securing senior debt, repeatedly reiterating that the foreign placement agents and  
7 potential EB-5 investors were “antsy” without senior debt secured and were often “unwilling  
8 to commit until [they were] able to see at least an LOI.” Although outside the time frame  
9 identified in this interrogatory, in August and September 2016, Front Sight made multiple  
10 representations to LVD Fund about having multiple lenders competing for Front Sight’s  
11 business and its ability to “pull the trigger” on closing on a loan with U.S. Capital Partners  
12 (“USCP”) and/or Summit Financial shortly. In fact, in October 2016, Mr. Meacher  
13 represented to LVD Fund that the negotiations of the USCP loan were going “very well” and  
14 that upon their review, USCP expressed their belief that “the project [was] even stronger than  
15 their initial evaluation.” Front Sight, of course, never closed either loan.

16 Despite representing to LVD Fund in October 2016 that the USCP would close within  
17 60 days, it never closed. Between October 2016 and 2018, Mr. Dziubla, on behalf of LVD  
18 Fund, repeatedly followed up with Front Sight to find out when the USCP loan was expected to  
19 close and Front Sight repeatedly represented that they were working on closing the loan. In  
20 November 2016, Front Sight represented that it had submitted all required documents to  
21 USCP and that it had no anticipated issues with closing the USCP loan. In December 2016,  
22 Front Sight claimed that USCP would have a commitment letter to Front Sight “within thirty  
23 days” and funding would be “less than 30 days after that.” On December 21, 2016, Mr. Piazza  
24 emailed Mr. Dziubla and Mr. Fleming expressing that Front Sight “MAY not need or accept  
25 any further EB-5 money” once the USCP loan was funded. A month later, on January 23,  
26 2017, Front Sight represented that Mr. Piazza was continuing to communicate with the CEO  
27 of USCP and that “funding [was] moving forward nicely” but stated that it did not have a  
28 “firm funding date yet.”

1 On February 13, 2017, Mr. Dziubla, on behalf of LVD Fund, emailed Mr. Meacher to  
2 inquire about the status of the USCP loan “as more than 4 months ha[d] passed since the LOI  
3 was signed on September 30<sup>th</sup>.” Mr. Piazza responded claiming that his “gut” told him that  
4 Front Sight would close the USCP loan “within 45 days or so.” On February 16, 2017, LVD  
5 Fund Fed-ed and emailed to Front Sight and its legal counsel (Scott Preston), a Notice of  
6 Inspection, demanding to inspect Front Sight’s book and records pursuant to Article 5.4 of the  
7 CLA, specifically with regard to the USCP senior debt deal. Front Sight responded that it  
8 would never allow LVD Fund to inspect its books and records.

9 On March 20, 2017, Mr. Fleming emailed Mr. Meacher requesting a conference call  
10 with USCP to “discuss the status of the loan.” Front Sight did not agree to LVD Fund’s  
11 request but, instead, stated that in a “show of good faith,” it was confirming, in response to  
12 LVD Fund’s inquiry, that “USCP received the Quality of Earnings report,” and that a Letter  
13 of Commitment would be in hand “within 10 days” with Mr. Piazza meeting with USCP “next  
14 week.”

15 Based on Front Sight’s numerous representations about the forthcoming USCP loan, on  
16 July 1, 2017, the parties executed the First Amendment to the CLA, giving Front Sight until  
17 December 31, 2017 to obtain senior debt (which LVD Fund understood would be more than  
18 sufficient time for Front Sight to close on the USCP loan). However, by September 2017,  
19 Front Sight had yet to close the USCP loan. Accordingly, on September 27, 2017, Mr. Fleming  
20 emailed Mr. Piazza, urging Front Sight to “get the USCP loan documented and funded  
21 quickly” in order to encourage potential EB-5 investors to invest in the Project.

22 On October 30, 2017, Mr. Fleming emailed Mr. Meacher to pass along a concern from  
23 a foreign placement agent (Kyle Scott) that Front Sight had misled the foreign placement agent  
24 about its attempts to secure senior debt. Mr. Scott stated, in pertinent part: “to be frank, we  
25 feel a little misled by FS regarding the bridge financing. Our understanding was that this loan  
26 was in place months ago, but not yet funded. However, despite repeated requests, we have  
27 been unable to get any evidence of the basic terms or a commitment letter from FS. Our  
28 marketing materials say the bridge loan has been committed . . . Funding the loan is



1 important. . [b]ut having evidence of the loan and its basic terms is equally important . . . We  
2 cannot afford to convey any inaccurate information [to potential EB-5 investors].”

3 In October 2017, Front Sight represented that it had secured a \$36 million construction  
4 line of credit from Top Rank Builders, Inc., Morales Construction, Inc., and All American  
5 Concrete and Masonry, Inc. (collectively, the “Morales Entities”). Mr. Meacher separately  
6 emailed Mr. Dziubla and Mr. Fleming to inform them that with the \$36 million construction  
7 line of credit available, it was Front Sight’s position that it didn’t “need USCP.” A few days  
8 later, Mr. Meacher emailed Mr. Dziubla and Mr. Fleming to inform them that now that Front  
9 Sight had secured the purported \$36 million line of credit from the Morales Entities, “he [Mr.  
10 Piazza] really no longer needs you.” Mr. Dziubla responded by continuing to urge Front Sight  
11 to secure the USCP loan (i.e., to have Front Sight comply with Article 5.27 the CLA).

12 On November 5, 2017, Mr. Meacher represented to Mr. Dziubla and Mr. Fleming that  
13 the USCP loan would close “in about 30 days” and then “Front Sight will have secured \$51  
14 million in capital from U.S. banks and from our contractors” (i.e., the Morales Entities).

15 On December 3, 2017, Mr. Dziubla emailed Mr. Meacher to confirm that Front Sight  
16 was still on track to have the USCP loan funded by December 31, 2017 (the deadline for Front  
17 Sight’s obligation to obtain senior debt). The next day, Mr. Meacher confirmed, in writing,  
18 that Front Sight had “secured the USCP deal for \$15 million as [LVD Fund] requested” and  
19 that the loan would fund by the end of the year.” On December 4, 2017, Mr. Meacher  
20 represented that Front Sight and USCP were working towards a December 15 close date.

21 On January 8, 2018, after receiving no update from Front Sight, Mr. Dziubla emailed  
22 Mr. Meacher to confirm whether the USCP loan had been finalized and whether Front Sight  
23 intended to exercise its 60 day extension right under the First Amendment to the CLA to allow  
24 it to close on the USCP loan.

25 On January 15, 2018, Mr. Meacher represented to LVD Fund that USCP “made some  
26 last minute demands of Naish that were not in the original documents” and were currently  
27 being discussed between Front Sight and USCP (and thus, Front Sight had not yet secured  
28 senior debt for the Project). On January 31, 2018, Mr. Meacher provided another update to

1 LVD Fund representing that USCP had now “provided two offers which [were] being  
2 considered by Front Sight” and that “[b]oth [were] pending review by the lender” of Front  
3 Sight’s 2017 financial statements. In addition, Mr. Meacher represented to LVD Fund that  
4 Front Sight had been approached by a Houston, Texas based bank, American First National  
5 Bank, who had also expressed interest in loaning construction money to Front Sight. Front  
6 Sight claimed to be “negotiating all three concurrently to come-up with the best long-term  
7 construction financing at the lowest cost” which led LVD Fund to believe that Front Sight  
8 would be able to secure senior debt in the near future.

9 On February 14, 2018, in response to two separate emails from Front Sight complaining  
10 about the status of marketing the project to potential EB-5 investors, Mr. Dziubla reminded  
11 Front Sight that “[a]s we have been saying since May 2016, [ ] without a senior loan in place,  
12 the FS project looks under-capitalized. The longer that deficiency remains, the longer we have  
13 to struggle explaining that to potential investors” and reiterating that Front Sight had not (as  
14 it claimed) done everything it needed to facilitate marketing the Project because it had not  
15 secured senior debt for the Project.

16 On February 28, 2018, in response to Front Sight’s email pushing the EB5 Parties to  
17 secure “3-4 investors a month” and indicating that it would “be very pleased with [the EB5  
18 Parties’] performance if they were able to do so, Mr. Dziubla responded that it would be “quite  
19 unlikely” to source 3-4 investors per month “given that no senior construction loan has been  
20 signed” (reaffirming his repeated prior emails to Front Sight that many of the potential  
21 investors wanted the security of having senior debt in place before committing to invest in the  
22 Project).

23 Front Sight (including Mr. Piazza) continued to push LVD Fund to extend the senior  
24 debt requirement and on March 13, 2018, claimed that it did not need additional money for a  
25 “few months” and that it did not want to pay interest on money that it did not already need.  
26 In light of Mr. Piazza’s explanation, LVD Fund acquiesced, with Mr. Dziubla telling Front  
27 Sight that it would accept Front Sight’s request to extend the senior debt requirement by  
28 another 90 days (notwithstanding the impact the lack of senior debt was having on the EB5

1 Parties and their foreign placement agents’ ability to secure EB-5 investors for the project).

2 On or about February 28, 2018, the parties executed a Second Amendment to the Loan  
3 Agreement confirming their agreement that Front Sight would have until June 30, 2018 to  
4 obtain senior debt. In addition, Front Sight agreed “[c]oncurrently with the extension of this  
5 Second Extension,” to provide LVD Fund with “copies of term sheets, emails and other  
6 materials related to the Senior Debt Term Sheets and shall periodically, but no less than  
7 monthly, update the same.”

8 On April 20, 2018, Mr. Dziubla again requested the documents reflecting Front Sight’s  
9 attempts to obtain senior debt pursuant to the Second Amendment to the CLA. Mr. Meacher  
10 responded by indicating that Front Sight would not do so. Accordingly, on April 20, 2018, Mr.  
11 Dziubla, on behalf of LVD Fund, requested that Front Sight provide all documentation to  
12 “substantiate the negotiations with the senior lender” as it was supposed to do so concurrent  
13 with signing the Second Amendment to the CLA. When Front Sight failed to respond, Mr.  
14 Dziubla again asked for the requested documentation. Still, Front Sight refused to provide it.

15 Accordingly, the parties scheduled a call for April 27, 2018 to discuss the status of Front  
16 Sight’s attempts to obtain senior debt pursuant to the CLA. During that telephone call, Mr.  
17 Meacher represented that Front Sight was actively working with two different lenders—USCP  
18 and a Los Angeles lender—to obtain senior debt but details about both proposed loans were  
19 not provided.

20 On May 18, 2018, in the context of emails about Front Sight’s inquiries about where the  
21 EB5 Parties were in terms of marketing the Project, Mr. Dziubla reminded Mr. Meacher: “As  
22 we have been saying for two years now, the best thing you can do to help the marketing is to  
23 get the senior debt into place.” On May 21, 2018, Mr. Dziubla, on behalf of LVD Fund,  
24 reminded Front Sight that its obligation to obtain senior debt by June 30, 2018 was  
25 approaching and further reminded Front Sight that “June 30 is not that far off.” Mr.  
26 Meacher responded by promising to keep Mr. Dziubla updated with regard to Front Sight’s  
27 attempts to obtain senior debt.

28 ///

1 On May 22, 2018, Mr. Dziubla informed Front Sight that LVD Fund would need to  
2 “have in hand *at least* a commitment letter (not just an LOI) from [a] senior lender” in order  
3 to satisfy the senior debt requirement of the CLA.

4 On June 4, 2018, Mr. Dziubla reminded Front Sight that LVD Fund was looking  
5 forward to receiving the “senior debt confirmation/loan agreement by the end of the month.”

6 On June 7, 2018, Mr. Meacher represented to LVD Fund that Front Sight was still working on  
7 obtaining senior debt but that the amount of the loan was “not yet finalized.”

8 On June 12, 2018, after the parties exchanged emails about Front Sight’s requirement  
9 to obtain senior debt, Mr. Dziubla emailed Mr. Meacher to make clear that the requirement  
10 for senior debt was tied to the Chinese market’s need for comfort that the Project would be  
11 completed and the EB-5 debt would be repaid.

12 On July 2, 2018, Mr. Dziubla requested that Front Sight provide the senior loan  
13 commitment letter that was due by June 30, 2018, pursuant to the Second Amendment to the  
14 CLA. On July 4, 2018, Mr. Meacher emailed Mr. Dziubla stating: “Naish Piazza came over  
15 for the last couple of days [to Front Sight for the 4<sup>th</sup> of July holiday] and we have working  
16 agreement from a \$1.3 billion dollar manufacturing company to extend Front Sight about \$40  
17 million in construction credit to build all of the buildings on both the firearms training side  
18 and the resort side of the facility. This business is owned by one individual. He and Naish  
19 worked out the framework for this agreement on Monday and we anticipate having it finalized  
20 in the next 60 days. Because of this good news, we have elected not to take the construction  
21 loan Naish had been negotiating. This is a better deal for the project. We will now only need a  
22 smaller amount for a construction loan to cover the projected infrastructure costs.” Mr.  
23 Meacher concluded with the statement that Front Sight would need “an additional 90-day  
24 extension to provide” the required loan agreement and/or commitment letter. On July 12,  
25 2018, Mr. Dziubla, on behalf of LVD Fund, informed Front Sight that it was requiring Front  
26 Sight comply with the terms of the Second Amendment to the CLA and “immediately provide  
27 [LVD Fund] with term sheets, emails, and other tangible evidence” confirming its prior  
28 representations about having “two competing lenders to provide senior debt.” Front Sight

1 responded by refusing to provide any such documentation. On July 16, 2018, Mr. Dziubla, on  
2 behalf of LVD Fund, reiterated that LVD Fund was unwilling to provide a third extension of  
3 the senior debt requirement and that it would be implementing the requirements of Article  
4 5.27 of the CLA. On July 16, 2018, Mr. Piazza responded to Mr. Dziubla threatening to file  
5 suit against LVD Fund if it attempted to implement Article 5.27 of the CLA and demanding  
6 that LVD Fund yield to its demands for another three months to obtain senior debt.

7 ///

8 On July 19, 2018, Scott Preston, on behalf of Front Sight, sent two separate emails to  
9 Mike Brand, LVD Fund’s counsel, representing that Mr. Piazza had “personally negotiated” a  
10 deal with USCP “in several face-to-face meetings” but claiming that the final terms offered by  
11 USCP were “not acceptable” to Front Sight and thus, Front Sight “declined to move forward.”  
12 In addition, Mr. Preston further represented that while Summit Partners in Salt Lake City,  
13 Utah had provided Front Sight with both a term sheet and a commitment letter, Front Sight  
14 “declined to move forward with th[at] lender” as well.

15 On July 30, 2018, Mr. Dziubla on behalf of LVD Fund sent Front Sight a Notice of  
16 Default noting that Front Sight had failed to obtain senior debt by June 30, 2018, and that  
17 Front Sight’s previous misrepresentations about its attempts to obtain senior debt constituted  
18 a default of the CLA (and the Second Amendment thereto). On August 20, 2018, Front Sight  
19 responded to the July 30, 2018 Notice of Default, contending that, “[b]ased on both the  
20 language included in the Original Loan Agreement [the CLA] as well as the representations to  
21 the prospective EB-5 investors made by Lender,” it was “NOT required to obtain Senior Debt”  
22 but indicating, nonetheless, that it had obtained a “revolving line of credit” for \$36 million  
23 from Top Rank Builders, Inc., Morales Construction, Inc., and All American Concrete and  
24 Masonry, Inc. which Front Sight represented it was “using to build the Project facilities.”

25 See also A-000013-17; A-000018-36; A-000097; A-000107-108; A-000166-169; A-  
26 000334-336; A-000462-465; A-000499-500; A-000520; A-000530-533; A-000534-538; A-000541-  
27 548; A-000923-927; A-000997-998; A-001007; A-001017-1018; A-001252-1270; A-001411-1412;  
28 A-001439-1446; A-003393; A-003394-3395; A-003396; A-003397-3398; A-003399-3400; A-

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1 003404-3406; A-003407-3408; A-003412-3414; A-003415-3416; A-003419; A-003420; A-003421;  
2 A-003422-3423; A-003424; A-003425-3426; A-003427-3429; A-003434-3436; A-003437-3438;  
3 A-003439-3440; A-003441; A-003442-3443; A-003444; A-003445-3446; A-003447-3448; A-  
4 003449-3451; A-003456-3457; A-003458-3460; A-003461-3462; A-003465; A-003466-3467; A-  
5 003468-3470; A-00371-3473; A-003474-3475; A-003476-3477; A-003478-3479; A-003480-3481;  
6 A-003482-3483; A-003484; A-003485-3486; A-003487-3489; A-003490-3492; A-003493-3494;  
7 A-003495; A-003496-3497; A-003498-3499; A-003500-3502; A-003503-3505; A-003512; A-  
8 003513; A-003514-3516; A-003518-3521; A-003527; A-003528-3531; A-003532-3535; A-003536-  
9 3539; A-003541-3543; A-003544-3547; A-003548-3551; -003564-3565; A-003569-3570; A-  
10 003574-3575; A-003585-3586; A-003607; A-003608-3609; A-003629-3638; A-003645-3654; A-  
11 003669-3674; A-003714-3715; A-003716; A-003720-3724; A-003731-3734; A-003735-3737; A-  
12 003738; A-003739-3740; A-003746-3753; A-003767-3768; A-003773-3778; A-003779-3781; A-  
13 003782-003793; A-004253-004259; A-004262-004265; A-004274-004285; A-004459; A-004471-  
14 004474; A-004590-004594; A-004708-004711; A-004719-004722; A-004738-004740; A-004782;  
15 A-004784-004785; A-004787-004788; A-004805-004808; A-004811-004812; A-004816-004824;  
16 A-004854-004861; A-004869-004873; A-004881; A-004885-004923; A-004933-004937; A-  
17 004969-004972; A-004996-004997; A-005000-005002; A-005096-005097; A-005104-005119; A-  
18 005121-005136; A-005159-005160; A-005163; A-005195-005196; A-005208; A-005209-005210;  
19 A-005213-005221; A-005414-005426; A-005432-005434; A-005462-005464; A-005476-005478;  
20 A-005480-5483; A-005525-005528; A-005532-005564; A-005572-005776; A-005778-5779; A-  
21 005780-5782; A-005783-5784; A-005786-5787; A-005791-005792; A-005796; A-005797; A-  
22 005798-5799; A-005817-5821; A-005834-5836; A-005837-5838; A-005839-5840; A-005841; A-  
23 005842-5844; A-005842-5844; A-005845-005849; A-005848-5849; A-005850; A-005856-5857; A-  
24 005861-005935; A-005865-5869; A-005870-5874; A-005875-5881; A-005882-5887; A-005889-  
25 5895; A-005896-5897; A-005898-5905; A-005906-5909; A-005910-5917; A-005918-5921; A-  
26 005922-5924; A-005925-5932; A-005933-5935; A-005937; A-005940-005942; A-005952-005964;  
27 A-005966-5968; A-005970-5973; A-005975-5979; A-005982-005988; A-005991-006000; A-  
28 007470-007475; A-00748-007489; A-007484; A-007490-007537; A-007539-007545; A-007548-

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1 007584; A-007588-007607; A-007610-007613; A-007619-007637; A-007641; A-007673-007674;  
2 A-007818-007823; A-007835-007840; A-007844-007849; A-007884-007899; A-007918-007926;  
3 A-008334-008335; A-008337-008338; A-008340-008343; A-008389-008391; A-008395-008411;  
4 A-008414; A-008449-008453; A-008466-008481; A-008604-008616; A-008621-008622; A-  
5 008632-008633; A-008638; A-008671-008679; A-015225; A-019534-019541; A-019542-019549;  
6 A-019550-019557; A-019639-019640; A-019641-019643; A-019661-019666; A-019675-019683;  
7 A-019696-019702; A-019703-019712; A-019713-019722; A-019724-019735; A-019736-019737;  
8 A-019738-019738; A-019739-019741; A-019755-019767; A-019775-019779; A-019780- 19786;  
9 A-019787-019794; A-019804-019812; A-019813-019816; A-019820-019825; A-019838; A-  
10 019841-019843; A-019844-019847; A-019848-019852; A-019853-019858; A-019866-019872; A-  
11 019873-019880; A-019891-019893; A-019894-019895; A-019896-019898; A-019899-019901; A-  
12 019903-019903; A-019904-019905; A-019908-019910; A-019916-019918; A-019920-019920; A-  
13 019921; A-019924-019926; A-019927-019928; A-019929; A-019930-019931; A-019934-019937;  
14 A-019941-019941; A-019942-019943; A-019944-019945; A-019946-019948; A-019949-019951;  
15 A-019952-019955; A-019956; A-019957-019865; A-019962-019994; A-019964-019966; A-  
16 019967-019967; A-019968-019971; A-019972-019974; A-019977-019978; A-019979-019981; A-  
17 019986-019989; A-019995-019998; A-019999-020001; A-020067-020075; A-020123-020132; A-  
18 020146-020155; A-020211-020213; A-024271-024273; A-027045-027046; A-027218-027220; A-  
19 028175-028179; A-028714-28770; A-028185-028190; A-028313-028322; A-028440-028442; A-  
20 028447-028452; A-028453-028457; A-028466-028467; A-028468-028470; A-028474-028480; A-  
21 028494-028500; A-028501-028507; A-028544-028551; A-028972-028976; A-028977-028980; A-  
22 029136-29137; A-029143-029149; A-029150-029156; A-029157-029163; A-029164-029182; A-  
23 029183-029191; A-029192-029208; A-029441-029444; A-029503-029504.

24 **INTERROGATORY NO. 12:**

25 Please identify and describe in detail all documents included in the eight binders of  
26 documents described as “EB-5 Documents” you received as set forth in Evidentiary Hearing  
27 Exhibit 20, pp. 0079-0085. If you assert a privilege, please provide a privilege log.

28 ///

1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

2 LVD Fund objects to Interrogatory No. 12 as overly burdensome to the extent it asks LVD  
3 Fund to describe in detail documents already produced in this case.

4 Subject to and without waiving the foregoing objections, pursuant to NRCP 33(d), *see* A-  
5 00119-00701.

6 **INTERROGATORY NO. 13:**

7 Please state with particularity all facts and identify all documents and/or communications that  
8 discuss, memorialize, and/or mention the loan disbursements that Defendant LVDF made to Front  
9 Sight pursuant to the Construction Loan Agreement and/or other Loan Documents. If you assert a  
10 privilege, please provide a privilege log.

11 *Withdrawn and revised pursuant to Plaintiff's Revised First Set of Interrogatories to*  
12 *Defendant Las Vegas Development Fund, LLC.*

13 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:**

14 LVD Fund objects to Interrogatory No. 13 as vague and ambiguous. As phrased, it is unclear  
15 whether Front Sight is asking to identify the Construction Loan Agreements, the loan disbursements  
16 made by LVD Fund to Front Sight, or other communications and/or documents that reference the  
17 amount of the loan disbursed by LVD Fund to Front Sight. Moreover, Interrogatory No. 13 contains  
18 no time limitation.

19 LVD Fund also objects to Interrogatory No. 13 as unduly burdensome. It would be  
20 impossible for LVD Fund to summarize every document and/or communication that relates to the  
21 Construction Loan Agreement, or the loan disbursements made by LVD Fund to Front Sight.

22 To the extent Interrogatory No. 13 requests LVD Fund detail every communication between  
23 LVD Fund and its counsel or the other Defendants in this case, this request seeks the disclosure of  
24 information protected by the joint defense/common interest privilege and attorney-client privilege.  
25 LVD Fund will presume in responding to this request that Front Sight is not seeking the disclosure  
26 of privileged communications and is only seeking information about documents and/or  
27 communications between LVD Fund and third-parties about either the Construction Loan  
28 Agreement or the loan disbursements made by LVD Fund to Front Sight.



1 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
2 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
3 is seeking.

4 **REVISED INTERROGATORY NO. 13:**

5 Please state with particularity the dates that LVDF received funds from EB-5 investors  
6 from October 7, 2016 to July 31, 2018. If you assert a privilege, please provide a privilege log.  
7

8 **RESPONSE TO REVISED INTERROGATORY NO. 13:**

9 Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and  
10 Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order  
11 Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,  
12 Front Sight is not entitled to conduct discovery as to the investors.

13 However, pursuant to the parties’ meet and confer efforts, and without waiver of the  
14 Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order, LVD Fund has  
15 agreed to provide the dates that the eighteen EB-5 Investors fully funded their investment (i.e.,  
16 made a \$500,000 investment). The parties agreed that LVD Fund would provide such  
17 information in response to this interrogatory, without a disclosure of the investor’s private  
18 information (including their name or ethnic information) and that no supporting documents  
19 would be produced in response to this interrogatory. Based upon that understanding, LVD  
20 Fund now responds as follows:<sup>1</sup>

- 21 • Investor 1, on or about September 30, 2015
- 22 • Investor 2, on or about September 28, 2016
- 23 • Investor 3, on or about July 20, 2016
- 24 • Investor 4, on or about September 7, 2016
- 25 • Investor 5, on or about September 13, 2016
- 26 • Investor 6, on or about September 21, 2016

27 <sup>1</sup> LVD Fund has assigned an investor number to each EB-5 Investor in responding to this Interrogatory.  
28 The investor number reflected herein is not necessarily indicative of the order in which the EB-5 investors fully funded.

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- 1 • Investor 7, on or about September 26, 2016
- 2 • Investor 8, on or about October 18, 2017
- 3 • Investor 9, on or about December 15, 2017
- 4 • Investor 10, on or about December 5, 2017
- 5 • Investor 11, on or about January 31, 2018
- 6 • Investor 12, on or about January 6, 2018
- 7 • Investor 13, on or about January 6, 2018
- 8 • Investor 14, on or about March 20, 2018
- 9 • Investor 15, on or about March 20, 2018
- 10 • Investor 16, on or about November 29, 2018
- 11 • Investor 17, on or about May 6, 2019
- 12 • Investor 18, on or about September 25, 2018

13 **INTERROGATORY NO. 14:**

14 Please state with particularity all facts and identify all documents, writings, and/or  
15 communications that discuss, memorialize, and/or mention the loan payments that Front Sight made  
16 to Defendant LVDF pursuant to the Construction Loan Agreement and/or other Loan Documents. If  
17 you assert a privilege, please provide a privilege log.

18 *Withdrawn and revised pursuant to Plaintiff's Revised First Set of Interrogatories to*  
19 *Defendant Las Vegas Development Fund, LLC.*

20 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:**

21 LVD Fund objects to Interrogatory No. 14 as vague and ambiguous. As phrased, it is unclear  
22 whether Front Sight is asking to identify documents reflecting loan payments that Front Sight made  
23 (or did not make) to LVD Fund, the Construction Loan Agreement, other unidentified "Loan  
24 Documents," or, more generally, other communications and/or documents that reference loan  
25 payments made (or not made) by Front Sight. Moreover, Interrogatory No. 14 is contains no time  
26 limitation.

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1 LVD Fund also objects to Interrogatory No. 14 as unduly burdensome. It would be  
2 impossible for LVD Fund to summarize every document and/or communication that relates to the  
3 Construction Loan Agreement, the loan documents executed by the parties, or communications  
4 between the parties about Front Sight’s obligations.

5 To the extent Interrogatory No. 14 requests that LVD Fund identify and explain  
6 communications and documents exchanged between the parties, this request also seeks information  
7 equally within the control and custody of Front Sight.

8 To the extent Interrogatory No. 14 requests LVD Fund detail communications between LVD  
9 Fund and its counsel or the other Defendants in this case, this request also seeks the disclosure of  
10 information protected by the joint defense/common interest privilege and attorney-client privilege.  
11 LVD Fund will presume in responding to this request that Front Sight is not seeking the disclosure  
12 of privileged communications.

13 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
14 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
15 is seeking.

16 **REVISED INTERROGATORY NO. 14:**

17 Please state with particularity the dates when LVDF notified Front Sight of receipt of any  
18 and all funds from EB-5 Investors pursuant to the Construction Loan Agreement and/or other Loan  
19 Documents from October 7, 2016 to July 31, 2018. If you assert a privilege, please provide a  
20 privilege log.

21 **RESPONSE TO REVISED INTERROGATORY NO. 14:**

22 **LVD Fund objects to Revised Interrogatory No. 14 as seeking the disclosure of**  
23 **information that is neither relevant to the claims and defenses in this case nor reasonably**  
24 **calculated to lead to the discovery of admissible evidence. Specifically, when LVD Fund**  
25 **notified Front Sight of receipt of EB-5 Investors funds will not help the parties determine**  
26 **Front Sight was allegedly fraudulently induced into accepting a loan from LVD Fund over 6**  
27 **million dollars or whether Front Sight breached its obligations under the Construction Loan**  
28 **Agreement.**

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1 LVD Fund further objects to Revised Interrogatory No. 14 as seeking the production of  
2 documents already in Front Sight’s possession, custody, and control. Consequently, it appears  
3 that Interrogatory No. 14 is intended solely to harass and burden LVD Fund.

4 Subject to and without waiver of the foregoing objections, pursuant to NRCP 33(d), see  
5 A-000881-000882; A-000888-000889; A-002384-002385; A-002436; A-002438-002441; A-  
6 002445-002446; A-002658; A-002885-002893; A-002896-002903; A-002922-002929; A-002932-  
7 002961; A-003115-003121; A-003343-003345; A-003363-003370; A-003385-003392; A-004243-  
8 004246; A-004248; A-004253-004259; A-004430-004439; A-004450; A-004456-004457; A-  
9 004459; A-004498-004500; A-004511-004533; A-004537-004540; A-004596; A-005129-005132;  
10 A-005139-005141; A-005147-005149; A-005156-005158; A-005179-005182; A-005203-005205;  
11 A-005211-005212; A-005215-005217; A-005224-005240; A-005248-005252; A-005262-005263;  
12 A-005275; A-005348-005353; A-005361-005413; A-005479; A-005507-005564; A-005788-  
13 005790; A-005793-005795; A-005800; A-006962; A-006967-006968; A-006970-006971; A-  
14 007192-007194; A-007257-007258; A-007361-007365; A-007476-007483; A-007490-007498; A-  
15 007505-007529; A-007538-007540; A-007556-007557; A-007560-007566; A-007594-007607; A-  
16 007610-007613; A-007809; A-008602-008603; A-008624-008626; A-008669-008670; A-008684-  
17 008685; A-008719-008722; A-008744-008749; A-020199-020201; A-020203-020204.

18 **INTERROGATORY NO. 15:**

19 Please state with particularity all facts and identify all documents, writings, and/or  
20 communications that Defendant LVDF used to calculate, support, or otherwise establish the  
21 amount of \$345,787.24 allegedly owed to Defendant LVDF as stated in the document entitled  
22 Notice of Breach, Default and Election to Sell Under Deed of Trust (recorded on Jan. 18, 2019, as  
23 Document #905512 in the Nye County Official Records). If you assert a privilege, please provide a  
24 privilege log.

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:**

2 Subject to and without waiving the previously asserted objections, LVD Fund responds as  
3 follows:

4 The amount of \$345,787.24 identified in the Notice of Breach, Default and Election to Sell  
5 under Deed of Trust, recorded on Jan. 18, 2019, is based on the amount of attorneys' fees incurred  
6 plus costs and expenses incurred in the foreclosure process and litigation. To the extent that LVD  
7 Fund has any documents that reflect that calculation, LVD Fund will produce those documents in a  
8 supplemental disclosure.

9 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:**

10 **LVD Fund objects to Interrogatory No. 15 as duplicative of Request for Production of**  
11 **Documents No. 157 in Front Sight's Third Set of Requests for Production of Documents to**  
12 **LVD Fund, to which LVD Fund has already responded.**

13 **Based on the foregoing objection, pursuant to NRCP 33(d), see A-000719-836; A-**  
14 **021629-21647; A-021721-21746; A-021925; A-030220-30224.**

15 **INTERROGATORY NO. 16:**

16 Please state with particularity all facts and identify all documents which relate to or show the  
17 names and other demographical information pertaining to Defendant LVDF's Class B Member, as  
18 defined in LVDF's Operating Agreement dated March 26, 2014, and including but not limited to the  
19 identity of the Class B Members, the address of the Class B Member, the country of origin of the  
20 Class B Member, the contact information for the agent of the Class B Member, the date of the  
21 transaction, the amount of the investment, the source of the funds for the investment, the current  
22 immigration status of the Class B Member, and the current status of the investment. If you assert a  
23 privilege, please provide a privilege log.

24 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:**

25 LVD Fund objects to Interrogatory No. 16 because it seeks information which is neither  
26 relevant to the claims at issue in this action nor reasonably calculated to lead to the discovery of  
27 admissible evidence. The identity and ethnic background of LVD Fund's Class B Member and the  
28 source of income for the Class B Member's investment in LVD Fund has absolutely no bearing on

1 whether Front Sight violated the terms of the Construction Loan Agreement or whether the EB5  
2 Parties allegedly induced Front Sight into accepting over six million dollars in EB-5 money to help  
3 finance part of the Project.

4 LVD Fund also objects to Interrogatory No. 16 as seeking confidential information. Front  
5 Sight appears to have propounded this request for no reason other than to harass LVD Fund and its  
6 Class B Member which is an improper use of discovery.

7 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:**

8 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
9 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
10 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
11 **Front Sight is not entitled to conduct discovery as to the investors (or LVD Fund’s Class B**  
12 **Members). Therefore, LVD Fund will not respond to Interrogatory No. 16.**

13 **INTERROGATORY NO. 17:**

14 Please state with particularity all facts and identify all documents, writings, and/or  
15 communications relating to Defendant LVDF’s distributions and investment returns made to its  
16 Class B Members, as defined in LVDF’s Operating Agreement dated March 26, 2014, including the  
17 names of Class B Members receiving said distributions and/or investment returns, and the date and  
18 amount of said distribution and/or investment returns. If you assert a privilege, please provide a  
19 privilege log.

20 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:**

21 LVD Fund objects to Interrogatory No. 17 because it seeks information which is neither  
22 relevant to the claims at issue in this action nor reasonably calculated to lead to the discovery of  
23 admissible evidence. Whether LVD Fund made distributions or investment returns to its  
24 confidential Class B Member has absolutely no bearing on whether Front Sight violated the terms of  
25 the Construction Loan Agreement or whether the EB5 Parties allegedly induced Front Sight into  
26 accepting over six million dollars in EB-5 money to help finance part of the Project.

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1 LVD Fund also objects to Interrogatory No. 17 as seeking confidential information. Front  
2 Sight appears to have propounded this request for no reason other than to harass LVD Fund and its  
3 Class B Member which is an improper use of discovery.

4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:**

5 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
6 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
7 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
8 **Front Sight is not entitled to conduct discovery as to the investors (or LVD Fund’s Class B**  
9 **Members). Therefore, LVD Fund will not respond to Interrogatory No. 17.**

10 **INTERROGATORY NO. 18:**

11 Please state with particularity all facts which relate to bank accounts, from each and every  
12 bank account’s initial opening date to the present time, for all account(s) used to hold back the 25%  
13 of the actual, potential, or prospective EB-5 investors’ and/or EB-5 visa applicants’ investments that  
14 was earmarked for refunds in the event of a USCIS rejection of a particular investor’s I-829 petition,  
15 and identify all documents related to the referenced bank accounts. If you assert a privilege, please  
16 provide a privilege log.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:**

18 LVD Fund objects to Interrogatory No. 18 as seeking information that is not likely to lead to  
19 admissible discovery and is disproportional to the needs of this case. Which banks LVD Fund  
20 utilized to hold money received, or held back, from EB-5 investors is completely irrelevant to  
21 determining whether Front Sight breached the Construction Loan Agreement or whether the EB5  
22 Parties induced Front Sight into executing the Construction Loan Agreement (and accepting the  
23 millions of dollars raised from the EB-5 investors).

24 LVD Fund also objects to this request as it is unduly burdensome and not proportional to the  
25 needs of this case. Even assuming arguendo this request sought relevant information (which it does  
26 not), LVD Fund would have to spend a great deal of time requesting documentation and information  
27 from its banking institutions.

28 To the extent this Interrogatory calls for the production of financial records, LVD Fund

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1 further objects to the request as seeking confidential and proprietary information.

2 Subject to and without waiving the foregoing objections, LVD Fund has banked with  
3 Signature Bank, Bank of Hope, and Open Bank.

4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:**

5 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
6 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
7 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
8 **Stanwood. Therefore, LVD Fund will not respond to this request.**

9 **INTERROGATORY NO. 19:**

10 Please state with particularity all facts which relate to any bank accounts that any Defendant  
11 used as an escrow account to receive, house, and/or distribute the money from the actual, potential,  
12 or prospective EB-5 investors and/or EB-5 visa applicants, from each and every bank account's  
13 initial opening date to the present time, and identify all documents related to the referenced bank  
14 accounts. If you assert a privilege, please provide a privilege log.

15 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:**

16 LVD Fund objects to Interrogatory No. 19 as seeking information that is not likely to lead to  
17 admissible discovery and is disproportional to the needs of this case. Which banks LVD Fund  
18 utilized as an escrow account to receive, house, and/or distribute money from EB-5 investors is  
19 completely irrelevant to determining whether Front Sight breached the Construction Loan  
20 Agreement or whether the EB5 Parties allegedly induced Front Sight into executing the Construction  
21 Loan Agreement (and accepting the millions of dollars raised from the EB-5 investors).

22 LVD Fund also objects to this request as it is unduly burdensome and not proportional to the  
23 needs of this case. Even assuming arguendo this request sought relevant information (which it does  
24 not), LVD Fund would have to spend a great deal of time requesting documentation and information  
25 from its banking institutions as it does not have the requested detailed information on hand (i.e., each  
26 bank account's initial opening date and every document possibly related to the bank accounts).

27 To the extent this Interrogatory calls for the production of financial records, LVD Fund  
28 further objects to the request as seeking confidential and proprietary information.



1 Subject to and without waiving the foregoing objections, LVD Fund has banked with  
2 Signature Bank, Bank of Hope, and Open Bank.

3 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:**

4 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for  
5 Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not  
6 entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.  
7 Stanwood. Therefore, LVD Fund will not respond to this request.

8 **INTERROGATORY NO. 20:**

9 Please state with particularity all facts and identify all documents relating to all manuals,  
10 operating procedures, memoranda, circulars, announcements, emails, and/or other documents that  
11 establish, govern, amend, or otherwise control LVDF’s receipt, handling, control, utilization, and/or  
12 distribution of the money you received from the actual, potential, or prospective EB-5 investors  
13 and/or EB-5 visa applicants. If you assert a privilege, please provide a privilege log.

14 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

15 LVD Fund objects to Interrogatory No. 20 as vague and ambiguous. As phrased, it is unclear  
16 whether Front Sight is seeking the disclosure of LVD Fund’s manuals, operating procedures,  
17 memoranda, circulars, announcements, and/or other documents that establish, govern, amend, or  
18 otherwise control LVDF’s handling of EB-5 investment money or whether Front Sight is generally  
19 requesting every document (including correspondence and emails) that may, in some way, relate to  
20 LVD Fund’s handling of EB-5 investment money.

21 LVD Fund also objects to this request as better suited for a request for production of  
22 documents. It would be unduly burdensome to require LVD Fund to identify responsive documents  
23 and then to describe each document in response to this request.

24 LVD Fund also objects to this request as containing multiple discrete subparts that should be  
25 propounded as separate interrogatories.

26 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
27 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
28 is seeking.

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1 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

2 LVD Fund objects to Interrogatory No. 20 as seeking the disclosure of information  
3 which is neither relevant to the claims and defenses in this case nor reasonably calculated to  
4 lead to the discovery of admissible evidence.

5 Subject to and without waiver of the foregoing objection, based on the parties' recent  
6 meet and confer efforts, LVD Fund understands that Front Sight wants to know if LVD Fund  
7 had written policies and procedures regarding its handling of EB-5 investors' funds. LVD  
8 Fund now supplements its response to state that it has no such written policies and/or  
9 procedures.

10 **INTERROGATORY NO. 21:**

11 Please state with particularity all facts and identify all documents relating to, showing,  
12 recording, and/or memorializing LVDF's distributions to Defendants Robert W. Dziubla, Jon  
13 Fleming, Linda Stanwood, and any members of any member class (as defined in LVDF's Operating  
14 Agreement) of LVDF who are not already parties to this lawsuit. If you assert a privilege, please  
15 provide a privilege log.

16 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:**

17 LVD Fund objects to Interrogatory No. 21 because it seeks information which is neither  
18 relevant to the claims at issue in this action nor reasonably calculated to lead to the discovery of  
19 admissible evidence. Whether LVD Fund made distributions to any of its members has absolutely  
20 no bearing on whether Front Sight violated the terms of the Construction Loan Agreement or  
21 whether the EB5 Parties allegedly induced Front Sight into accepting over six million dollars in EB-  
22 5 money to help finance part of the Project.

23 Assuming arguendo that this request seeks relevant information (which it does not), LVD  
24 Fund also objects to this request as better suited for a request for production of documents. It would  
25 be unduly burdensome to require LVD Fund to identify responsive documents and then to describe  
26 each document in response to this request.

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1 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:**

2 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for  
3 Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not  
4 entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.  
5 Stanwood. Therefore, LVD Fund will not respond to Interrogatory No. 21.

6 **INTERROGATORY NO. 22:**

7 Please state with particularity all facts which relate to and/or account for any and all funds  
8 you have received from Front Sight directly, and/or that you know originated from Front Sight,  
9 including all money received by you from Plaintiff, how said funds were spent, identification of who  
10 received any portion of the funds, and identify all documents to support or justify payments made or  
11 funds spent. If you assert a privilege, please provide a privilege log.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22:**

13 LVD Fund objects to Interrogatory No. 22 as vague and ambiguous. It is unclear if Front  
14 Sight is asking LVD Fund to identify all funds it has received from Front Sight or to identify other  
15 unknown “facts” which Front Sight contends somehow relates to the funds LVD Fund received from  
16 Front Sight.

17 LVD Fund objects to Interrogatory No. 22 as containing multiple discrete subparts. As  
18 phrased, the request appears to seek information about both the money received by Front Sight (how  
19 much was received and when it was received by LVD Fund) in addition to how that money was  
20 spent. Front Sight appears to have intentionally drafted its requests in such a way to not exceed the  
21 numerical limit of NRCP 33(a)(1).

22 To the extent Interrogatory No. 22 asks LVD Fund to identify and explain all documents that  
23 either confirm the fund received from Front Sight, demonstrate how those funds were spent, or  
24 somehow relate to other unknown “facts” which Front Sight contends somehow relate to the funds  
25 LVD Fund received from Sight, LVD Fund also objects to this request as more appropriate for a  
26 request for production of documents. It would be unduly burdensome for LVD Fund to first identify  
27 all possibly responsive documents to the multiple sub-parts of this request and then to describe and  
28 summarize them in response to this request.

1 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
2 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
3 is seeking.

4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22:**

5 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
6 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
7 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
8 **Stanwood. Therefore, LVD Fund will not respond to Interrogatory No. 22.**

9 **INTERROGATORY NO. 23:**

10 Please state with particularity all facts and identify all documents which relate to LVDF’s  
11 allegation that Front Sight failed to comply with its performance obligations under the Construction  
12 Loan Agreement Section 1.7(e) – Improper Use of Loan Proceeds, including all damages allegedly  
13 suffered as a result of this alleged breach. If you assert a privilege, please provide a privilege log.

14 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23:**

15 Front Sight’s most recent letter addressing the use of loan proceeds, dated October 30, 2018,  
16 confirms that Front Sight has spent only \$2,693,354.74 on construction expenses from September 6,  
17 2016, through October 30, 2018. Section 5.18 of the CLA provides: “Borrower shall not directly or  
18 indirectly, prior to completion of all of the improvements or the Completion Date, (a) make any  
19 distributions of money or property to any Related Party, or make or advance to any Related Party, or  
20 (b) make any loan or advance to any Related Party, or . . . (d) pay any fees or other compensation . . .  
21 to itself or to any Related Party, if any such payment in (a) through (d), inclusive, might adversely  
22 affect Borrower’s ability to repay the loan in accordance with its terms. . .”

23 Despite the plain language of the CLA, bank records produced by Bank of America pursuant  
24 to a subpoena *duces tecum* has revealed that Front Sight made millions of dollars of transfers to  
25 Piazza between October 2016 and October 2019.

26 As a result of Front Sight’s multiple breaches of the CLA, LVD Fund has had to declare  
27 Front Sight in default in order to foreclose on the Property and to obtain all of the necessary  
28 documentation related to the Property to ensure that the Project gets completed (so that the EB-5

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1 Investors can remain in the United States and not be deported). LVD Fund has, and continues to,  
2 incur attorneys' fees and costs in this case.

3 Pursuant to NRC 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
4 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
5 001406, A-010223-010227.

6 **INTERROGATORY NO. 24:**

7 Please state with particularity all facts and identify all documents which relate to LVDF's  
8 allegation that Front Sight failed to comply with its performance obligations under the Construction  
9 Loan Agreement Section 3.2(b) – Failure to Provide Government Approved Plans, including all  
10 damages allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide  
11 a privilege log.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24:**

13 Section 3.2(b) of the CLA requires Front Sight to provide to LVD Fund “[p]lans, in the form  
14 previously submitted to Lender, as finally approved for construction by the Project Architect and the  
15 applicable Government Authority” among other obligations. Despite the plain language of the CLA,  
16 Front Sight has failed to provide government approved construction plans and the related lists of  
17 contractors, licenses, agreements, and permits relating to the construction to LVD Fund. Therefore,  
18 on or about August 28, 2018, Mr. Dziubla, on behalf of LVD Fund, notified Front Sight of its  
19 failure. Despite this notice, Front Sight still has not provided a single construction plan to LVD  
20 Fund.

21 Based on the recent deposition testimony of Rene Morales, LVD Fund understands that a  
22 construction plan has been created but LVD Fund has never seen any draft construction plans nor  
23 have any construction plans been submitted to Nye County for approval.

24 As a result of Front Sight's multiple breaches of the CLA, LVD Fund had to declare Front  
25 Sight in default in order to foreclose on the Property and to obtain all of the necessary  
26 documentation related to the Property to ensure that the Project gets completed (so that the EB-5  
27 Investors can remain in the United States and not be deported). LVD Fund has, and continues to,  
28 incur attorneys' fees and costs in this case.

1 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
2 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
3 001406, A-010223-010227.

4 **INTERROGATORY NO. 25:**

5 Please state with particularity all facts and identify all documents which relate to LVDF’s  
6 allegation that Front Sight failed to comply with its performance obligations under the Construction  
7 Loan Agreement Section 5.1 – Failure to Timely Complete Construction, including all damages  
8 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
9 privilege log.

10 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 25:**

11 Pursuant to Section 5.1 of the CLA, Front Sight was required to complete construction by the  
12 “Completion Date,” which is defined as “the date that is no later than thirty-six (36) months from the  
13 Commencement Date.” Pursuant to the First Amendment to the Loan Agreement, the  
14 “Commencement Date,” is defined as “October 4, 2016.” Therefore, construction was required to be  
15 completed by October 4, 2019.

16 Based on the recent deposition testimony of Rene Morales, LVD Fund understands that a  
17 construction plan has been created but LVD Fund has never seen any draft construction plans nor  
18 have any construction plans been submitted to Nye County for approval.

19 As of today, there are no vertical structures on the Property. It is LVD Fund’s understanding  
20 that Front Sight has not even applied for the necessary construction permits.

21 As a result of Front Sight’s multiple breaches of the CLA, LVD Fund has had to file suit in  
22 order to foreclose on the Property and to obtain all of the necessary documentation related to the  
23 Property to ensure that the Project gets completed (so that the EB-5 Investors can remain in the  
24 United States and not be deported). LVD Fund has, and continues to, incur attorneys’ fees and costs  
25 in this case.

26 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
27 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
28 001406, A-010223-010227.

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1 **INTERROGATORY NO. 26:**

2 Please state with particularity all facts and identify all documents which relate to LVDF’s  
3 allegation that Front Sight failed to comply with its performance obligations under the Construction  
4 Loan Agreement Section 5.2 – Material Change of Costs, Scope, or Timing of Work, including all  
5 damages allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide  
6 a privilege log.

7 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 26:**

8 Section 5.2 of the CLA states in pertinent part:

9 Borrower shall deliver to Lender revised, estimated costs of the Project,  
10 showing changes in or variations from the original Estimated  
11 Construction Cost Statement, as soon as such changes are known to  
12 Borrower. Borrower shall deliver to Lender a revised construction  
13 schedule, if and when any target date set forth therein has been delayed  
14 by twenty (20) consecutive days or more, or when the aggregate of all  
15 such delays equals thirty (30) days or more. Borrower shall not make  
16 or consent to any change or modification in such Plans, contracts or  
17 subcontracts, and no work shall be performed with respect to any such  
18 change or modification, without the prior written consent of Lender, if  
19 (i) such change or modification would in any material way alter the  
20 design or structure of the Project or change the rentable area thereof in  
any way, or increase or decrease the Project cost by \$250,000 or more  
(after taking into account cost savings and any insurance proceeds of  
Borrower received by Lender) for any single change or modification, or  
(ii) aggregate amount of all changes and modification exceeds \$500,000  
(after taking into account cost savings and any insurance proceeds of  
Borrower received by Lender). Borrower shall promptly furnish Lender  
with a copy of all changes or modifications in the Plans, contracts or  
subcontracts for the Project prior to any Advance used to fund such  
change or modification whether or not Lender’s consent to such change  
or modification is required hereby.

21 Front Sight has made multiple material changes to the plan and schedule without obtaining  
22 written consent from LVD Fund, including, inter alia, reducing the size of the “Patriot Pavilion”  
23 from 85,000 square feet, as represented to USCIS, to approximately 25,000-30,000 square feet,  
24 while also modifying plans to eliminate foundations.

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1 As a result of Front Sight’s multiple breaches of the CLA, LVD Fund has had to file suit in  
2 order to foreclose on the Property and to obtain all of the necessary documentation related to the  
3 Property to ensure that the Project gets completed (so that the EB-5 Investors can remain in the  
4 United States and not be deported). LVD Fund has, and continues to, incur attorneys’ fees and costs  
5 in this case.

6 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
7 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
8 001406, A-010223-010227, A-010455-010616.

9 **INTERROGATORY NO. 27:**

10 Please state with particularity all facts and identify all documents which relate to LVDF’s  
11 allegation that Front Sight failed to comply with its performance obligations under the Construction  
12 Loan Agreement Section 5.27 – Refusal to Comply Regarding Senior Debt, including all damages  
13 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
14 privilege log.

15 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 27:**

16 On or about May 12, 2016, Mr. Dziubla informed Front Sight that despite its efforts for the  
17 past three years, “[t]he Front Sight raise is turning out to be much harder and taking longer than we  
18 had expected, and all of us are horribly frustrated and upset by this turn of events.” Dziubla gave  
19 Front Sight three options:

- 20 1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that we
- 21 first refund the EB5 money that is in escrow to the investors and then close our
- 22 doors.
- 23 2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)
- 24 bringing in senior debt from a timeshare lender who understands the timeshare
- business. . .
- 3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas
- Development Fund LLC entities to you, and you then proceed as you wish.

25 (See A003181-3186).

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1 Front Sight opted to take the second option, to take the \$2,250,000 in EB5 money then in  
2 escrow and to obtain senior debt to finance the remainder of the Project. Section 5.27 of the CLA  
3 required Front Sight to use “its best efforts to obtain Senior Debt” to finance the remainder of the  
4 Project. The parties agreed that if Front Sight did not obtain senior debt by March 31, 2017, LVD  
5 Fund could “impose provisions concerning such matters similar to those customarily found in  
6 construction loans made by institutional lenders.” “Senior Debt” was defined in the CLA as an  
7 “additional loan that will be sought by Borrower, and which Borrower will use its best efforts to  
8 obtain, from a traditional financial institution specializing in financing projects such as the Project . .  
9 . . .” Front Sight was originally obligated to obtain senior debt no later than December 31, 2016.

10 On July 1, 2016, the parties executed the First Amendment to the CLA. Pursuant to Section  
11 4 of the First Amendment, the parties agreed to extend the deadline for Front Sight to obtain senior  
12 debt from December 31, 2016 to December 31, 2017. However, on December 31, 2017, because  
13 Front Sight had still failed to secure senior debt for the Project, it asked for a second extension of  
14 that deadline. Then, on or about February 28, 2018, Mr. Piazza, on behalf of Front Sight, emailed  
15 LVD Fund telling it not to worry about senior debt.

16 Because LVD Fund continued to be concerned about how the remainder of the Project would  
17 be financed, on or about February 28, 2018, the parties executed the Second Amendment to the CLA  
18 which, again, extended Front Sight’s deadline to obtain senior debt from December 31, 2017 to June  
19 30, 2018. Front Sight failed to meet that deadline.

20 On or about July 4, 2018, Mr. Meacher, on behalf of Front Sight, emailed LVD Fund asking  
21 for yet another extension of the senior debt deadline. Later, on or about July 26, 2018, Mr. Piazza,  
22 on behalf of Front Sight, emailed LVD Fund to notify it that Front Sight would not be obtaining  
23 senior debt and threatening to sue if LVD Fund tried to enforce what Mr. Piazza claimed to be the  
24 “onerous” CLA.

25 While all this was going on, on or about October 31, 2017, Front Sight entered into a  
26 purported Loan Agreement – Construction Line of Credit with Morales Construction, All American  
27 Concrete and Top Rank Builders (the “Morales Entities.”) Pursuant to the terms of that loan  
28 agreement, the Morales Entities were allegedly to provide Front Sight with up to \$36 million of

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1 credit to be applied toward completing the Project. That loan agreement did not comply with the  
2 parties' agreement that Front Sight obtain senior debt because it does not comply with the definition  
3 of "Senior Debt" as specifically defined in the CLA (i.e., it is not a loan from a traditional financing  
4 institution specializing in financing projects such as the Project). In addition, LVD Fund has since  
5 discovered during the course of discovery in this case that the Morales Entities and Front Sight never  
6 intended the construction line of credit to be intended to finance the remainder of the Project.  
7 Rather, Front Sight apparently told the Morales Entities that it would only potentially utilize the  
8 construction line of credit to "front" money that would then be paid back by the EB-5 money raised  
9 by LVD Fund.

10 As a result of Front Sight's multiple breaches of the CLA, LVD Fund has had to file suit in  
11 order to foreclose on the Property and to obtain all of the necessary documentation related to the  
12 Property to ensure that the Project gets completed (so that the EB-5 Investors can remain in the  
13 United States and not be deported). LVD Fund has, and continues to, incur attorneys' fees and costs  
14 in this case.

15 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
16 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
17 001406, A-010223-010227.

18 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:**

19 ***See also Response to Revised Interrogatory No. 11.***

20 **INTERROGATORY NO. 28:**

21 Please state with particularity all facts and identify all documents which relate to LVDF's  
22 allegation that Front Sight failed to comply with its performance obligations under the Construction  
23 Loan Agreement Section 3.2(a) – Failure to Provide Monthly Project Costs, including all damages  
24 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
25 privilege log.

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 28:**

2 Section 3.2(a) of the CLA requires Front Sight to provide evidence of Project costs to LVD  
3 Fund on a monthly basis from the date of the first Advance of the Loan. Front Sight has never  
4 delivered a monthly estimate of project costs to LVD Fund, even after being advised that its failure  
5 to do so was a breach of the CLA.

6 As a result of Front Sight’s multiple breaches of the CLA, LVD Fund has had to file suit in  
7 order to foreclose on the Property and to obtain all of the necessary documentation related to the  
8 Property to ensure that the Project gets completed (so that the EB-5 Investors can remain in the  
9 United States and not be deported). LVD Fund has, and continues to, incur attorneys’ fees and costs  
10 in this case.

11 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
12 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
13 001406, A-010223-010227.

14 **INTERROGATORY NO. 29:**

15 Please state with particularity all facts and identify all documents which relate to LVDF’s  
16 allegation that Front Sight failed to comply with its performance obligations under the Construction  
17 Loan Agreement Section 5.10 – Failure to Notify in Event of Default, including all damages  
18 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
19 privilege log.

20 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 29:**

21 LVD Fund objects to Interrogatory No. 29 as vague and ambiguous. Section 5.10 of the  
22 CLA relates to Front Sight’s obligation to furnish documents to LVD Fund in order to comply with  
23 its reporting requirements to the USCIS (and in order to furnish documents to the EB-5 investors so  
24 that they may similarly comply with their reporting requirements to the USCIS).

25 Based on this understanding, LVD Fund responds as follows:

26 Pursuant to Section 5.10 of the CLA, Front Sight agreed to furnish a number of documents to  
27 LVD Fund so that LVD Fund and the EB-5 investors could comply with their reporting requirements  
28 to the USCIS. Specifically, Front Sight agreed to provide: financial statements within seventy-five

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1 (75) days after the end of each calendar year to LVD Fund (Section 5.10(a)); operating statements  
2 and annual operating budgets prior to the start of each fiscal year (Section 5.10(b)); notice of  
3 litigation commenced against Front Sight for cases where more than \$50,000 was sought to be  
4 recovered and any proceedings before any governmental authority affecting Front Sight (Section  
5 5.10(c)); any notice of default by Front Sight (Section 5.10(d)); and (i) annual reports of  
6 expenditures on the project, (ii) annual payroll records (including but not limited to I-9 records and  
7 form 941s) from Front Sight had its contractors, (iii) annual job reports, (iv) federal and state  
8 quarterly employment tax returns, and (v) annual limited liability company income tax returns  
9 (Section 5.10(e)).

10 Before this litigation was commenced, Front Sight never provided any of the required  
11 information to LVD Fund. To date, Front Sight continues to fight to avoid its obligations under  
12 Section 5.10 of the CLA. *See Defendants’ Motion to Compel Production of Documents or, in the*  
13 *alternative, Motion for Preliminary Injunction to Address Front Sight’s Continuing Violation of*  
14 *Section 5.10 of the Construction Loan Agreement*, filed 4/20/2020). The limited documents that  
15 Front Sight has produced to date have been provided only in the context of this litigation and were  
16 not timely provided pursuant to the terms of the CLA.

17 Pursuant to NRCP 33(d), LVD Fund also responds: *see* A-001271-001372, A-010911-  
18 013173, A-013174-013351, A-(1)00522-00528, A-(1)00530-00540, A-001432-001438, A-001395-  
19 001406, A-010223-010227.

20 **INTERROGATORY NO. 30:**

21 Please state with particularity all facts and identify all documents which relate to LVDF’s  
22 allegation that Front Sight failed to comply with its performance obligations under the Construction  
23 Loan Agreement Section 3.3 – Refusal to Allow Inspection of the Project, including all damages  
24 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
25 privilege log.

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1 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 30:**

2 As a result of Front Sight’s various breaches of the CLA, on or about July 30, 2018, LVD  
3 Fund notified Front Sight of its defaults of the CLA. In addition, LVD Fund notified Front Sight  
4 that, pursuant to Sections 3.3 and 5.4 of the CLA, it intended to inspect the Project and Front Sight’s  
5 books and records on Monday, August 27, 2018. LVD Fund requested that Front Sight immediately  
6 inform LVD Fund of the location of its corporate books and records for inspection.

7 On August 20, 2018, Front Sight responded to LVD Fund’s notice of inspection that it was  
8 refusing to comply with LVD Fund’s request for inspection. Front Sight’s refusal was based on its  
9 contention that it had not breached the CLA. But Section 3.3 of the CLA does not only allow for  
10 inspection upon default. Rather, Section 3.3 of the CLA provides that “[LVD Fund] and its  
11 representatives shall have access to the Project at all reasonable times and shall have the right to  
12 enter the Project and to conduct such inspections thereof as they shall deem necessary or desirable  
13 for the protection of the Lender’s interest.”

14 Pursuant to NRCP 33(d), *see also* A 001764-1911; A 002282-2288.

15 **INTERROGATORY NO. 31:**

16 Please state with particularity all facts and identify all documents which relate to LVDF’s  
17 allegation that Front Sight failed to comply with its performance obligations under the Construction  
18 Loan Agreement Section 1.7(f) – Failure to Provide EB-5 Information, including all damages  
19 allegedly suffered as a result of this alleged breach. If you assert a privilege, please provide a  
20 privilege log.

21 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 31:**

22 Section 1.7(f) of the CLA requires that Front Sight submit to LVD Fund the EB-5  
23 information necessary for LVD Fund and the EB-5 investors to comply with their reporting  
24 requirements. Section 5.10 of the CLA specifically outlines the EB-5 information to be provided. In  
25 addition, this obligation was further specified in the First Amendment to the CLA requiring  
26 “Borrower provide Lender with copies of major contracts, bank statements, receipts, invoices and  
27 cancelled checks or credit card statements or other proof of payment reasonably acceptable to  
28 Lender that document that Borrower has invested in the Project at least the amount of money as has

1 been disbursed by Lender to Borrower on or before the First Amendment Effective Date.”

2 As stated in response to Interrogatory No. 29, Front Sight has failed to provide the required  
3 EB-5 Information to LVD Fund. Therefore, LVD Fund also refers Front Sight to its Supplemental  
4 Response Interrogatory No. 29.

5 **INTERROGATORY NO. 32:**

6 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
7 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
8 account holder, for the time period beginning March 2012 to the present date, and identify all  
9 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.

10 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 32:**

11 LVD Fund objects to Interrogatory No. 32 as vague and ambiguous. As phrased, it is unclear  
12 whether Front Sight is asking LVD Fund to confirm whether it banked at Bank of Hope, Signature  
13 Bank, Wells Fargo, or Open Bank, whether it was the beneficiary at any of those banking  
14 institutions, whether it was a signatory on any accounts at the those banking institutions, or whether  
15 Front Sight is asking LVD Fund to produce all documents related to unknown accounts at the  
16 banking institutions.

17 LVD Fund also objects to this request as better suited for a request for production of  
18 documents. To the extent Interrogatory No. 32 calls for LVD Fund to describe responsive  
19 documents in response to this request, it would be unduly burdensome to require LVD Fund to  
20 identify responsive documents and then to describe each document in response to this request.

21 LVD Fund also objects to Interrogatory No. 32 as containing multiple discrete subparts.  
22 Front Sight should have propounded a separate interrogatory as to each financial institution  
23 referenced in this request. Front Sight appears to have intentionally drafted its requests in such a  
24 way to not exceed the numerical limit of NRCP 33(a)(1).

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1 Finally, LVD Fund objects to Interrogatory No. 32 as seeking the disclosure of information  
2 already produced in this case. Front Sight has already served the banking institutions listed in this  
3 Interrogatory with subpoenas *duces tecum*. It appears that Front Sight now requests the same  
4 information from LVD Fund in an effort to burden LVD Fund and not to seek the disclosure of  
5 relevant information.

6 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
7 this Interrogatory to determine what information Front Sight is still seeking that has not already been  
8 disclosed by the banking institutions or Front Sight rephrase its request to more specifically identify  
9 what information it is seeking.

10 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 32:**

11 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
12 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
13 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
14 **Stanwood. Therefore, LVD Fund will not respond to Interrogatory No. 32.**

15 **INTERROGATORY NO. 33:**

16 Please state with particularity all facts and identify all documents which relate to or  
17 demonstrate the status of the I-829 petition for each immigrant investor who has invested funds in  
18 the Front Sight Project. If you assert a privilege, please provide a privilege log.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 33:**

20 LVD Fund objects to Interrogatory No. 33 as not likely to lead to the discovery of admissible  
21 evidence. While Front Sight has breached its obligation to provide documents to LVD Fund to  
22 support the EB-5 investors’ I-829 petitions, the status of the EB-5 investors’ I-829 petitions is simply  
23 not relevant to the claims and defenses in this case. Whether or not the EB-5 investors have filed  
24 their I-829 petitions with the USCIS will not help the fact finder determine whether Front Sight  
25 breached the terms of the CLA or whether the EB5 Parties allegedly induced Front Sight to enter  
26 into the CLA (and accept the EB-5 investors’ millions of dollars).

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1 LVD Fund also objects to Interrogatory No. 33 as seeking the disclosure of confidential  
2 information. Front Sight is well aware of the EB-5 investors’ expectation of privacy. This request  
3 appears to be intended for no other purpose but to harass the EB-5 investors who are already at risk  
4 of being deported due to Front Sight’s breaches of the CLA.

5 Subject to and without waiver of the foregoing objects, LVD Fund responds as follows: as of  
6 today’s date, no EB-5 investor has filed an I-829 Petition with the USCIS. As Front Sight is aware,  
7 the first EB-5 investor must file his I-829 Petition with the USCIS by or before May 21, 2020.  
8 However, it is LVD Fund’s understanding that the first EB-5 investor intends to file his I-829  
9 Petition on or before May 1, 2020 in order to ensure that his petition is considered timely due to  
10 processing delays that are the result of the COVID-19 pandemic.

11 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 33:**

12 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
13 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
14 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
15 **Front Sight is not entitled to conduct discovery as to the investors.**

16 **Subject to and without waiver of the foregoing objection, see First and Second**  
17 **Supplemental Responses to Interrogatory No. 7.**

18 **INTERROGATORY NO. 34:**

19 Please state with particularity all facts and identify all documents which relate to or  
20 demonstrate the status of the I-526 petition for each immigrant investor who has invested funds in  
21 the Front Sight Project. If you assert a privilege, please provide a privilege log.

22 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 34:**

23 LVD Fund objects to Interrogatory No. 34 as not likely to lead to the discovery of admissible  
24 evidence. While Front Sight has breached its obligation to provide documents to LVD Fund to  
25 support the EB-5 investors’ I-526 petitions, the status of the EB-5 investors’ I-526 petitions is simply  
26 not relevant to the claims and defenses in this case. Whether or not the EB-5 investors have filed a

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1 I-526 petition with the USCIS will not help the fact finder determine whether Front Sight breached  
2 the terms of the CLA or whether the EB5 Parties allegedly induced Front Sight to enter into the CLA  
3 (and accept the EB-5 investors' millions of dollars).

4 LVD Fund also objects to Interrogatory No. 34 as seeking the disclosure of confidential  
5 information. Front Sight is well aware of the EB-5 investors' expectation of privacy. This request  
6 appears to be intended for no other purpose but to harass the EB-5 investors who are already at risk  
7 of being deported due to Front Sight's breaches of the CLA.

8 Subject to and without waiver of the foregoing objects, LVD responds as follows:

9 It is LVD Fund's understanding that all of the EB-5 investors have filed their I-526 petitions  
10 with USCIS. LVD Fund does not have a copy of the EB-5 investors' I-526 petitions as those are  
11 confidential immigration filings with USCIS.

12 **INTERROGATORY NO. 35:**

13 Please state with particularity all facts and identify all documents which support, relate to, or  
14 substantiate the claimed amounts due, by category, on the Loan Statement & Invoice for the period  
15 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund,  
16 LLC, attached hereto as Exhibit 1. If you assert a privilege, please provide a privilege log.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 35:**

18 LVD Fund objects to Interrogatory No. 35 as vague and ambiguous as phrased. It is unclear  
19 whether Front Sight is asking LVD Fund to produce documents to support NES Financial Corp.'s  
20 Loan Statement & Invoice for the period of 10/1/2019-10/31/2019, whether Front Sight is asking  
21 LVD Fund to explain how NES calculated the figures reflected in the Loan Statement & Invoice for  
22 the period of 10/1/2019-10/31/2019, or whether Front Sight is asking for other documents that may,  
23 in some way, "relate" to the Loan Statement & Invoice.

24 LVD Fund further objects to Interrogatory No. 35 as being unduly burdensome and seeking  
25 information in the custody and control of a third party. To the extent Front Sight is asking LVD  
26 Fund to go, line by line, through the Loan Statement & Invoice, and explain how NES Financial

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1 Corp. determined each amount, that would take a great deal of time for LVD Fund to do. Moreover,  
2 this request would be better suited for NES Financial Corp. who is in possession of the documents  
3 underlying the Loan Statement & Invoice it created.

4 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
5 this Interrogatory to determine what information Front Sight is still seeking that has not already been  
6 disclosed by the banking institutions or Front Sight rephrase its request to more specifically identify  
7 what information it is seeking.

8 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 35:**

9 **LVD Fund objects to Interrogatory No. 35 as duplicative of Request for Production of**  
10 **Documents No. 203 in Front Sight’s Third Set of Requests for Production of Documents to**  
11 **LVD Fund, to which LVD Fund has already responded.**

12 **Based on the foregoing objection, pursuant to NRCP 33(d), see A-021939; A-021629-**  
13 **21695; A-021721-21782.**

14 **INTERROGATORY NO. 36:**

15 Identify and describe in detail all policies and/or procedures related to the operation of this  
16 entity.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 36:**

18 LVD Fund objects to Interrogatory No. 36 as vague and ambiguous. Front Sight has not  
19 identified which policies and/or procedures it is seeking by subject matter. Without providing that  
20 information, LVD Fund is left wondering what policies and/or procedures Front Sight is seeking.

21 Because Interrogatory No. 36 is vague and ambiguous as to which policies and/or procedures  
22 it is seeking by subject matter, it is also possible that it calls for the disclosure of information that is  
23 not likely to lead to the discovery of admissible evidence.

24 LVD Fund also objects to Interrogatory No. 36 as better suited as a request for production of  
25 documents. It would be unduly burdensome to expect LVD Fund to describe and summarize each of  
26 its policies and procedures in response to this request.

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1 Based on the foregoing objections, LVD Fund proposes that the parties meet and confer on  
2 this Interrogatory or Front Sight rephrase its request to more specifically identify what information it  
3 is seeking.

4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 36:**

5 **LVD Fund objects to Interrogatory No. 36 as seeking the disclosure of information**  
6 **which is neither relevant to the claims and defenses in this case nor reasonably calculated to**  
7 **lead to the discovery of admissible evidence.**

8 **Subject to and without waiver of the foregoing objection, based on the parties' recent**  
9 **meet and confer efforts, LVD Fund understands that Front Sight wants to know if LVD Fund**  
10 **had written policies and procedures regarding its handling of EB-5 investors' funds. LVD**  
11 **Fund now supplements its response to state that it has no such written policies and/or**  
12 **procedures.**

13 DATED this 21<sup>st</sup> day of September, 2020.

14 BAILEY ❖ KENNEDY

15 By: /s/ Andrea M. Champion  
16 JOHN R. BAILEY  
17 JOSHUA M. DICKEY  
18 ANDREA M. CHAMPION  
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VERIFICATION

I, Robert W. Dziubla, declare as follows:

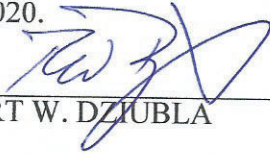
1. That I am the President and CEO of Las Vegas Development Fund LLC, the Defendant in the case of *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*, Case No. A-18-78104-B, pending in the Eighth Judicial District Court of Clark County, Nevada.

2. That I have read the above and foregoing **LAS VEGAS DEVELOPMENT FUND, LLC'S SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** and know the contents thereof; and

3. That the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

EXECUTED on this 21<sup>st</sup> day of September, 2020.



ROBERT W. DZIUBLA

**BAILEY KENNEDY**  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 21<sup>st</sup> day of September, 2020, service of the foregoing **LAS VEGAS DEVELOPMENT FUND, LLC'S SECOND SUPPLEMENTAL AND CORRECTED RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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PIAZZA; VNV DYNASTY TRUST I; VNV  
DYNASTY TRUST II; MICHAEL  
MEACHER; TOP RANK BUILDERS INC.;  
ALL AMERICAN CONCRETE &  
MASONRY INC.; MORALES  
CONSTRUCTION, INC.; AND EFRAIN  
RENE MORALES-MORENO

/s/ Angelique Mattox  
Employee of BAILEY ❖ KENNEDY

**BAILEY ❖ KENNEDY**  
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**Reception**

**From:** efilinmail@tylerhost.net  
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**Subject:** Notification of Service for Case: A-18-781084-B, Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s) for filing Service Only, Envelope Number: 6657305

**Notification of Service**

Case Number: A-18-781084-B  
 Case Style: Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)  
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Filing Details	
<b>Case Number</b>	A-18-781084-B
<b>Case Style</b>	Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)
<b>Date/Time Submitted</b>	9/21/2020 8:34 PM PST
<b>Filing Type</b>	Service Only
<b>Filing Description</b>	Las Vegas Development Fund, LLC's Second Supplemental and Corrected Responses to Plaintiff's First Set of Interrogatories
<b>Filed By</b>	Angelique Mattox
<b>Service Contacts</b>	Las Vegas Development Fund LLC: Bailey Kennedy, LLP ( <a href="mailto:bkfederaldownloads@baileykennedy.com">bkfederaldownloads@baileykennedy.com</a> ) Kathryn Holbert ( <a href="mailto:kholbert@farmercase.com">kholbert@farmercase.com</a> ) Keith Greer ( <a href="mailto:keith.greer@greerlaw.biz">keith.greer@greerlaw.biz</a> ) Dianne Lyman ( <a href="mailto:dianne.lyman@greerlaw.biz">dianne.lyman@greerlaw.biz</a> ) Mona Gantos ( <a href="mailto:mona.gantos@greerlaw.biz">mona.gantos@greerlaw.biz</a> ) John Bailey ( <a href="mailto:jbailey@baileykennedy.com">jbailey@baileykennedy.com</a> ) Joshua Dickey ( <a href="mailto:jdickey@baileykennedy.com">jdickey@baileykennedy.com</a> )

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# EXHIBIT 4



1 JOHN R. BAILEY  
 Nevada Bar No. 0137  
 2 JOSHUA M. DICKEY  
 Nevada Bar No. 6621  
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9 LAS VEGAS DEVELOPMENT FUND LLC;  
 EB5 IMPACT CAPITAL REGIONAL CENTER  
 10 LLC; EB5 IMPACT ADVISORS LLC; ROBERT  
 W. DZIUBLA; JON FLEMING; and  
 11 LINDA STANWOOD

12  
 13 DISTRICT COURT  
 14 CLARK COUNTY, NEVADA

15 FRONT SIGHT MANAGEMENT LLC, a  
 Nevada Limited Liability Company,

Plaintiff,

vs.

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
 19 Nevada Limited Liability Company; et al,

Defendants.

Case No. A-18-781084-B  
 Dept. No. XVI

**DEFENDANT ROBERT W. DZIUBLA'S  
 SECOND SUPPLEMENTAL  
 RESPONSES TO PLAINTIFF'S FIFTH  
 SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS**

21  
 22  
 23 AND ALL RELATED COUNTERCLAIMS.

24 Pursuant to Rules 26 and 34 of the Nevada Rules of Civil Procedure, Defendant Robert W.  
 25 Dziubla ("Mr. Dziubla") hereby supplements his responses to Plaintiff's Fifth Set of Requests for  
 26 Production (the "Requests") as follows:

27 ///

28 ///

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**PRELIMINARY STATEMENT**

1  
2 1. Mr. Dziubla does not waive any objection set forth herein by interposing these  
3 objections or by making any subsequent production of documents.

4 2. Mr. Dziubla objects to the “Definitions and Instructions” in Plaintiff’s Requests to the  
5 extent that they purport to impose obligations upon Mr. Dziubla greater than or different from those  
6 imposed by the Nevada Rules of Civil Procedure.

7 3. The objections and responses contained herein are made solely for the purpose of this  
8 action. Each response is subject to all objections as to competence, relevance, materiality, propriety,  
9 admissibility, and any and all other objections and grounds to which the same statement would be  
10 subject to if delivered as live testimony at trial. All such objections and grounds are expressly  
11 reserved by Mr. Dziubla and may be interposed at the time of trial or in conjunction with any other  
12 use of these responses.

13 4. Mr. Dziubla reserves the right to supplement his objections and responses to this Fifth  
14 Set of Requests for Production of Documents.

**SECOND SUPPLEMENTAL RESPONSES TO FIFTH SET OF REQUESTS FOR  
15 PRODUCTION**

16  
17 Mr. Dziubla’s supplemental responses appear **bolded** below.

18 **REQUEST FOR PRODUCTION NO. 101:**

19 Please provide copies of all documents which support or relate to the truthfulness of the  
20 representations made to Front Sight that Defendant Dziubla and his associates “have great depth of  
21 experience in the real estate and real estate financing market, and I personally have been involved in  
22 over \$10 billion of hospitality and leisure transactions during my 35-year career as an investor,  
23 owner, operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing Exhibit 2, April  
24 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

25 **RESPONSE TO REQUEST NO. 101:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party to  
6 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 101:**

10 Subject to and without waiving the previously asserted objections, Responding Party will  
11 produce all non-privileged documents that are responsive to this request. See documents A-009926-  
12 010007; A-00001-00005; A-010757-010910; A-021507-021511.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 101:**

14 **Mr. Dziubla objects to this request as overly broad and unduly burdensome. The EB5**  
15 **Parties provided a copy of their resumé and information regarding their background to Front**  
16 **Sight years before Front Sight commenced this litigation. Consequently, as drafted, this**  
17 **request is intended to harass and burden Mr. Dziubla and is not intended for a legitimate**  
18 **purpose.**

19 **However, pursuant to the parties' recent meet and confer efforts on Front Sight's**  
20 **related interrogatories, Mr. Dziubla understands that Front Sight now agrees it will not be**  
21 **seeking all documents related to Mr. Dziubla and "his associates'" experience in the real estate**  
22 **and real estate financing markets, or the production of documents specific to the transactions**  
23 **they have been involved in. Rather, the parties have agreed to limit this request to only those**  
24 **documents which would provide a broad understanding of Mr. Dziubla and his associates'**  
25 **experience. Based on that understanding and agreement, Mr. Dziubla responds as follows: see**  
26 **also A-006164-006170; A-006180; A-010899-010902; A-013355-013357; A-013387-013393; A-**  
27 **013412-013419; A-020793-020796.**

28 ///

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1 **REQUEST FOR PRODUCTION NO. 102:**

2 Please provide copies of all documents which support or relate to the truthfulness of the  
3 representations made to Front Sight that Defendant Dziubla and his associates “have been  
4 underwriting over a dozen hospitality transaction during the past 8 months, with two of them located  
5 in the desert just like Front Sight, so we have a keen appreciation and understanding of the  
6 peculiarities of that market and how to structure the transaction appropriately,” as set forth in  
7 Evidentiary Hearing Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

8 **RESPONSE TO REQUEST NO. 102:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 102:**

21 Subject to and without waiving the previously asserted objections, Responding Party will  
22 produce all non-privileged documents that are responsive to this request. See documents A-  
23 009926-010007; A-010757-010910; A-020636 -020816; A-021507021511.

24 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 102:**

25 **Mr. Dziubla objects to this request as overly broad and unduly burdensome. The EB5**  
26 **Parties provided a copy of their resumé and information regarding their background to Front**  
27 **Sight years before Front Sight commenced this litigation. Consequently, as drafted, this**  
28 **request is intended to harass and burden Mr. Dziubla and is not intended for a legitimate**

1 **purpose.**

2 **However, pursuant to the parties' recent meet and confer efforts on Front Sight's**  
 3 **related interrogatories, Mr. Dziubla understands that Front Sight now agrees it will not be**  
 4 **seeking all documents related to Mr. Dziubla and "his associates'" experience in the real estate**  
 5 **and real estate financing markets, or the production of documents specific to the transactions**  
 6 **they have been involved in. Rather, the parties have agreed to limit this request to only those**  
 7 **documents which would provide a broad understanding of Mr. Dziubla and his associates'**  
 8 **experience. Based on that understanding and agreement, Mr. Dziubla responds as follows: *see***  
 9 ***also* A-000001-000005; A-006164-006170; A-006180; A-009926-010007; A-010899-010902; A-**  
 10 **013355-013357; A-013387-013393; A-013412-013419; A-020793-020796.**

11 **REQUEST FOR PRODUCTION NO. 103:**

12 Please provide copies of all documents which support or relate to the truthfulness of the  
 13 representations made to Front Sight that Defendant Dziubla and his associates had the ability,  
 14 experience and networking breadth with Chinese investors to enable Defendant Dziubla "to put  
 15 together a financing package for some, or perhaps, all, of the \$150 million you were seeking to  
 16 raise," as set forth in Evidentiary Hearing Exhibit 2, August 27, 2012 Email from Robert Dziubla to  
 17 Mike Meacher, p. 0002.

18 **RESPONSE TO REQUEST NO. 103:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
 20 with the other requests made herein and previously propounded, this request fails to meet the  
 21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
 22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
 23 contained herein and previously propounded; it seeks documents that are already in requesting  
 24 party's possession or equally accessible to the requesting party; it seeks information protected by the  
 25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
 26 documents that are not relevant to this issues presented; and it purports to require responding party to  
 27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
 28 information that is privileged or protected by rights of privacy regarding financial information and

1 tax records of responding party and/or third parties.

2 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 103:**

3 Subject to and without waiving the previously asserted objections, Responding Party will  
4 produce all non-privileged documents that are responsive to this request. See documents A-  
5 009926-010007; A-010757-010910; A-020636-020816; A-021507021513.

6 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 103:**

7 **Mr. Dziubla objects to this request as overly broad and unduly burdensome. The EB5**  
8 **Parties provided a copy of their resumé and information regarding their background to Front**  
9 **Sight years before Front Sight commenced this litigation. Consequently, as drafted, this**  
10 **request is intended to harass and burden Mr. Dziubla and is not intended for a legitimate**  
11 **purpose.**

12 **However, pursuant to the parties’ recent meet and confer efforts on Front Sight’s**  
13 **related interrogatories, Mr. Dziubla understands that Front Sight now agrees it will not be**  
14 **seeking all documents related to Mr. Dziubla and “his associates”’ experience and networking**  
15 **breadth with Chinese investors or their ability to put together a financing package for some, or**  
16 **perhaps all, of the \$150 million Front Sight was seeking to raise. Rather, the parties have**  
17 **agreed to limit this request to only those documents which would provide a broad**  
18 **understanding of Mr. Dziubla and his associates’ experience. Based on that understanding**  
19 **and agreement, Mr. Dziubla responds as follows: *see also* A-000001-000005; A-006164-006170;**  
20 **A-006180; A-010899-010902; A-013355-013357; A-013387-013393; A-013412-013419; A-**  
21 **020793-020796.**

22 **REQUEST FOR PRODUCTION NO. 104:**

23 Please provide copies of any and all documents which support the truthfulness of the  
24 representations made to Front Sight that “EB-5 funding initiatives typically take 5 – 8 months before  
25 first funds are placed into escrow with the balance of the funds being deposited during the next 6 – 8  
26 months. This sort of extended timing seems to be compatible with Front Sight’s development  
27 timeline given our discussions,” as set forth in Evidentiary Hearing Exhibit 3, p. 0006.

28 ///

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1 **RESPONSE TO REQUEST NO. 104:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party's possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 104:**

14 After a diligent search, no responsive documents have been located.

15 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 104:**

16 **Mr. Dziubla states that no supplemental response to this request is necessary.**

17 **REQUEST FOR PRODUCTION NO. 105:**

18 Please provide copies of all documents which support or relate to the truthfulness of the  
19 representations made to Front Sight that "Our partners, Emyrean West (Dave Keller and Jay  
20 Carter), are the owners and managers of a USCIS-approved regional center, Liberty West Regional  
21 Center, through which we will invest the \$65m of EB-5 funding," as set forth in Evidentiary Hearing  
22 Exhibit 3, p. 0006.

23 **RESPONSE TO REQUEST NO. 105:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28 contained herein and previously propounded; it seeks documents that are already in requesting

1 party's possession or equally accessible to the requesting party; it seeks information protected by the  
2 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
3 documents that are not relevant to this issues presented; and it purports to require responding party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is privileged or protected by rights of privacy regarding financial information and  
6 tax records of responding party and/or third parties.

7 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 105:**

8 Subject to and without waiving the previously asserted objections, Responding Party will  
9 produce all non-privileged documents that are responsive to this request. See documents A-  
10 010757-010910; A-020636-020816; A-021512-021518.

11 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 105:**

12 **Mr. Dziubla states that no supplemental response to this request is necessary.**

13 **REQUEST FOR PRODUCTION NO. 106:**

14 Please provide copies of all documents which support or relate to the truthfulness of the  
15 representations made to Front Sight that "... we don't make any money until we have successfully  
16 raised the \$65m..." as set forth in Evidentiary Hearing Exhibit 3, p. 0007.

17 **RESPONSE TO REQUEST NO. 106:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party's possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
28 tax records of responding party and/or third parties.



1 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 106:**

2 Subject to and without waiving the previously asserted objections, Responding Party will all  
3 produce all non-privileged documents that are responsive to this request. See documents A-000879-  
4 000894.

5 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 106:**

6 **Mr. Dziubla states that no supplemental response to this request is necessary.**

7 **REQUEST FOR PRODUCTION NO. 107:**

8 Please provide copies of all documents which support or relate to the truthfulness of the  
9 representations made to Front Sight that “In addition to the Chinese EB-5 funding, Emyrean West  
10 has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam and  
11 has been exempted from the \$5,000 limit on international money transfers,” as set forth in  
12 Evidentiary Hearing Exhibit 3, p. 0006.

13 **RESPONSE TO REQUEST NO. 107:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting  
19 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
20 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
21 documents that are not relevant to this issues presented; and it purports to require responding party to  
22 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is privileged or protected by rights of privacy regarding financial information and  
24 tax records of responding party and/or third parties.

25 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 107:**

26 After a diligent search no responsive documents have been identified other than the exhibit  
27 itself.

28 ///

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1 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 107:**

2 **Mr. Dziubla states that no supplemental response to this request is necessary.**

3 **REQUEST FOR PRODUCTION NO. 108:**

4 Please provide copies of all documents which support or relate to the truthfulness of the  
5 representations made to Front Sight that Defendant Dziubla and his partners were working on a  
6 proposal for “the creation of a new regional center for the Front Sight project and the raise of up to  
7 \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in Evidentiary  
8 Hearing Exhibit 4, p. 0010.

9 **RESPONSE TO REQUEST NO. 108:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
13 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 108:**

22 Subject to and without waiving the previously asserted objections, Responding Party will  
23 produce all non-privileged documents that are responsive to this request. See documents A-001426-  
24 001431, A-001918-006138, A-006139-008763, A-013352-015269, A-010330-010417.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 108:**

26 **Mr. Dziubla amends and supplements his prior response to this request as follows: *see***  
27 ***also* A-001426-001431, A-001918-001944; A-001955-1986; A-001990-1991; A-001994-002023;**  
28 **A-002027-002030; A-002032-002035; A-002042-002044; A-022220-022227; A-022403-022404;**

1 A-022449-022482; A-022518; A-023109; A-025687-025713; A-025725-025783; A-025786-  
2 025814; A-025816-025845; A-025847-025877; A-025899-025906; A-025919-025942; A-025957-  
3 025962; A-025995-026023; A-026026-026033.

4 **REQUEST FOR PRODUCTION NO. 109:**

5 Please provide copies of all documents which support or relate to the truthfulness of the  
6 statement in the February 14, 2013 engagement letter that Professor Sean Flynn will “prepare the  
7 business plan” and that Professor Flynn will be paid \$20,000 to prepare the business plan, as set  
8 forth in Evidentiary Hearing Exhibit 6, pp. 0020, 0026.

9 **RESPONSE TO REQUEST NO. 109:**

10 Responding party objects to this Document Request because; individually, and in aggregate  
11 with the other requests made herein and previously propounded, this request fails to meet the  
12 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is c  
13 ompound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
14 contained herein and previously propounded; it seeks documents that are already in requesting  
15 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
16 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
17 documents that are not relevant to this issues presented; and it purports to require responding party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is privileged or protected by rights of privacy regarding financial information and  
20 tax records of responding party and/or third parties.

21 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 109:**

22 Subject to and without waiving the previously asserted objections, Responding Party will  
23 produce all non-privileged documents that are responsive to this request. See documents A-010097-  
24 010192 and the exhibit itself; A-21526.

25 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 109:**

26 **Mr. Dziubla supplements his prior response as follows: *see also* A-0022483-0022516.**

27 **REQUEST FOR PRODUCTION NO. 110:**

28 Please provide copies of all documents which demonstrate how Professor Sean Flynn was

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1 compensated for the creation of the business plan referenced in the February 14, 2013 engagement  
2 letter, including all communications between any party to this litigation and Professor Flynn related  
3 to how and when the terms of that compensation were agreed upon.

4 **RESPONSE TO REQUEST NO. 110:**

5 Responding party objects to this Document Request because; individually, and in aggregate  
6 with the other requests made herein and previously propounded, this request fails to meet the  
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
9 contained herein and previously propounded; it seeks documents that are already in requesting  
10 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
11 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
12 documents that are not relevant to this issues presented; and it purports to require responding party to  
13 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
14 information that is privileged or protected by rights of privacy regarding financial information and  
15 tax records of responding party and/or third parties.

16 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 110:**

17 Subject to and without waiving the previously asserted objections, Responding Party will  
18 produce all non-privileged documents that are responsive to this request. See documents A-21526-  
19 21527.

20 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 110:**

21 **Mr. Dziubla supplements his prior response as follows: *see also* A-0022483-0022516.**

22 **REQUEST FOR PRODUCTION NO. 111:**

23 Please provide copies of all documents which support or relate to the truthfulness of  
24 Defendants Dziubla and Fleming’s representations to Front Sight that the approval process for the  
25 new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing Exhibit 7, p.  
26 0029.

27 ///

28 ///

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1 **RESPONSE TO REQUEST NO. 111:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUET NO. 111:**

14 Subject to and without waiving the previously asserted objections, Responding Party will  
15 produce all non-privileged documents that are responsive to this request. See documents A-021500-  
16 021504.

17 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 111:**

18 **Mr. Dziubla states that no supplemental response to this request is necessary.**

19 **REQUEST FOR PRODUCTION NO. 112:**

20 Please provide copies of all documents which support or relate to the truthfulness of the  
21 representations made to Front Sight that “... a very big advantage – we should have the first tranche  
22 of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e. \$18.75m, as  
23 discussed) within 4 – 5 months,” as set forth in Evidentiary Hearing Exhibit 9, p. 0036.

24 **RESPONSE TO REQUEST NO. 112:**

25 Responding party objects to this Document Request because; individually, and in aggregate  
26 with the other requests made herein and previously propounded, this request fails to meet the  
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
28 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests

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1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

8 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 112:**

9 Subject to and without waiving the previously asserted objections, Responding Party will  
10 produce all non-privileged documents that are responsive to this request. See documents A-001426-  
11 001431, A-001918-006138, A-006139-008763, A-013352-015269, A-010330-010417; A-010757-  
12 010910; A-021512-021513.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 112:**

14 Mr. Dziubla supplements his prior response as follows: *see* A-023109-023109; A-  
15 025656-025683; A-025687-025713; A-025725-025783; A-025786-025814; A-025816-025845; A-  
16 025847-025877; A-025899-025906; A-025919-025942; A-025957-025962; A-025995--026023; A-  
17 026026-026033.

18 **REQUEST FOR PRODUCTION NO. 113:**

19 Please provide copies of all documents which support or relate to the truthfulness of the  
20 representations made to Front Sight that “We look forward to having the \$53.5k deposited into our  
21 Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and of course  
22 receives our full and diligent attention...,” as set forth in Evidentiary Hearing Exhibit 11, p. 0044.

23 **RESPONSE TO REQUEST NO. 113:**

24 Responding party objects to this Document Request because; individually, and in aggregate  
25 with the other requests made herein and previously propounded, this request fails to meet the  
26 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
27 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
28

1 contained herein and previously propounded; it seeks documents that are already in requesting  
2 party's possession or equally accessible to the requesting party; it seeks information protected by the  
3 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
4 documents that are not relevant to this issues presented; and it purports to require responding party to  
5 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is privileged or protected by rights of privacy regarding financial information and  
7 tax records of responding party and/or third parties.

8 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

9 After a diligent search no responsive documents could be identified other than the exhibit  
10 itself.

11 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 113:**

12 Mr. Dziubla supplements his prior response as follows: *see* A-000501-000505; A-  
13 000928-000946; A-001413-001417; A-002195-002209; A-002220-002240; A-002249-002268; A-  
14 006385-006841; A-022564-022566; A-022596-022603; A-022617-022619; A-022622-022623; A-  
15 022625-022627; A-022675-022678; A-022684-022692; A-022728-022731; A-022739-022744; A-  
16 022746-022752; A-022764; A-022806-022821; A-022832-022838; A-022845-022900; A-022918-  
17 022928; A-022931; A-022933-022955; A-022965-022967; A-023005-023006; A-023012-023031;  
18 A-023070-023078; A-023088; A-023099-023101; A-023109; A-023115-023120; A-023128-  
19 023145; A-023147-023181; -023191-023199; A-023202-023213; A-023219-023220; A-023231-  
20 023233.

21 **REQUEST FOR PRODUCTION NO. 114:**

22 Please provide copies of all documents which support or relate to the truthfulness of the  
23 representations made to Front Sight that "As we mentioned in an earlier email, the uncertainty  
24 surrounding what Congress was going to do has really sidelined the investors. We have been in  
25 contact with our agents in China over night, and they are ecstatic with this news and assure us that  
26 with this logjam now cleared, the investors will be signing up. We were, of course, dismayed by the  
27 slow sales progress, but now expect the sales pace to increase substantially," as set forth in  
28 Evidentiary Hearing Exhibit 13, p. 0052.

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1 **RESPONSE TO REQUEST NO. 114:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **[FIRST] SUPPLEMENTAL RESPONSE TO RESPONSE NO. 114:**

14 Subject to and without waiving the previously asserted objections, Responding Party will  
15 produce all non-privileged documents that are responsive to this request. See documents A-  
16 001426-001431, A-001918-006138, A-006139-008763, A-013352015269, A-010330-010417.

17 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 114:**

18 **Mr. Dziubla supplements his prior response as follows: see A-002665-002680; A-**  
19 **002683-002714; A-002721-002726; A-002778-002795;A-002804-002809; A-002894-002895; A-**  
20 **002904-002907; A-002909-002912; A-002914-002920; A-004767-004767;A-004784-004785; A-**  
21 **004787-004788; A-004802; A-004804-004808; A-004811-004812; A-004869-004873;A-005077-**  
22 **005079; A-005082-005084; A-005414-005418; A-005565; A-005856-005860; A-005938-005939;**  
23 **A-007078-007083; A-025973-025978; A-025995-026023; A-026026-026033; A-026075-026089;**  
24 **A-026201-026234; A-026236-026237; A-026243-026249; A-026283-026284; A-026297-026299;**  
25 **A-026300-026302; A-026309-026311; A-026366-026367; A-026382-026394; A-026416-026423;**  
26 **A-026438-026447; A-027233-027234.**

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1 **REQUEST FOR PRODUCTION NO. 115:**

2 Please provide copies of all documents which support or relate to the truthfulness of the  
3 representations made to Front Sight that “With regard to the timeline, we may still be able to achieve  
4 the minimum raise of \$25m by January 31 and thereupon begin disbursing the construction loan  
5 proceeds to you, but a more realistic date might be February 8. Why that date you ask? Because the  
6 Christmas holidays and January 1st new year holiday are rather insignificant in China and,  
7 importantly, February 8 is the start of the Chinese New Year. Chinese people like to conclude their  
8 major business decisions before the start of that 2 – 3 week holiday period, so we expect to see  
9 interest in the FS project growing rapidly over the next couple of weeks with interested investors  
10 getting their source and path of funds verification completed in January so that they can make the  
11 investment by February 8,” as set forth in Evidentiary Hearing Exhibit 13, p. 0052.

12 **RESPONSE TO REQUEST NO. 115:**

13 Responding party objects to this Document Request because; individually, and in aggregate  
14 with the other requests made herein and previously propounded, this request fails to meet the  
15 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
16 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
17 contained herein and previously propounded; it seeks documents that are already in requesting  
18 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
19 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
20 documents that are not relevant to this issues presented; and it purports to require responding party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is privileged or protected by rights of privacy regarding financial information and  
23 tax records of responding party and/or third parties.

24 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

25 Subject to and without waiving the previously asserted objections, Responding Party will  
26 produce all non-privileged documents that are responsive to this request.

27 ///

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1 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 115:**

2 Mr. Dziubla supplements his prior response as follows: *see* A-000493-000494; A-  
3 001406; A-002401-002412; A-002416-002423; A-002688-002692; A-002697-002714; A-002721-  
4 002726; A-002732; A-002734-002738; A-002820-002826; A-002829-002833; A-002835-002840;  
5 A-004869-004873; A-005492; A-007078-007083; A-007093-007094; A-020786-020789; A-  
6 021975-021975; A-022025-022025; A-025957-025962; A-025973-025978; A-025995-026023; A-  
7 026026-026033; A-026075-026089; A-026201-026205; A-026228-026234; A-026236-026237; A-  
8 026389-026394; A-026416-026423; A-026438-026447; A-027235.

9 **REQUEST FOR PRODUCTION NO. 116:**

10 Please provide copies of all documents which support or relate to the truthfulness of the  
11 representations made to Front Sight that “With regard to timing, based on discussions with our  
12 agents over the past few days, including today, it looks like we may have 5 – 10 investors into  
13 escrow by February 8, with an additional 20 – 30 in the pipeline,” as set forth in Evidentiary Hearing  
14 Exhibit 14, p. 0056.

15 **RESPONSE TO REQUEST NO. 116:**

16 Responding party objects to this Document Request because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, this request fails to meet the  
18 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
19 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
20 contained herein and previously propounded; it seeks documents that are already in requesting  
21 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
22 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
23 documents that are not relevant to this issues presented; and it purports to require responding party to  
24 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is privileged or protected by rights of privacy regarding financial information and  
26 tax records of responding party and/or third parties.

27 ///

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1 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 116:**

2 Subject to and without waiving the previously asserted objections, Responding Party will  
3 produce all non-privileged documents that are responsive to this

4 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 116:**

5 **Mr. Dziubla amends and supplements his prior response as follows: see A-002732; A-**  
6 **002734-002738; A-002778-002784; A-002872-002875; A-002880-002884; A-007093-007094; A-**  
7 **002732-002732; A-002734-002738; A-002778-002784; A-002872-002875; A-002880-002884; A-**  
8 **007093-007094; A-021975-021975; A-022025-022025; A-022567-022567; A-026001-026004; A-**  
9 **026075; A-026076-026089; A-026201-026202; A-026205; A-026206-026207; A-026209-026214;**  
10 **A-026219-026234; A-026236-026240; A-026243-026277; A-026281-026325; A-026336-026344.**

11 **REQUEST FOR PRODUCTION NO. 117:**

12 Please provide copies of all documents which relate to representations made to Front Sight  
13 that USCIS would not allow Front Sight to be an owner of EB5IC because USCIS would look  
14 unfavorably on a developer owning a regional center, as alleged in Paragraph 43 of the Second  
15 Amended Complaint.

16 **RESPONSE TO REQUEST NO. 117:**

17 Responding party objects to this Document Request because; individually, and in aggregate  
18 with the other requests made herein and previously propounded, this request fails to meet the  
19 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
20 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
21 contained herein and previously propounded; it seeks documents that are already in requesting  
22 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
24 documents that are not relevant to this issues presented; and it purports to require responding party to  
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is privileged or protected by rights of privacy regarding financial information and  
27 tax records of responding party and/or third parties.

28 ///

1 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

2 Subject to and without waiving the previously asserted objections, Responding Party  
3 asserts that no responsive documents exist because no representation was made that Front Sight  
4 could not own a regional center.

5 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 117:**

6 **Mr. Dziubla amends and supplements his prior response as follows: the following**  
7 **documents belie Front Sight’s claim that the EB5 Parties represented that Front Sight could**  
8 **not own a regional center and demonstrate that the EB5 Parties actually offered to sell the**  
9 **regional center to Front Sight. See A-000462-000465; A-001373-001376; A-003181-003193; A-**  
10 **007396-007408.**

11 **REQUEST FOR PRODUCTION NO. 118:**

12 Please provide copies of all documents which support the representations made to Front  
13 Sight that “we are legally and ethically bound by confidentiality restrictions in all of our contracts  
14 with our Chinese agents (and all others) not to disclose the terms thereof. The EB-5 business is  
15 highly and increasingly competitive, and the agents absolutely will not tolerate the disclosure of the  
16 terms of their compensation,” as set forth in Evidentiary Hearing Exhibit 16, p. 0065.

17 **RESPONSE TO REQUEST NO. 118:**

18 Responding party objects to this Document Request because; individually, and in aggregate  
19 with the other requests made herein and previously propounded, this request fails to meet the  
20 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
21 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
22 contained herein and previously propounded; it seeks documents that are already in requesting  
23 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
24 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
25 documents that are not relevant to this issues presented; and it purports to require responding party to  
26 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is privileged or protected by rights of privacy regarding financial information and  
28 tax records of responding party and/or third parties.

1 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 118:**

2 Subject to and without waiving the previously asserted objections, Responding Party will  
3 produce all non-privileged documents that are responsive to this request. See documents A-  
4 021579-0021674.

5 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 118:**

6 **Mr. Dziubla supplements his prior response as follows: *see also* A-026528-026529; A-  
7 026545; A-029654.**

8 **REQUEST FOR PRODUCTION NO. 119:**

9 Please provide copies of all documents which relate to the dissolution of Defendant EB5IA.

10 **RESPONSE TO REQUEST NO. 119:**

11 Responding party objects to this Document Request because; individually, and in aggregate  
12 with the other requests made herein and previously propounded, this request fails to meet the  
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
15 contained herein and previously propounded; it seeks documents that are already in requesting party's  
16 possession or equally accessible to the requesting party; it seeks information protected by the  
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
18 documents that are not relevant to this issues presented; and it purports to require responding party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is privileged or protected by rights of privacy regarding financial information and tax  
21 records of responding party and/or third parties.

22 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 119:**

23 Responding party will identify the scope of documents responsive to this request, and then  
24 meet and confer with demanding party regarding further responses and production. See documents A-  
25 0021675-021679.

26 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 119:**

27 **Mr. Dziubla supplements his prior response as follows: *see also* A000160-000161; A-  
28 001069-001071; A-021531-021532.**

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1 **REQUEST FOR PRODUCTION NO. 120:**

2 Please provide copies of all documents which support, refute, or relate to each and every  
3 Affirmative Defense you raised in Defendants’ Answer to the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 120:**

5 Responding party objects to this Document Request because; individually, and in aggregate  
6 with the other requests made herein and previously propounded, this request fails to meet the  
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
9 contained herein and previously propounded; it seeks documents that are already in requesting  
10 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
11 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
12 documents that are not relevant to this issues presented; and it purports to require responding party to  
13 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
14 information that is privileged or protected by rights of privacy regarding financial information and  
15 tax records of responding party and/or third parties.

16 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 120:**

17 Subject to and without waiving the previously asserted objections, Responding Party will  
18 produce all non-privileged documents that are responsive to this request. See documents A-00001-  
19 020816.

20 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 120:**

21 **Mr. Dziubla objects to this request as overly broad and unduly burdensome as Front**  
22 **Sight does not specify which affirmative defense or affirmative defenses this request relates to.**  
23 **Based on the foregoing objections, Mr. Dziubla can only assume that this request relates to *all***  
24 **defenses the EB5 Parties may have to Front Sight’s claims.**

25 **Mr. Dziubla further objects to this request as seeking the production of documents that**  
26 **are in the custody and control of Front Sight. Because Mr. Dziubla continues to contend that**  
27 **Front Sight has not produced all documents in response to Mr. Dziubla’s Requests for**  
28 **Production of Documents, Mr. Dziubla specifically reserves the right to supplement this**

1 response to identify those documents subsequently produced by Front Sight that are  
2 responsive to this request.

3 Subject to, and based on the foregoing objection, Mr. Dziubla responds as follows: *see*  
4 A-000006-000012; A-000018-000036; A-000037-000338; A-000341-000359; A-000417-000461;  
5 A-000483; A-000485; A-000495-000500; A-000514-000548; A-000881-000892; A-000901-  
6 000903; A-000928-001248; A-001252-001270; A-001395; A-001397; A-001407-001417; A-  
7 001421-001425; A-001432-001446; A-001448-001459; A-001695-001746; A-001789-001796; A-  
8 001830-001849; A-002186-002190; A-002577-002586; A-002631-002633; A-002770-002776; A-  
9 002872-002875; A-002880-002884; A-003283-003287; A-003313-003319; A-003335-003353; A-  
10 003355-003409; A-003412-003416; A-003419-003429; A-03434-003462; A-003465-003516; A-  
11 003518-003521; A-003527-003539; A-003541-003551; A-003564-003565; A-003569-003570; A-  
12 003574-003575; A-003579-003586; A-003601-003612; A-003614-003616; A-003623; A-003629-  
13 003638; A-003645-003692; A-003708-003757; A-003764-003768; A-003773-003857; A-003866-  
14 004107; A-004115-004120; A-004121-004165; A-004170-004201; A-004206-004211; A-004217-  
15 004224; A-004230-004356; A-004363-004374; A-004378-004385; A-004387-004392; A-004395-  
16 004428; A-004430-004432; A-004434-004439; A-004444-004445; A-004459; A-004471-004474;  
17 A-004590-004594; A-004596-004607; A-004625-004628; A-004642; A-004646-004650; A-  
18 004665; A-004670-004688; A-004693-004704; A-004708-004711; A-004713-004716; A-004719-  
19 004722; A-004738-004740; A-004744; A-004748-004749; A-004781-004782; A-004784-004788;  
20 A-004795; A-004805-004808; A-004811-004812; A-004815-004825; A-004829-004833; A-  
21 004835-004842; A-004844-004848; A-004854-004861; A-004865-004879; A-004881; A-004885-  
22 004923; A-004933-004937; A-004969-004972; A-004996-004997; A-005000-005002; A-005023-  
23 005024; A-005034-005036; A-005049; A-005057-005058; A-005068-005069; A-005088-005090;  
24 A-005096-005097; A-005099-005102; A-005104-005119; A-005121-005136; A-005139-005143;  
25 A-005147-005149; A-005156-005160; A-005163-005166; A-005195-005210; A-005213-005221;  
26 A-005224-005227; A-005250-005252; A-005261; A-005264; A-005268-005271; A-005276-  
27 005277; A-005312-005316; A-005330-005354; A-005360-005426; A-005432-005434; A-005462-  
28 005464; A-005473-005473; A-005476-005478; A-005480-005483; A-005487-005491; A-005521-

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1 005568; A-005570; A-005572-005574; A-005586-005587; A-005591-005608; A-005610-005615;  
2 A-005650-005655; A-005700-005702; A-005771; A-005775-005776; A-005778-005800; A-  
3 005803-005807; A-005817-005821; A-005834-005854; A-005856-005857; A-005861-005942; A-  
4 005952-005964; A-005966-005968; A-005970-005973; A-005975-005979; A-005982-005988; A-  
5 005991-006006; A-006013-006014; A-006032-006039; A-006058-006061; A-006099-006124; A-  
6 006128-006138; A-006808-006821; A-007004; A-007013-007014; A-007016-007024; A-007029-  
7 007031; A-007418-007421; A-007446-007450; A-007452-007461; A-007463-007467; A-007470-  
8 007475; A-007484; A-007487-007545; A-007548-007584; A-007588-007607; A-007610-007613;  
9 A-007619-007641; A-007645-007653; A-007657-007661; A-007673-007681; A-007704-007708;  
10 A-007728-007737; A-007786-007787; A-007796-007797; A-007809-007811; A-007816-007828;  
11 A-007835-007840; A-007844-007849; A-007877-007899; A-007908-007912; A-007914-007926;  
12 A-007929-007935; A-007951-007958; A-007969-007978; A-008087-008106; A-008124-008129;  
13 A-008179-008180; A-008227-008229; A-008236-008238; A-008257-008259; A-008265-008266;  
14 A-008268-008270; A-008287-008290; A-008319; A-008326; A-008334-008335; A-008337-  
15 008338; A-008340-008343; A-008346-008348; A-008354-008358; A-008379-008387; A-008389-  
16 008391; A-008395-008411; A-008413-008414; A-008418-008423; A-008425-008429; A-008449-  
17 008453; A-008455-008456; A-008460; A-008466-008481; A-008550-008551; A-008594-008596;  
18 A-008601; A-008604-008616; A-008621-008622; A-008624-008626; A-008632-008633; A-  
19 008638; A-008645-008649; A-008654-008661; A-008664-008679; A-008682-008686; A-008690-  
20 008694; A-008700-008702; A-008707-008716; A-008719-008722; A-008726-008759; A-008762-  
21 008763; A-009097-009098; A-009100-009104; A-009164; A-010217; A-010223-010227; A-  
22 010248-010417; A-013570-013573; A-013675; A-013679-013681; A-013684-013685; A-013779-  
23 013782; A-015225; A-019524-019530; A-019534-019557; A-019604-019607; A-019632-019643;  
24 A-019649-019654; A-019657-019659; A-019661-019666; A-019675-019683; A-019696-019722;  
25 A-019724-019741; A-019755-019767; A-019771-019772; A-019775-019794; A-019804-019816;  
26 A-019820-019825; A-019838; A-019841-019880; A-019891-019901; A-019903-019905; A-  
27 019908-019910; A-019916-019918; A-019920-019921; A-019924-019931; A-019934-019937; A-  
28 019941-019958; A-019962-019974; A-019977-019981; A-019986-019989; A-019994-020001; A-



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1 020018-020021; A-020025-020029; A-020033-020037; A-020049-020057; A-020067-020075; A-  
2 020123-020132; A-020146-020155; A-020211-020213; A-020287-020294; A-020356-020363; A-  
3 020573-020577; A-020817-020836; A-020839-020840; A-021168-021189; A-021230; A-021234-  
4 021259; A-021261; A-021846-021851; A-021870-021909; A-021942; A-022199; A-022238-  
5 022262; A-022276-022277; A-022284-022287; A-022326; A-024271-024273; A-026470-026471;  
6 A-026482-026502; A-027045-027046; A-027218-027220; A-028175-028179; A-028185-028190;  
7 A-028209-028216; A-028313-028322; A-028429-028433; A-028440-028457; A-028466-028470;  
8 A-028474-028480; A-028494-028507; A-028527; A-028544-028551; A-028574-028576; A-  
9 028602-028606; A-028613-028613; A-028634-028637; A-028641-028647; A-028660-028678; A-  
10 028682-028706; A-028771-028787; A-028790-028804; A-028972-028980; A-028984-028987; A-  
11 028991-028994; A-028997-029000; A-029141; A-029143-029208; A-029441-029444; A-029503-  
12 029504; A-029531-029534; A-029555-029568; A-029585; A-029758-029760; A-029766-029767;  
13 A-029770-029772; A-029789-029790; A-029800-030219.

14 **REQUEST FOR PRODUCTION NO. 121:**

15 Please provide copies of all documents which show or relate to each and every payment  
16 and/or transfer of money or property made by Plaintiff to you from 2012 to the present, including  
17 documents that show where or how that money or property was used after you received it.

18 **RESPONSE TO REQUEST NO. 121:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is privileged or protected by rights of privacy regarding financial information and

1 tax records of responding party and/or third parties.

2 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 121:**

3 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
4 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
5 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
6 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

7 **REQUEST FOR PRODUCTION NO. 122:**

8 Please provide copies of all documents which show or relate to each and every payment  
9 and/or transfer of money or property made by you to any other Defendant in this matter, or entity  
10 controlled by any other Defendant in this matter, from 2012 to the present. This includes, but is not  
11 limited to, documentation related to any reimbursement, salary, or equity distribution from you to  
12 any other Defendant in this matter, or entity controlled by any other Defendant or entity in this  
13 matter.

14 **RESPONSE TO REQUEST NO. 122:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
21 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 ///

27 ///

28 ///

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 122:**

**Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

**REQUEST FOR PRODUCTION NO. 123:**

Please provide copies of all documents which show or relate to each and every financial transaction and/or transfer of money or property made by you to any other Defendant from 2012 to the present.

**RESPONSE TO REQUEST NO. 123:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 123:**

**Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

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1 **REQUEST FOR PRODUCTION NO. 124:**

2 Please provide copies of all documents which show or relate to each and every financial  
3 transaction and/or transfer of money or property made to you by any other Defendant from 2012 to  
4 the present.

5 **RESPONSE TO REQUEST NO. 124:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting  
11 party's possession or equally accessible to the requesting party; it seeks information protected by the  
12 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
13 documents that are not relevant to this issues presented; and it purports to require responding party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is privileged or protected by rights of privacy regarding financial information and  
16 tax records of responding party and/or third parties.

17 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 124:**

18 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
19 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
20 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
21 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

22 **REQUEST FOR PRODUCTION NO. 125:**

23 Please provide copies of all documents which demonstrate each and every representation you  
24 have made to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5  
25 investor, including representations prior to investment and updates since investment.

26 **RESPONSE TO REQUEST NO. 125:**

27 Responding party objects to this Document Request because; individually, and in aggregate  
28 with the other requests made herein and previously propounded, this request fails to meet the

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 125:**

11 **Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and**  
12 **Order Granting in Part and Denying in Part Defendants' Motion for Protective Order**  
13 **Regarding Discovery of Consultants' and Individual Investors' Confidential Information,**  
14 **Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this**  
15 **request seeks communications with investors, Mr. Dziubla will not respond to that portion of**  
16 **the request. In addition, to the extent this request seeks communications with foreign**  
17 **placement agents referencing or regarding potential, prospective, or actual EB-5 investors,**  
18 **Mr. Dziubla will only provide redacted communications, protecting the information subject to**  
19 **the Court's Protective Order.**

20 **Subject to, and based on the foregoing objections, Mr. Dziubla responds as follows: *see***  
21 **A-000339-000340; A-000474-000482; A-000489-000492; A-000495-00498; A-000550-000694; A-**  
22 **001249-001250; A-001385-001394; A-001448-001459; A-001461; A-001619; A-001955 -**  
23 **001956; A-002024-002030; A-002032-002038; A-002041 -002099; A-002105; A-002108-002110;**  
24 **A-002114-002115; A-002122-002128; A-002162-002164; A-002181; A-002187; A-002210-**  
25 **002226; A-002234-002268; A-002321-002328; A-002332-002356; A-002368-002383; A-002432;**  
26 **A-002437; A-002563-002568; A-002573-002574; A-002591-002593; A-002614-002616; A-**  
27 **002619-002624; A-002626-002630; A-002634-002642; A-002649A-002658; A-002661-002664;**  
28 **A-002681-002682; A-002785-002795; A-002804-002809; A-002858; A-02864-002867; A-002870-**

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1 002871; A-002879; A-002921-002921; A-002930-002931; A-002975; A-002979; A-002988-  
2 002990; A-003076-003091; A-003101; A-003104-003110; A-003113-003114; A-003135-003138;  
3 A-003142-003148; A-003152-003157; A-003160-003165; A-003283-003284; A-003407-003408;  
4 A-003458-003460; A-004247; A-004917-004926; A-004935-004937; A-005011-005012; A-  
5 005414-005418; A-005647-005649; A-005861-005935; A-006744-006746; A-006760-006761; A-  
6 006763-006764; A-006772-006777; A-006827-006865; A-006887-006902; A-006925; A-006966;  
7 A-007026; A-007034-007038; A-007049-007057; A-007059-007061; A-007063-007088; A-  
8 007091; A-007173-007176; A-007446-007450; A-007468-007469; A-007535-007537; A-007594-  
9 007600; A-007606-007607; A-007610; A-007613; A-007642-007644; A-007654-007656; A-  
10 007744-007746; A-008187-008191; A-008192-008193; A-008200-008201; A-008227-008229; A-  
11 008230-008235; A-008239-008244; A-008245-008249; A-008316-008318; A-008320-008325; A-  
12 008327-008330; A-008332-008333; A-008339; A-008344; A-008353; A-008360-008371; A-  
13 008375-008387; A-008413-008414; A-008455-008456; A-008601; A-008604-008607; A-008613-  
14 008616; A-008627-008628; A-008632; 008633; A-008664-008691; A-009085-009086; A-009088;  
15 A-010418-010454; A-019417-019453.

16 **REQUEST FOR PRODUCTION NO. 126:**

17 Please provide copies of all documents which support or relate to each and every  
18 representation you have made to the USCIS regarding the loan at issue in this case, including any  
19 and all documents provided to USCIS at any time.

20 **RESPONSE TO REQUEST NO. 126:**

21 Responding party objects to this Document Request because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, this request fails to meet the  
23 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
24 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
25 contained herein and previously propounded; it seeks documents that are already in requesting  
26 party's possession or equally accessible to the requesting party; it seeks information protected by the  
27 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
28 documents that are not relevant to this issues presented; and it purports to require responding party to

1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is privileged or protected by rights of privacy regarding financial information and  
3 tax records of responding party and/or third parties.

4 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 126:**

5 **Mr. Dziubla supplements his prior relevance objection to clarify that this request seeks**  
6 **information which is neither relevant to the claims at issue in this action nor is this request**  
7 **reasonably calculated to lead to the discovery of admissible evidence. Specifically, what**  
8 **representations (if any) Mr. Dziubla made to USCIS regarding the loan at issue in this case**  
9 **will not help the parties determine whether the EB5 Parties allegedly fraudulently induced**  
10 **Front Sight into accepting over 6 million dollars in loan proceeds from LVD Fund or whether**  
11 **Front Sight breached its obligations under the CLA.**

12 **Subject to and without waiver of the foregoing objection, Mr. Dziubla responds that he**  
13 **did not correspond with USCIS and therefore has no documents to identify or produce in**  
14 **response to this request.**

15 **REQUEST FOR PRODUCTION NO. 127:**

16 Please provide copies of all documents you have received from the USCIS regarding the  
17 Front Sight Project.

18 **RESPONSE TO REQUEST NO. 127:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party's possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is privileged or protected by rights of privacy regarding financial information and

1 tax records of responding party and/or third parties.

2 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 127:**

3 **Mr. Dziubla supplements his prior relevance objection to clarify that this request seeks**  
4 **information which is neither relevant to the claims at issue in this action nor is this request**  
5 **reasonably calculated to lead to the discovery of admissible evidence. Specifically, the**  
6 **documents Mr. Dziubla received on behalf of EB5IC from USCIS regarding the loan at issue**  
7 **in this case will not help the parties determine whether the EB5 Parties allegedly fraudulently**  
8 **induced Front Sight into accepting over 6 million dollars in loan proceeds from LVD Fund or**  
9 **whether Front Sight breached its obligations under the CLA.**

10 **Subject to and without waiver of the foregoing objection, Mr. Dziubla supplements his**  
11 **prior response as follows: see A-004829-004833; A-005077-005079; A-005098; A-005133-**  
12 **005134; A-005139-005141; A-005147-005149; A-005156-005158; A-005167-005169; A-005224-**  
13 **005227; A-005231-005240; A-005250-005252; A-005265-005267; A-005272-005274; A-005458-**  
14 **005461; A-005467-005472; A-005480-005483; A-005577-005579; A-005583 -005602; A-**  
15 **005620; A-005633-005636; A-005639-005641; A-005643-005644; A-005650-005655; A-005699;**  
16 **A-005765-005770; A-005789-005790; A-005800; A-005938-005939; A-005975-005979; A-**  
17 **006253-006255; A-006455-006461; A-006514-006517; A-006519-006523; A-006635; A-006706-**  
18 **006711; A-009109-009145; A-009147-009153; A-009463-009477; A-013394-013397; A-013585-**  
19 **013586; A-013591-013593; A-014699-014712; A-014716-014718; A-014721-014722; A-014880-**  
20 **014882; A-014980; A-015155; A-015164-015166; A-015191-015193; A-015196-015198; A-**  
21 **015202-015204; A-015207-015209; A-015220-015222; A-015231-015232; A-015237-015252; A-**  
22 **017635; A-019199; A-019206; A-019216-019217; A-019313; A-020295-020299; A-021135; A-**  
23 **021232; A-021515-021518.**

24 **REQUEST FOR PRODUCTION NO. 128:**

25 **Please provide copies of all documents provided to you by Plaintiff or any representative of**  
26 **Plaintiff at any time between 2012 and the present.**

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1 **RESPONSE TO REQUEST NO. 128:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 128:**

14 Subject to and without waiving the previously asserted objections, all responsive documents  
15 have been produced and are identified in response to specific document demands.

16 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 128:**

17 **Pursuant to the parties’ recent meet and confer efforts on Front Sight’s related**  
18 **interrogatories, Mr. Dziubla understands that in propounding this request, Front Sight did not**  
19 **intend to seek the production and identification of every communication and/or document**  
20 **exchanged between Mr. Dziubla and Front Sight, or anyone on behalf of Mr. Dziubla and/or**  
21 **Front Sight. Based upon that understanding, Mr. Dziubla states that no supplemental**  
22 **response to this request is necessary.**

23 **REQUEST FOR PRODUCTION NO. 129:**

24 Please produce a copy of all bank account statements, from each and every bank account’s  
25 initial opening date to the present time, for all account(s) used to hold the 25% of the actual,  
26 potential, or prospective EB-5 investors’ and/or EB-5 visa applicants’ investments that was  
27 earmarked for refunds in the event of a USCIS rejection of a particular investor’s I-829 petition.

28 ///

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1 **RESPONSE TO REQUEST NO. 129:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 129:**

14 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
15 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
16 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
17 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

18 **REQUEST FOR PRODUCTION NO. 130:**

19 Please produce a copy of all bank account statements, from each and every bank account’s  
20 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the  
21 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

22 **REPONSE TO REQUEST NO. 130:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting party’s  
28 possession or equally accessible to the requesting party; it seeks information protected by the

1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and tax  
5 records of responding party and/or third parties.

6 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 130:**

7 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
8 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
9 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
10 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

11 **REQUEST FOR PRODUCTION NO. 131:**

12 Please produce a copy of all documents, writings, and/or communications showing or  
13 demonstrating Defendant Linda Stanwood’s involvement and/or professional history with LVDF,  
14 EB5IA and EB5IC, specifically her history as a Senior Vice President and/or member and/or  
15 manager and/or employee of LVDF, EB5IA and EB5IC, including, but not limited to, her start  
16 date(s) and participation in the management and operation of LVDF, EB5IA and EB5IC and its  
17 affairs, and any payments made from LVDF, EB5IA and EB5IC to Defendant Stanwood.

18 **RESPONSE TO REQUEST NO. 131:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is privileged or protected by rights of privacy regarding financial information and

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1 tax records of responding party and/or third parties.

2 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 131:**

3 Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for  
4 Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not  
5 entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.  
6 Stanwood. Therefore, Mr. Dziubla will not respond to the portion of this request that seeks  
7 the production of documents and/or communications regarding any payments made to Ms.  
8 Stanwood.

9 Subject to and based on the foregoing objection, LVD Fund responds to the remainder  
10 of the request as follows: *see* A-000522-000538; A-001432-001438; A-005808-005824; A-  
11 005837-005838; A-005841; A-005845-005847; A-005875-005887; A-005896-005897; A-005936;  
12 A-005951; A-005956; A-005959-005964; A-005975-005979; A-006007-006012; A-006043-  
13 006049; A-006098; A-006115-006117; A-006662-006663; A-015218-015219; A-021810-021834;  
14 A-024907-024913; A-024943-024945; A-024957; A-024980-024983; A-029469-029473; A-  
15 029503-029504; A-029560-029566.

16 **REQUEST FOR PRODUCTION NO. 132:**

17 Produce a copy of any and all communications between you and the actual, potential, or  
18 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

19 **RESPONSE TO REQUEST NO. 132:**

20 Responding party objects to this Document Request because; individually, and in aggregate  
21 with the other requests made herein and previously propounded, this request fails to meet the  
22 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
23 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
24 contained herein and previously propounded; it seeks documents that are already in requesting  
25 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
26 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
27 documents that are not relevant to this issues presented; and it purports to require responding party to  
28 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or

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1 information that is privileged or protected by rights of privacy regarding financial information and  
2 tax records of responding party and/or third parties.

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 132:**

4 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
5 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
6 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
7 **Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this**  
8 **request seeks communications between Mr. Dziubla and actual, potential, or prospective EB-5**  
9 **investors and/or EB-5 visa applicants, Mr. Dziubla will not respond to that portion of the**  
10 **request.**

11 **To the extent this request seeks communications between Mr. Dziubla and foreign**  
12 **placement agents related to the solicitation of potential investors, see A-006744-006745; A-**  
13 **006866-006867; A-006914-006920; A-007050-007054; A-007059-007061; A-007063-007088; A-**  
14 **007091; A-007115-007133; A-007143-007147; A-007159-007160; A-007200-007213; A-007274-**  
15 **007275; A-008316-008318; A-019615-019625; A-020668-020670; A-020686-020689; A-020693-**  
16 **020694; A-020699; A-020740; A-020743-020746; A-020761-020762; A-020781-020785; A-**  
17 **022032-022040; A-022193-022198; A-022418-022424; A-022429-022431; A-022435; A-022447-**  
18 **022482; A-022517; A-022523-022538; A-022558-022559; A-022567; A-022603; A-022618-**  
19 **022619; A-022625-022627; A-022664-022674; A-022684-022687; A-022728-022731; A-022739-**  
20 **022744; A-022746-022752; A-022754-022764; A-022806-022821; A-022832-022838; A-022845-**  
21 **022885; A-022896-022900; A-022918-022929; A-022931; A-022933-022939; A-022943-022955;**  
22 **A-022965-022967; A-023005-023029; A-023070-023078; A-023088-023088; A-023099-023101;**  
23 **A-023114-023120; A-023124-023145; A-023147-023199; A-023205-023213; A-023217-023220;**  
24 **A-023231-023235; A-023238-023256; A-023269-023269; A-023279-023288; A-023295-023303;**  
25 **A-023313-023331; A-023334-023337; A-023341-023343; A-023345-023349; A-023351-023367;**  
26 **A-023370-023373; A-023384-023389; A-023397-023411; A-023414; A-023417-023421; A-**  
27 **023422-023440; A-023443-023454; A-023458-023468; A-023473-023500; A-023503-023508; A-**  
28 **023516-023518; A-023566; A-023568; A-023570; A-023572-023588; A-023590-023590; A-**

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1 023631-023635; A-023637-023642; A-023644-023649; A-023659; A-023697-023703; A-023705-  
2 023722; A-023725-023739; A-023743-023746; A-023750-023769; A-023771-023772; A-023797-  
3 023799; A-023801-023803; A-023812-023815; A-023817-023818; A-023827-023828; A-023832;  
4 A-023878-023882; A-023885-023889; A-023891-023898; A-023900-023904; A-023908-023913;  
5 A-023915; A-023917-023918; A-023920-023929; A-023936-023945; A-023949-023962; A-  
6 023964-023970; A-023974-023979; A-023983-023986; A-023991-023991; A-023993-023999; A-  
7 024003-024011; A-024020-024026; A-024028-024057; A-024059-024062; A-024067-024068; A-  
8 024085; A-024246-024262; A-024264-024269; A-024271-024278; A-024787-024792; A-024794-  
9 024805; A-024807-024814; A-024816-024824; A-024828-024829; A-024831-024833; A-024837-  
10 024847; A-024851-024856; A-024858-024861; A-024864-024875; A-024877-024881; A-024884-  
11 024886; A-024888-024889; A-024891-024923; A-024925-024940; A-024942; A-024946-024947;  
12 A-024955-024962; A-024964-024965; A-024969-024971; A-024974-024976; A-024979; A-  
13 024980-024989; A-025006-025008; A-025013; A-025017-025026; A-025032-025051; A-025062-  
14 025074; A-025077-025082; A-025094-025098; A-025109-025160; A-025184-025199; A-025231-  
15 025237; A-025240-025296; A-025304-025332; A-025341-025370; A-025372-025387; A-025413-  
16 025428; A-025439-025456; A-025469; A-025500-025543; A-025546-025564; A-025567-025621;  
17 A-025627-025654; A-025656-025783; A-025786-025906; A-025919-025942; A-025954-025962;  
18 A-025973-026023; A-026026-026034; A-026036-026066; A-026070-026240; A-026243-026328;  
19 A-026331-026334; A-026336-026339; A-026345-026351; A-026354-026357; A-026360-026394;  
20 A-026416-026449; A-026457-026460; A-026464-026467; A-026480-026482; A-026503-026505;  
21 A-026512-026522; A-026533-026539; A-026549-026551; A-026553; A-026599-026606; A-  
22 026609-026629; A-026726-026737; A-026740; A-026743; A-026746-026750; A-026847-026854;  
23 A-026862; A-026864-027047; A-027051-027060; A-027062-027071; A-027082; A-027173-  
24 027174; A-027200-027216; A-027218-027244; A-027254-027290; A-027293-027301; A-027305-  
25 027308; A-027534-027544; A-028060; A-028062-028094; A-028096-028099; A-028101-028132;  
26 A-028136-028164; A-028679-028681; A-028840-028841; A-029270-029282; A-029289-029299;  
27 A-029307-029322; A-029341-029386; A-029391-029440; A-029445-029468; A-029479-029480;  
28 A-029482-029499; A-029505-029507; A-029509-029510; A-029580-029581; A-029583-029584.

**REQUEST FOR PRODUCTION NO. 133:**

Produce a copy of any and all communications between you and the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2018.

**RESPONSE TO REQUEST NO. 133:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party's possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 133:**

**Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this request seeks communications between Mr. Dziubla and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants, Mr. Dziubla will not respond to that portion of the request.**

**To the extent this request seeks communications between Mr. Dziubla and foreign placement agents related to the solicitation of potential investors, see Mr. Dziubla's First Supplemental Response to Request for Production No. 132.**

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**REQUEST FOR PRODUCTION NO. 134:**

Produce a copy of any and all communications between you and the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2017.

**RESPONSE TO REQUEST NO. 134:**

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party's possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; it calls for the production of documents that are not relevant to this issues presented; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 134:**

**Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants' Motion for Protective Order Regarding Discovery of Consultants' and Individual Investors' Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this request seeks communications between Mr. Dziubla and actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants, Mr. Dziubla will not respond to that portion of the request.**

**To the extent this request seeks communications between Mr. Dziubla and foreign placement agents related to the solicitation of potential investors, see Mr. Dziubla's First Supplemental Response to Request for Production No. 132.**

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1 **REQUEST FOR PRODUCTION NO. 135:**

2 Produce a copy of any and all communications between you and the actual, potential, or  
3 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2016.

4 **RESPONSE TO REQUEST NO. 135:**

5 Responding party objects to this Document Request because; individually, and in aggregate  
6 with the other requests made herein and previously propounded, this request fails to meet the  
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
9 contained herein and previously propounded; it seeks documents that are already in requesting  
10 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
11 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
12 documents that are not relevant to this issues presented; and it purports to require responding party to  
13 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
14 information that is privileged or protected by rights of privacy regarding financial information and  
15 tax records of responding party and/or third parties.

16 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 135:**

17 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
18 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
19 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
20 **Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this**  
21 **request seeks communications between Mr. Dziubla and actual, potential, or prospective EB-5**  
22 **investors and/or EB-5 visa applicants, Mr. Dziubla will not respond to that portion of the**  
23 **request.**

24 **To the extent this request seeks communications between Mr. Dziubla and foreign**  
25 **placement agents related to the solicitation of potential investors, Mr. Dziubla’s First**  
26 **Supplemental Response to Request for Production No. 132.**

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1 **REQUEST FOR PRODUCTION NO. 136:**

2 Please provide all documents which relate to and/or account for any and all funds you have  
3 received from Front Sight directly or which you know to originate from Front Sight, including all  
4 money received by you from Plaintiff, how said funds were spent, identification of who received any  
5 portion of the funds, and any and all documentation to support or justify payments made or funds  
6 spent.

7 **RESPONSE TO REQUEST NO. 136:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting  
13 party's possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 136:**

20 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
21 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
22 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
23 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

24 **REQUEST FOR PRODUCTION NO. 137:**

25 Please produce all communications between you and any other Defendant.

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1 **RESPONSE TO REQUEST NO. 137:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party's possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 137:**

14 Subject to and without waiving said objections, see documents A(1)00499-00500, A-000879-  
15 000894, A-001373-001376, A-001426-001431, A-001918-006138, A-006139-008763, A-013352-  
16 015269, A-019195-020635, and A-020635-020816.

17 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 137:**

18 **Mr. Dziubla supplements his prior relevance objection to clarify that this request is**  
19 **overly broad and unduly burdensome as drafted. The request contains no subject matter or**  
20 **date limitation whatsoever and therefore seeks the production and identification of every**  
21 **communication between Mr. Dziubla and any of the other EB5 Parties, regardless of whether**  
22 **such communications are relevant to the claims and defenses in this case or whether the**  
23 **communications are not subject to discovery (because they are the subject of a protective order**  
24 **entered by this Court). In addition, as drafted, this request potentially calls for the production**  
25 **of privileged communications between Mr. Dziubla and his counsel.**

26 Subject to and based on the foregoing objection, Mr. Dziubla responds to identify only  
27 those communications between Mr. Dziubla and the other EB5 Parties that relate to the claims  
28 and defenses at issue in this case: *see* A-000900-000900; A-002036-002038; A-004718; A-

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1 006421-006426; A-014464-014469 A-014654; A-015188; A-019290-019300; A-019457-019463;  
2 A-019480-019502; A-019559-019561; A-020379-020379; A-021500-021505; A-021512-021514;  
3 A-022541; A-022557; A-022564-022566; A-022624; A-022675-022678; A-022930-022930; A-  
4 022947-022955; A-023007-023009; A-023102-023107; A-023110-023113; A-023257-023258; A-  
5 023332-023333; A-023344; A-023350; A-023364-023367; A-023390-023394; A-023397-023401;  
6 A-023415-023416; A-023471-023472; A-023480-023483; A-023489-023500; A-023565; A-  
7 023577-023580; A-023637-023639; A-023770-023772; A-023784; A-023800; A-023816; A-  
8 023829-023831; A-023909-023911; A-023971-023973; A-023990; A-023992; A-024058; A-  
9 024063-024066; A-024069-024084; A-024086-024091; A-024196; A-024261-024263; A-024293-  
10 024294; A-024375; A-024394; A-024433; A-024437-024439; A-024453; A-024455-024456; A-  
11 024489-024493; A-024496-024599; A-024815-024819; A-024830; A-024857; A-024887; A-  
12 024966-024968; A-025027-025029; A-025083-025093; A-025184; A-025341-025358; A-025401-  
13 025412; A-025470; A-025973-025978; A-026005-026010; A-026055-026057; A-026346-026348;  
14 A-026354-026356; A-026362-026365; A-026382-026388; A-026424-026430; A-026450-026451;  
15 A-026461; A-026463; A-026470-026471; A-026473; A-026604; A-026607-026608; A-026862-  
16 026863; A-027299; A-027989-028059; A-028133-028135; A-028217; A-028220-028221; A-  
17 028413-028416; A-028460; A-028487-028493; A-028577; A-028679-028681; A-028709-028710;  
18 A-028790-028798; A-028840-028841; A-028849-028851; A-028996-029002; A-029097; A-  
19 029209-029210; A-029387-029390.

20 **REQUEST FOR PRODUCTION NO. 138:**

21 Please produce all communications between you and Sean Flynn.

22 **RESPONSE TO REQUEST NO. 138:**

23 Responding party objects to this Document Request because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, this request fails to meet the  
25 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
26 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
27 contained herein and previously propounded; it seeks documents that are already in requesting  
28 party's possession or equally accessible to the requesting party; it seeks information protected by the

1 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
2 documents that are not relevant to this issues presented; and it purports to require responding party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is privileged or protected by rights of privacy regarding financial information and  
5 tax records of responding party and/or third parties.

6 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 138:**

7 Subject to and without waiving said objections, Responding Party will produce additional  
8 non-privileged documents that are relevant and responsive to this request. See documents A-001918-  
9 006138, A-020635-020816.

10 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 138:**

11 **Mr. Dziubla supplements his prior relevance objection to clarify that this request is**  
12 **overly broad and unduly burdensome as drafted. The request contains no subject matter or**  
13 **date limitation whatsoever and therefore seeks the production and identification of every**  
14 **communication between Mr. Dziubla and Sean Flynn, regardless of whether such**  
15 **communications are relevant to the claims and defenses in this case or whether the**  
16 **communications relate to Front Sight and/or the Project. As drafted, this request arguably**  
17 **calls for the production of communications between Mr. Dziubla and Sean Flynn that are**  
18 **unrelated to Front Sight and/or the Project whatsoever (e.g., including birthday greetings,**  
19 **emails about the weather, etc.).**

20 Subject to and based on the foregoing objection, Mr. Dziubla responds to identify only  
21 those communications between Mr. Dziubla and the other EB5 Parties that relate to the claims  
22 and defenses at issue in this case: *see* A-000001-000005; A-002080; A-006149; A-006190-  
23 006193; A-006216-006227; A-006232-006236; A-006241-006268; A-006320-006330; A-006341-  
24 006342; A-006345-006350; A-006354-006355; A-006407-006409; A-006452; A-006465-006466;  
25 A-006471; A-006484; A-006593-006594; A-006678-006682; A-006746; A-009692-009707; A-  
26 010809-010811; A-010815; A-010862-010863; A-010888; A-010894-010895; A-013367-013372;  
27 A-013432-013435; A-013457-013460; A-013470; A-013473-013502; A-013507-013521; A-  
28 013569; A-013575-013632; A-013678; A-013680-013681; A-013684-013688; A-013716; A-

1 013830-013840; A-013899-013900; A-013903-013908; A-014025-014141; A-014230-014452; A-  
2 014495; A-015237-015240; A-015253-015255; A-020636-020689; A-020693-020816; A-021500-  
3 021505; A-021512-021514.

4 **REQUEST FOR PRODUCTION NO. 139:**

5 Please produce all communications between you and Empyrean West and/or Dave Keller or  
6 Jay Carter.

7 **RESPONSE TO REQUEST NO. 139:**

8 Responding party objects to this Document Request because; individually, and in aggregate  
9 with the other requests made herein and previously propounded, this request fails to meet the  
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
12 contained herein and previously propounded; it seeks documents that are already in requesting  
13 party's possession or equally accessible to the requesting party; it seeks information protected by the  
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
15 documents that are not relevant to this issues presented; and it purports to require responding party to  
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is privileged or protected by rights of privacy regarding financial information and  
18 tax records of responding party and/or third parties.

19 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 139:**

20 Subject to and without waiving said objections, Responding Party will produce additional  
21 non-privileged documents that are responsive to this request. See documents A-010756-010192.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 139:**

23 **Mr. Dziubla supplements his prior relevance objection to clarify that this request is**  
24 **overly broad and unduly burdensome as drafted. The request contains no subject matter or**  
25 **date limitation whatsoever and therefore seeks the production and identification of every**  
26 **communication between Mr. Dziubla and Empyrean West and/or David Keller, regardless of**  
27 **whether such communications are relevant to the claims and defenses in this case or whether**  
28 **the communications relate to Front Sight and/or the Project. As drafted, this request arguably**

1 calls for the production of communications between Mr. Dziubla and Empyrean West and/or  
2 David Keller that are unrelated to Front Sight and/or the Project whatsoever (e.g., including  
3 birthday greetings, emails about the weather, emails about projects other than Front Sight,  
4 etc.).

5 Subject to and based on the foregoing objection, Mr. Dziubla responds to identify only  
6 those communications between Mr. Dziubla and the other EB5 Parties that relate to Front  
7 Sight and/or the Project: *see* A-001747-001750; A-006149-006171; A-010756-010764; A-  
8 010769-010780; A-010789-010850; A-010852-010910; A-013367; A-013373-013397; A-013401;  
9 A-020654.

10 **REQUEST FOR PRODUCTION NO. 140:**

11 Please produce all communications between you and any agent and/or broker for any EB-5  
12 Investor.

13 **RESPONSE TO REQUEST NO. 140:**

14 Responding party objects to this Document Request because; individually, and in aggregate  
15 with the other requests made herein and previously propounded, this request fails to meet the  
16 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
17 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
18 contained herein and previously propounded; it seeks documents that are already in requesting  
19 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
20 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
21 documents that are not relevant to this issues presented; and it purports to require responding party to  
22 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is privileged or protected by rights of privacy regarding financial information and  
24 tax records of responding party and/or third parties.

25 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 140:**

26 To the extent such documents exist, responding party will produce additional non-privileged  
27 documents that are responsive to this request and relevant to the issue of the number of investors and  
28 potential investors that were “in the pipeline” on dates such representations were made. See

1 documents A-001426-001431.

2 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 140:**

3 **Mr. Dziubla supplements his prior relevance objection to clarify that this request is**  
4 **overly broad and unduly burdensome as drafted. The request contains no subject matter or**  
5 **date limitation whatsoever and therefore seeks the production and identification of every**  
6 **communication between Mr. Dziubla and any foreign placement agent or broker, regardless of**  
7 **whether such communications are relevant to the claims and defenses in this case or whether**  
8 **the communications relate to Front Sight and/or the Project. As drafted, this request arguably**  
9 **calls for the production of communications between Mr. Dziubla and foreign placement agents**  
10 **or brokers that are unrelated to Front Sight and/or the Project whatsoever (e.g., including**  
11 **birthday greetings, emails about the weather, emails about projects other than Front Sight,**  
12 **etc.).**

13 **Mr. Dziubla further objects to this request to the extent it seeks documents and/or**  
14 **communications not subject to discovery pursuant to the Court’s June 30, 2020 Findings of**  
15 **Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’**  
16 **Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’**  
17 **Confidential Information.**

18 **Subject to and based on the foregoing objection, Mr. Dziubla responds to identify only**  
19 **those communications between Mr. Dziubla and the other EB5 parties that relate to Front**  
20 **Sight and potential investors for the Project, excluding documents and information specific to**  
21 **potential, prospective, or actual EB-5 investors: see Mr. Dziubla’s First Supplemental**  
22 **Response to Request for Production No. 132.**

23 **REQUEST FOR PRODUCTION NO. 141:**

24 **Please provide all documents related to any and all financial accounts at Bank of Hope**  
25 **pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,**  
26 **and/or account holder, for the time period beginning March 2012 to the present date.**

27 ///

28 ///

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1 **RESPONSE TO REQUEST NO. 141:**

2 Responding party objects to this Document Request because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, this request fails to meet the  
4 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
5 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
6 contained herein and previously propounded; it seeks documents that are already in requesting  
7 party's possession or equally accessible to the requesting party; it seeks information protected by the  
8 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
9 documents that are not relevant to this issues presented; and it purports to require responding party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is privileged or protected by rights of privacy regarding financial information and  
12 tax records of responding party and/or third parties.

13 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 141:**

14 Subject to and without waiving said objections, Responding Party does not have any  
15 documents responsive to this request that are not privileged.

16 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 141:**

17 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
18 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
19 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
20 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

21 **REQUEST FOR PRODUCTION NO. 142:**

22 Please provide all documents related to any and all financial accounts at Signature Bank  
23 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
24 and/or account holder, for the time period beginning March 2012 to the present date.

25 **RESPONSE TO REQUEST NO. 142:**

26 Responding party objects to this Document Request because; individually, and in aggregate  
27 with the other requests made herein and previously propounded, this request fails to meet the  
28 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
2 contained herein and previously propounded; it seeks documents that are already in requesting  
3 party's possession or equally accessible to the requesting party; it seeks information protected by the  
4 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
5 documents that are not relevant to this issues presented; and it purports to require responding party to  
6 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is privileged or protected by rights of privacy regarding financial information and  
8 tax records of responding party and/or third parties.

9 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 142:**

10 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
11 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
12 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
13 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

14 **REQUEST FOR PRODUCTION NO. 143:**

15 Please provide all documents related to any and all financial accounts at Wells Fargo Bank  
16 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
17 and/or account holder, for the time period beginning March 2012 to the present date.

18 **RESPONSE TO REQUEST NO. 143:**

19 Responding party objects to this Document Request because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, this request fails to meet the  
21 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
22 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
23 contained herein and previously propounded; it seeks documents that are already in requesting  
24 party's possession or equally accessible to the requesting party; it seeks information protected by the  
25 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
26 documents that are not relevant to this issues presented; and it purports to require responding party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is privileged or protected by rights of privacy regarding financial information and

1 tax records of responding party and/or third parties.

2 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 143:**

3 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
4 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
5 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
6 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

7 **REQUEST FOR PRODUCTION NO. 144:**

8 Please provide all documents related to any and all financial accounts at Open Bank  
9 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,  
10 and/or account holder, for the time period beginning March 2012 to the present date.

11 **RESPONSE TO REQUEST NO. 144:**

12 Responding party objects to this Document Request because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, this request fails to meet the  
14 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
15 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
16 contained herein and previously propounded; it seeks documents that are already in requesting  
17 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
18 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
19 documents that are not relevant to this issues presented; and it purports to require responding party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is privileged or protected by rights of privacy regarding financial information and  
22 tax records of responding party and/or third parties.

23 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 144:**

24 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
25 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
26 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
27 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

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1 **REQUEST FOR PRODUCTION NO. 145:**

2 Please provide copies of any and all documents which support the truthfulness of the  
3 representations made by you to Front Sight that “With regard to your question about the San Diego  
4 Hyatt deal, the EB5 funding was proceeding well, as we had many millions of dollars in escrow with  
5 another 95 investors (\$47.5m) slated to fund by September 30,” as set forth in Evidentiary Hearing  
6 Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike Meacher (copied to Jon Fleming and  
7 Sean Flynn), p. 0036.

8 **RESPONSE TO REQUEST NO. 145:**

9 Responding party objects to this Document Request because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, this request fails to meet the  
11 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
12 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
13 contained herein and previously propounded; it seeks documents that are already in requesting  
14 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
15 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
16 documents that are not relevant to this issues presented; and it purports to require responding party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is privileged or protected by rights of privacy regarding financial information and  
19 tax records of responding party and/or third parties.

20 **[FIRST] SUPPLEMENTAL RESPONSE TO REQUEST NO. 145:**

21 Subject to and without waiving said objections, Responding Party responds as follows: See  
22 documents A-021528-021530.

23 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 145:**

24 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
25 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
26 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the**  
27 **Court has found that Front Sight is not entitled to conduct discovery as to the potential,**  
28 **prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only**

1 entitled to limited information about the foreign placement consultants involved in finding  
2 prospective EB-5 investors for the Front Sight Project. Based on this order, it is Dziubla's  
3 position that Front Sight is not entitled to any information about the potential, prospective, or  
4 actual EB-5 investors in the San Diego Hyatt Project or the foreign placement consultants  
5 involved in the San Diego Hyatt Project.

6 Subject to and based on the foregoing objections, Mr. Dziubla identifies the following  
7 documents produced by the EB5 Parties that are responsive to this request: *see* A-001747-  
8 001750; A-006149-006171; A-010756-010764; A-010769-010780; A-010789-010850; A-010852-  
9 010910; A-013367; A-013373-013397; A-013401; A-020654.

10 **REQUEST FOR PRODUCTION NO. 146:**

11 Please provide copies of all documents which demonstrate or relate to your involvement in  
12 the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email from  
13 Robert Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

14 **RESPONSE TO REQUEST NO. 146:**

15 Responding party objects to this Document Request because; individually, and in aggregate  
16 with the other requests made herein and previously propounded, this request fails to meet the  
17 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
18 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
19 contained herein and previously propounded; it seeks documents that are already in requesting  
20 party's possession or equally accessible to the requesting party; it seeks information protected by  
21 the attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
22 documents that are not relevant to this issues presented; and it purports to require responding party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is privileged or protected by rights of privacy regarding financial information and  
25 tax records of responding party and/or third parties.

26 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 146:**

27 Mr. Dziubla supplements his prior relevance objection to clarify that this request is  
28 overly broad and unduly burdensome as drafted. The request is broadly written to include all

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1 documents and communications regarding the EB5 Parties' involvement in the San Diego  
2 Hyatt Project, regardless of whether such information is relevant to the claims and defenses in  
3 this case. As drafted, this request also calls for the production of confidential documents and  
4 information that the EB5 Parties contend constitutes trade secrets.

5 Pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law and  
6 Order Granting in Part and Denying in Part Defendants' Motion for Protective Order  
7 Regarding Discovery of Consultants' and Individual Investors' Confidential Information, the  
8 Court has found that Front Sight is not entitled to conduct discovery as to the potential,  
9 prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only  
10 entitled to limited information about the foreign placement consultants involved in finding  
11 prospective EB-5 investors for the Front Sight Project. Based on this order, it is Dziubla's  
12 position that Front Sight is not entitled to any information about the potential, prospective, or  
13 actual EB-5 investors in the San Diego Hyatt Project or the foreign placement consultants  
14 involved in the San Diego Hyatt Project.

15 Subject to and based on the foregoing objection, Mr. Dziubla responds to this request  
16 by identifying only those documents that reference the EB5 Parties' prior involvement in the  
17 San Diego Hyatt Project: *see* A-006216-006218; A-006228-006239; A-006410-006411; A-  
18 006484-006486; A-006499-006500; A-014453-014454; A-010843; A-010826-010828; A-020676-  
19 020678; A-020798-020798; A-020713; A-020763; A-020679; A-020698; A-010903; A-010868-  
20 010869; A-010756-010757; A-010835-010837; A-013522-013568; A-020669-020671; A-020714-  
21 020717; A-010790; A-020639-020640; A-020652-020653; A-010776; A-020722-020722; A-  
22 020753-020754; A-020720-020721; A-020641; A-014895-014896; A-010844-010850; A-010872-  
23 010878; A-010829-010830; A-010769-010775; A-010805; A-010838-010842; A-010879-010879;  
24 A-010807; A-010789; A-010871; A-010823-010825; A-010781-010788; A-010891-010892; A-  
25 020700-020701; A-010884-010887; A-014880-014882; A-010777-010780; A-021528-021530 and  
26 A-026067-26069.

27 ///

28 ///

1 **REQUEST FOR PRODUCTION NO. 147:**

2 Please provide an electronic backup copy of the QuickBooks attached to “Updated  
3 Declaration of Robert W. Dziubla Re – Accounting” signed on April 3, 2019 (Evidentiary Hearing  
4 Exhibit 46).

5 **RESPONSE TO REQUEST NO. 147:**

6 Responding party objects to this Document Request because; individually, and in aggregate  
7 with the other requests made herein and previously propounded, this request fails to meet the  
8 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
9 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
10 contained herein and previously propounded; it seeks documents that are already in requesting  
11 party’s possession or equally accessible to the requesting party; it seeks information protected by the  
12 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
13 documents that are not relevant to this issues presented; and it purports to require responding party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is privileged or protected by rights of privacy regarding financial information and  
16 tax records of responding party and/or third parties.

17 **FIRST SUPPLEMTNAL RESPONSE TO REQUEST NO. 147:**

18 **EB5IA has previously produced all records supporting its April 3, 2019 Accounting.**  
19 **See A-000702-000922; A-008764-009398; A-019197; A-019242-019248; A-019280-019288; A-**  
20 **019290-019312; A-022026; A-022204-022207; A-022263-022268; A-022296; A-029744-029747.**

21 **REQUEST FOR PRODUCTION NO. 148:**

22 Please provide an accounting of all funds you have received from Front Sight. Said  
23 accounting must include all money received from Plaintiff by you, how all funds were spent,  
24 identification of who received any portion of the funds, and any and all documentation to support  
25 payments made or funds spent.

26 **RESPONSE TO REQUEST NO. 148:**

27 Responding party objects to this Document Request because; individually, and in aggregate  
28 with the other requests made herein and previously propounded, this request fails to meet the

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1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is  
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests  
3 contained herein and previously propounded; it seeks documents that are already in requesting  
4 party's possession or equally accessible to the requesting party; it seeks information protected by the  
5 attorney-client privilege and/or attorney work product doctrine; it calls for the production of  
6 documents that are not relevant to this issues presented; and it purports to require responding party to  
7 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
8 information that is privileged or protected by rights of privacy regarding financial information and  
9 tax records of responding party and/or third parties.

10 **FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 148:**

11 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
12 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
13 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
14 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

15 DATED this 30<sup>th</sup> day of July, 2020.

16 BAILEY ❖ KENNEDY

17  
18 By: /s/ Andrea M. Champion  
19 JOHN R. BAILEY  
20 JOSHUA M. DICKEY  
ANDREA M. CHAMPION

21 *Attorneys for Defendants*  
22 LAS VEGAS DEVELOPMENT FUND  
23 LLC; EB5 IMPACT CAPITAL  
24 REGIONAL CENTER LLC; EB5 IMPACT  
25 ADVISORS LLC; ROBERT W.  
26 DZIUBLA; JON FLEMING; and LINDA  
27 STANWOOD  
28

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 30<sup>th</sup> day of July, 2020, service of the foregoing **DEFENDANT ROBERT W. DZIUBLA’S SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF’S FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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PIAZZA; VNV DYNASTY TRUST I;  
VNV DYNASTY TRUST II; MICHAEL  
MEACHER; TOP RANK BUILDERS  
INC.; ALL AMERICAN CONCRETE &  
MASONRY INC.; MORALES  
CONSTRUCTION, INC.; AND EFRAIN  
RENE MORALES-MORENO

/s/ Jennifer J. Kennedy  
Employee of BAILEY ❖ KENNEDY

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**Notification of Service**

Case Number: A-18-781084-B  
 Case Style: Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)  
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Filing Details	
<b>Case Number</b>	A-18-781084-B
<b>Case Style</b>	Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)
<b>Date/Time Submitted</b>	7/30/2020 11:28 PM PST
<b>Filing Type</b>	Service Only
<b>Filing Description</b>	Defendant Robert W. Dziubla's Second Supplemental Responses to Plaintiff's Fifth Set of Requests for Production of Documents
<b>Filed By</b>	Jennifer Kennedy
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# EXHIBIT 5

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 10 LLC; EB5 IMPACT ADVISORS LLC; ROBERT  
 W. DZIUBLA; JON FLEMING; and  
 11 LINDA STANWOOD

12 DISTRICT COURT  
 13 CLARK COUNTY, NEVADA

14 FRONT SIGHT MANAGEMENT LLC, a  
 15 Nevada Limited Liability Company,

Case No. A-18-781084-B  
 Dept. No. XVI

Plaintiff,

17 vs.

**ROBERT DZIUBLA’S FIRST  
 SUPPLEMENTAL RESPONSES  
 TO PLAINTIFF’S FIRST SET OF  
 INTERROGATORIES**

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
 Nevada Limited Liability Company; et al,

19 Defendants.  
 20

21 \_\_\_\_\_  
 22 AND ALL RELATED COUNTERCLAIMS.

23  
 24 Pursuant to Rules 26 and 33 of the Nevada Rules of Civil Procedure, Robert Dziubla (“Mr.  
 25 Dziubla”), by and through his counsel, Bailey ♦ Kennedy, hereby supplements his answers to  
 26 Plaintiff’s First Set of Interrogatories as follows:

27 ///

28 ///

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**PRELIMINARY STATEMENT**

1  
2 1. Mr. Dziubla does not waive any objection set forth herein by interposing these  
3 objections or by making any subsequent response to the First Set of Interrogatories.

4 2. Mr. Dziubla objects to the “Definitions and Instructions” proposed by Plaintiff to the  
5 extent that they purport to impose obligations upon Mr. Dziubla greater than or different from those  
6 imposed by the Nevada Rules of Civil Procedure.

7 3. The objections and responses contained herein are made solely for the purpose of this  
8 action. Each response is subject to all objections as to competence, relevance, materiality, propriety,  
9 admissibility, and any and all other objections and grounds to which the same statement would be  
10 subject to if delivered as live testimony at court. All such objections and grounds are expressly  
11 reserved by Mr. Dziubla and may be interposed at the time of trial or in conjunction with any other  
12 use of these responses.

13 4. Mr. Dziubla reserves the right to supplement his objections and responses to this First  
14 Set of Interrogatories.

15 5. **Mr. Dziubla has agreed to respond to these revised interrogatories although they**  
16 **exceed the numerical limit of NRCP 33(a)(1) upon the express understanding that he reserves**  
17 **the right to object to any further interrogatories propounded by Front Sight.**

18 **FIRST SUPPLEMENTAL RESPONSES TO FIRST SET OF INTERROGATORIES**

19 Mr. Dziubla’s supplemental responses appear **bolded** below.

20 **INTERROGATORY NO. 1:**

21 Please identify each and every document utilized, relied upon, or referred to in formulating  
22 the answers to these Interrogatories. If you assert a privilege, please provide a privilege log.

23 **RESPONSE TO INTERROGATORY NO. 1:**

24 Responding party objects to this Special Interrogatory because; individually, and in  
25 aggregate with the other requests made herein and previously propounded, including elicited oral  
26 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
27 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
28 duplicative of other requests contained herein and previously propounded; it seeks documents that are

1 already in requesting party's possession or equally accessible to the requesting party; it seeks  
2 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
3 purports to require responding party to disclose information that is a trade secret, confidential,  
4 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
5 privacy regarding financial information and tax records of responding party and/or third parties.

6 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

7 **Mr. Dziubla objects to Interrogatory No. 1 as overly broad. As written, this**  
8 **interrogatory appears to request that Mr. Dziubla identify every document that may support,**  
9 **or relate to, his responses to these interrogatories. *See Lucero v. Valdez*, 240 F.R.D. 591, 594**  
10 **(D.N.M. 2007 (“Contention interrogatories should not require a party to provide the**  
11 **equivalent of a narrative account of its case, including every evidentiary fact, details of**  
12 **testimony of supporting witnesses, and the contents of supporting documents”)); *see also***  
13 ***Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 404-05 (D. Kan. 1998) (holding that**  
14 **“[i]nterrogatories should not require the answering party to provide a narrative account of its**  
15 **case,” or to “duplicate initial disclosures,” and noting that courts generally find interrogatories**  
16 **to be “overly broad and unduly burdensome on their face to the extent they ask for ‘every fact’**  
17 **which supports identified allegations or defenses”); *Gropper v. David Ellis Real Estate, L.P.*, No.**  
18 **13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests**  
19 **for “any and all” documents concerning [a] subject is inherently overbroad”); *see also United***  
20 ***Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a request**  
21 **directing the party to identify “each and every document on which you rely” was**  
22 **“impermissibly overbroad, and if answered would produce much tangential if not irrelevant**  
23 **information.”).**

24 **Subject to and without waiver of the foregoing objection, Mr. Dziubla will reference**  
25 **specific documents in response to the below interrogatories. In addition, Mr. Dziubla refers**  
26 **Front Sight to Second Supplemental Response to Plaintiff's Fifth Set of Requests for**  
27 **Production of Documents.**

28

1 **INTERROGATORY NO. 2:**

2 Please state with particularity all facts and identify all documents relating to any and all  
3 affirmative defenses asserted in your Answer to Second Amended Complaint. If you assert privilege,  
4 please provide a privilege log.

5 *Interrogatory No. 2 was withdrawn and replaced pursuant to Plaintiff’s Revised First Set of*  
6 *Interrogatories to Defendant Robert Dziubla.*

7 **REVISED INTERROGATORY NO. 2A:**

8 Please state with particularity all facts and identify all documents relating to Affirmative  
9 Defense Number 4 in your Amended Answer to Second Amended Complaint. If you assert a  
10 privilege, please provide a privilege log.

11 **RESPONSE TO REVISED INTERROGATORY NO. 2A:**

12 **Mr. Dziubla objects to Revised Interrogatory No. 2A as overly broad and unduly**  
13 **burdensome. *See Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007 (“Contention**  
14 **interrogatories should not require a party to provide the equivalent of a narrative account of**  
15 **its case, including every evidentiary fact, details of testimony of supporting witnesses, and the**  
16 **contents of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,**  
17 **404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party**  
18 **to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that**  
19 **courts generally find interrogatories to be “overly broad and unduly burdensome on their face**  
20 **to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);**  
21 ***Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4**  
22 **(S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]**  
23 **subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,**  
24 **420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every**  
25 **document on which you rely” was “impermissibly overbroad, and if answered would produce**  
26 **much tangential if not irrelevant information.”).**

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1           **Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2A which calls for**  
2 **the identification of documents related to Affirmative Defense Number 4. Front Sight’s**  
3 **request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of**  
4 **Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously**  
5 **responded. Front Sight’s request to identify a subsection of those documents is intended solely**  
6 **to harass Mr. Dziubla.**

7           **Subject to and without waiver of the foregoing objections, Mr. Dziubla states that it**  
8 **would be impossible to identify, in response to this interrogatory every communication from**  
9 **Front Sight and every action by Front Sight that led to its own alleged damages. Therefore, in**  
10 **responding to this interrogatory, Mr. Dziubla will provide a general overview of the basis for**  
11 **Affirmative Defense Number 4. Accordingly, Mr. Dziubla responds as follows:**

12           **Despite believing that it was possible to complete the EB5 raise for the Front Sight**  
13 **Project consistent with the timeline and budgets attached to the February 14, 2013**  
14 **Engagement Letter, Mr. Dziubla was sure to warn Front Sight that no guarantee of financing**  
15 **could be made by the EB5 Parties. The February 14, 2013 Engagement Letter specifically**  
16 **stated “the parties acknowledge and agree that the budget and timelines are the best current**  
17 **estimates for both and that they may change in response to actions by USCIS and market**  
18 **conditions.” (See A-022301-22308 at 22301.) The Engagement Letter also disclaimed any**  
19 **guaranties of success as follows: “Nothing contained in this Agreement is to be construed as a**  
20 **commitment by EB5IA, its affiliates or its agents to lend to or invest in the contemplated**  
21 **Financing. This is not a guarantee that any such Financing can be procured by EB5IA for the**  
22 **Company on terms acceptable to the Company, or a representation or guarantee that EB5IA**  
23 **will be able to perform successfully the Services detailed in this Agreement.”**

24           **Front Sight was fully aware that Mr. Dziubla and Mr. Fleming had never previously**  
25 **completed an EB-5 raise (although they had long successful careers in international finance**  
26 **and real estate). Because Front Sight had been unable to finance the Project through**  
27 **traditional lenders in the past (in part because Mr. Piazza would not agree to execute a**  
28 **personal guaranty for a loan), Front Sight was willing to let the EB5 Parties try to solicit EB-5**

1 investors for the Project, fully aware that there was no guarantee of financing.

2           However, shortly after Mr. Dziubla and Mr. Fleming, on behalf of EB5IA, began  
3 commencing marketing for the Front Sight Project, Front Sight began actively impeding their  
4 ability to market and fund the Project. Front Sight delayed the parties' ability to enter into  
5 the Construction Loan Agreement ("CLA") by consistently negotiating (and re-negotiating)  
6 the terms of the CLA, despite being aware that potential EB-5 investors were often reticent to  
7 commit to investing in the Project without a loan agreement in place first. Mr. Dziubla  
8 repeatedly urged Front Sight to get the CLA finalized so that they did not lose out on potential  
9 investors. Still, Front Sight delayed.

10           In addition, on numerous occasions, Front Sight refused to listen to and accept  
11 feedback from foreign placement agents, Mr. Dziubla, and Mr. Fleming regarding marketing  
12 information and materials. Often, foreign placement agents and potential EB-5 investors  
13 posed probative questions about the Project and, on multiple occasions, Front Sight was  
14 unable or unwilling to respond to their inquiries. To the contrary, Front Sight often  
15 complained about questions posed by foreign placement agents and potential investors. Front  
16 Sight refused to acknowledge that the EB-5 market is highly competitive and that potential  
17 investors had other options for their investments.

18           Front Sight refused to acknowledge that, in light of the then-recent changes to EB-5  
19 legislation, a backlog of pending EB-5 investors (as discussed below in response to  
20 Interrogatory No. 2B), the fast-paced evolution of the EB-5 industry, the longer than expected  
21 delay in obtaining exemplar approval from USCIS for the Front Sight Project, and intense  
22 competition that had developed in the interim from a variety of high-end commercial real  
23 estate investments that were developed by large well-known real estate companies with long  
24 track-records that were being marketed by well-known regional centers, EB5IA and the  
25 foreign placement agents were having a harder time marketing the Project than anticipated  
26 (by no fault of their own). Despite agreeing to the budget attached to the February 14, 2013  
27 Engagement Letter, Front Sight subsequently refused to remit marketing payments to EB5IA  
28 on schedule and attempted to re-negotiate the amounts owed and timing of payments to be

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1 made to EB5IA for marketing which stalled EB5IA’s marketing efforts and inhibited EB5IA’s  
2 ability to timely retain foreign placement agents to market the Project to potential investors.  
3 In addition, Front Sight refused to expend the money necessary to market the Project to  
4 prospective investors at a time when it became more and more difficult to attract investors  
5 (particularly Chinese investors) to EB-5 (something the EB5 Parties could not have anticipated  
6 at the time they proposed and discussed potentially using EB-5 to market the Project).

7 Finally, Mr. Dziubla and Mr. Fleming kept Front Sight apprised, on an ongoing basis,  
8 about the status of the EB-5 raise and the unanticipated difficulties in soliciting EB-5 investors.  
9 In May 2016, when it became apparent that the parties were not going to raise their goal of \$75  
10 million in EB-5 investments, Mr. Dziubla gave Front Sight three options:

- 11 1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that  
12 we first refund the EB5 money that is in escrow to the investors and then close  
13 our doors.
- 14 2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)  
15 bringing in senior debt from a timeshare lender who understands the timeshare  
16 business. . .
- 17 3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas  
18 Development Fund LLC entities to you, and you then proceed as you wish.

19 Front Sight elected to take the second option—i.e., to take the \$2,250,000 in EB-5  
20 money raised thus far—and obtain senior debt to finance the remainder of the Project.  
21 Accordingly, Front Sight was fully aware that the EB5 Parties would not be able to raise  
22 enough to fully fund the Project and, still, Front Sight decided to proceed.

23 After Front Sight accepted, as a condition of the loan from LVD Fund, an obligation to  
24 obtain senior debt, Front Sight and LVD Fund executed a Construction Loan Agreement (the  
25 “CLA”) which specifically defined senior debt at page 11 as “the additional loan that will be  
26 sought by Borrower, and which Borrower will use its best efforts to obtain, from a traditional  
27 institution specializing in financing projects such as the Project” and provided, at Article 5.27

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1 of the CLA, “Borrower will use its best efforts to obtain Senior Debt” and “[i]f Borrower has  
2 not obtained such Senior Debt by March 31, 2017, Borrower agrees that Lender may impose  
3 provisions concerning such matters similar to those customarily found in construction loans  
4 made by institutional lenders.” Front Sight was contractually required to obtain such senior  
5 debt no later than December 31, 2016.

6 As soon as August 2016, LVD Fund began impressing upon Front Sight the importance  
7 of timely securing senior debt, repeatedly reiterating that the foreign placement agents and  
8 potential EB-5 investors were “antsy” without senior debt secured and were often “unwilling  
9 to commit until [they were] able to see at least an LOI.” In August and September 2016, Front  
10 Sight made multiple representations to Mr. Dziubla, Mr. Fleming and LVD Fund about  
11 having multiple lenders competing for Front Sight’s business and its ability to “pull the  
12 trigger” on closing on a loan with U.S. Capital Partners (“USCP”) and/or Summit Financial in  
13 the near future. Front Sight never closed either loan.

14 Mr. Dziubla repeatedly urged Front Sight to secure senior debt given that the lack of  
15 such senior debt was impacting the EB5 Parties’ and the foreign placement agents’ ability to  
16 secure EB-5 investors. Front Sight never secured senior debt for the Project.

17 *See also* First Supplemental Responses to Interrogatory Nos. 30 and 37.

18 **REVISED INTERROGATORY NO. 2B:**

19 Please state with particularity all facts and identify all documents relating to Affirmative  
20 Defense Number 5 in your Amended Answer to Second Amended Complaint. If you assert a  
21 privilege, please provide a privilege log.

22 **RESPONSE TO REVISED INTERROGATORY NO. 2B:**

23 Mr. Dziubla objects to Revised Interrogatory No. 2B as overly broad and unduly  
24 burdensome. *See Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007 (“Contention  
25 interrogatories should not require a party to provide the equivalent of a narrative account of  
26 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
27 contents of supporting documents”)); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
28 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party

1 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
2 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
3 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
4 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
5 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
6 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
7 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
8 document on which you rely” was “impermissibly overbroad, and if answered would produce  
9 much tangential if not irrelevant information.”).

10 It would be impossible for Mr. Dziubla to identify, in response to this interrogatory  
11 every communication from Front Sight and every action by Front Sight that led to its own  
12 damages and every communication and action from third parties that led to Front Sight’s  
13 alleged damages. Therefore, in responding to this interrogatory, Mr. Dziubla will provide a  
14 general overview of the basis for Affirmative Defense Number 5.

15 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2B which calls for  
16 the identification of documents related to Affirmative Defense Number 5. Front Sight’s  
17 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
18 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
19 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
20 to harass Mr. Dziubla.

21 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
22 follows:

23 At the outset of the parties’ decision to market the project, Mr. Dziubla believed, based  
24 on his understanding of the EB-5 market at the time, his networking contacts in Asia, the  
25 former Soviet Union, and elsewhere around the world, discussions with contacts in the EB-5  
26 industry, and based on representations made by potential foreign placement agents about the  
27 number of EB-5 investors they could bring to an EB-5 project, that EB5IA could raise *some of*  
28 the \$75 million dollars Front Sight was seeking to raise for the Front Sight Project. Mr.

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1 **Dziubla could not have foreseen, in early 2013, when the parties executed the Engagement**  
2 **Letter, that the EB-5 market would fall into a regression at and around the time that EB5IA**  
3 **began to market the project or that the EB-5 market would quickly evolve as it ultimately did.**  
4 **Nor could Mr. Dziubla have foreseen that it would take nearly fifteen months for USCIS to**  
5 **approve the regional center with Front Sight approved as the exemplar project (which delayed**  
6 **EB5IA’s ability to market the Project to potential investors).**

7 **Before 2013, it was common knowledge in the EB-5 community that China was the best**  
8 **place to raise capital and to attract EB-5 investors. In May 2015, the State Department issued**  
9 **a Visa Bulletin reporting that there were more prospective China-born EB-5 investors than the**  
10 **limited annual supply permitted to USCIS. To my knowledge, this was the first time such a**  
11 **problem existed since EB-5 was created in 1990. The result was that there was a backlog of**  
12 **Chinese investors waiting to immigrate and potential Chinese investors became more reluctant**  
13 **to invest in EB-5.**

14 **In addition, just prior to, and during, EB5IA’s attempts to market the Front Sight**  
15 **Project, numerous scandals hit the EB-5 market which impeded EB5IA’s ability to secure**  
16 **investors for Front Sight. There are numerous reports of companies taking EB-5 investors’**  
17 **money and then not building the promised projects and/or failing to create enough jobs—both**  
18 **of which put EB-5 investors at risk. In fact, the SLS Las Vegas Hotel, a redevelopment of the**  
19 **Sahara Hotel & Casino, was an EB-5 project that raised \$399 million from nearly 899 EB-5**  
20 **investors. But the development was plagued with scandal and revenue shortfalls and the EB-5**  
21 **investors eventually filed a lawsuit against the EB-5 regional center (American Dream Fund**  
22 **and China-based immigration firm Henry Global Consulting Group) for fraud and**  
23 **misappropriation. Unfortunately, the stories of scandal in the EB-5 market, including in near-**  
24 **by Las Vegas, impacted EB5IA’s ability to market the project to potential investors who**  
25 **became more and more reticent to EB-5 because of the ever-increasing wait times, which have**

26 ///

27 ///

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1 now stretched out to 10-15 years. In addition, the constant uncertainty about whether the EB-  
2 5 legislation would be renewed by Congress led to uncertainty from potential investors who  
3 were reticent to commit to EB-5 without some degree of certainty that the EB-5 legislation  
4 would be renewed.

5 Despite all this, on numerous occasions, both prior to and subsequent to May 2015,  
6 foreign placement agents stated to Mr. Dziubla and/or Mr. Fleming that they could bring in at  
7 least 10-15 investors (per foreign placement agent). Unfortunately, the foreign placement  
8 agents were ultimately unable to bring in the anticipated number of EB-5 investors by no fault  
9 of the EB5 Parties (and very likely, at least in part due to the changes to EB-5 legislation and  
10 the backlog of investors waiting to immigrate).

11 Despite Mr. Dziubla and EB5IA's best efforts, by May 2016, it became apparent that  
12 EB5IA was going to be unable to meet its goal of \$75 million in EB-5 investments. As a result,  
13 Front Sight, after being given numerous options, opted to accept the EB-5 funds available and  
14 to re-structure the deal (and to obtain senior debt to finance the remainder of the Project).

15 Finally as discussed above in response to Interrogatory No. 2A, Front Sight repeatedly  
16 impeded EB5IA's ability to market the Project.

17 *See also* Response to Revised Interrogatory No. 2B; First Supplemental Responses to  
18 Interrogatory Nos. 25 and 30.

19 **REVISED INTERROGATORY NO. 2C:**

20 Please state with particularity all facts and identify all documents relating to Affirmative  
21 Defense Number 8 in your Amended Answer to Second Amended Complaint. If you assert a  
22 privilege, please provide a privilege log.

23 **RESPONSE TO REVISED INTERROGATORY NO. 2C:**

24 Mr. Dziubla objects to Revised Interrogatory No. 2C as overly broad and unduly  
25 burdensome. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014  
26 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for "any and all" documents  
27 concerning [a] subject is inherently overbroad"); *see also United Oil Co. v. Parts Assocs.*, 227  
28 F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify

1 “each and every document on which you rely” was “impermissibly overbroad, and if answered  
2 would produce much tangential if not irrelevant information.”).

3 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2C which calls for  
4 the identification of documents related to Affirmative Defense Number 8. Front Sight’s  
5 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
6 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
7 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
8 to harass Mr. Dziubla.

9 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
10 follows:

11 See Response to Revised Interrogatory No. 2B.

12 **REVISED INTERROGATORY NO. 2D:**

13 Please state with particularity all facts and identify all documents relating to Affirmative  
14 Defense Number 9 in your Amended Answer to Second Amended Complaint. If you assert a  
15 privilege, please provide a privilege log.

16 **RESPONSE TO REVISED INTERROGATORY NO. 2D:**

17 Mr. Dziubla objects to Revised Interrogatory No. 2D as overly broad and unduly  
18 burdensome. See *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007 (“Contention  
19 interrogatories should not require a party to provide the equivalent of a narrative account of  
20 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
21 contents of supporting documents”); see also *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
22 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party  
23 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
24 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
25 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
26 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
27 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
28 subject is inherently overbroad”); see also *United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,



1 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
2 document on which you rely” was “impermissibly overbroad, and if answered would produce  
3 much tangential if not irrelevant information.”).

4 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2D which calls for  
5 the identification of documents related to Affirmative Defense Number 9. Front Sight’s  
6 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
7 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
8 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
9 to harass Mr. Dziubla.

10 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
11 follows:

12 See Response to Revised Interrogatory No. 2B.

13 **REVISED INTERROGATORY NO. 2E:**

14 Please state with particularity all facts and identify all documents relating to Affirmative  
15 Defense Number 10 in your Amended Answer to Second Amended Complaint. If you assert a  
16 privilege, please provide a privilege log.

17 **RESPONSE TO REVISED INTERROGATORY NO. 2E:**

18 Mr. Dziubla objects to Revised Interrogatory No. 2E as overly broad and unduly  
19 burdensome. See *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention  
20 interrogatories should not require a party to provide the equivalent of a narrative account of  
21 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
22 contents of supporting documents”); see also *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
23 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party  
24 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
25 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
26 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
27 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
28 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]

1 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
2 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
3 document on which you rely” was “impermissibly overbroad, and if answered would produce  
4 much tangential if not irrelevant information.”).

5 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2E which calls  
6 for the identification of documents related to Affirmative Defense Number 10. Front Sight’s  
7 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
8 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
9 responded. Front Sight’s request to identify a subsection of those documents is intended  
10 solely to harass Mr. Dziubla.

11 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
12 follows:

13 Although Front Sight claims that Mr. Dziubla made false representations about  
14 EB5IA’s ability to market (and fund) the Front Sight Project before executing the February  
15 14, 2013 Engagement Letter, Front Sight continued to do business (including paying EB5IA to  
16 continue marketing the Project and re-negotiating the capital stack in May 2016 when it was  
17 clear that the parties were not going to raise their goal of \$75 million in EB-5 investments)  
18 with the EB5 Parties for another 5 years. Front Sight only brought claims against the EB5  
19 Parties after LVD Fund declared it in default of the CLA.

20 **REVISED INTERROGATORY NO. 2F:**

21 Please state with particularity all facts and identify all documents relating to Affirmative  
22 Defense Number 12 in your Amended Answer to Second Amended Complaint. If you assert a  
23 privilege, please provide a privilege log.

24 **RESPONSE TO REVISED INTERROGATORY NO. 2F:**

25 Mr. Dziubla objects to Revised Interrogatory No. 2F as overly broad and unduly  
26 burdensome. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014  
27 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents  
28 concerning [a] subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227

1 F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify  
2 “each and every document on which you rely” was “impermissibly overbroad, and if answered  
3 would produce much tangential if not irrelevant information.”).

4 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2F which calls for  
5 the identification of documents related to Affirmative Defense Number 12. Front Sight’s  
6 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
7 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
8 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
9 to harass Mr. Dziubla.

10 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
11 follows:

12 Mr. Dziubla is not a party to Front Sight’s fifth and sixth claims for relief and therefore  
13 will not respond to that portion of the affirmative defense that seeks an explanation of how Mr.  
14 Dziubla fully performed under the contracts at issue in this case (and because he is not a party  
15 to the contracts).

16 As to the second part of Affirmative Defense No. 12, Mr. Dziubla states that he,  
17 individually, owed no duties or obligations to Front Sight, either prior to, or subsequent to, the  
18 February 14, 2013 Engagement Letter. Mr. Dziubla and Front Sight negotiated the February  
19 14, 2013 Engagement Letter at arms-length. Moreover, despite owing no duties or obligations  
20 to Front Sight, Mr. Dziubla repeatedly made Front Sight aware that there were no guarantees  
21 of funding. Front Sight was fully aware that the timelines and amounts intended to be raised,  
22 as reflected in the February 14, 2013 Engagement Letter, were speculative and hoped for  
23 aspirations.

24 In addition, throughout the entirety of the EB-5 raise, Mr. Dziubla kept Front Sight  
25 apprised of the efforts being made to market the Property to potential investors. In May 2016,  
26 when it became apparent that EB5IA was going to be unable to meet its goal of \$75 million in  
27 EB-5 investments, Mr. Dziubla gave Front Sight multiple options as to how to proceed  
28 (including ceasing to proceed with the EB-5 raise). Front Sight, fully aware that the Project

1 would not be fully funded by EB-5 funds, chose to accept the EB-5 funds available at the time  
2 and to re-structure the deal (i.e., to obtain senior debt to finance the remainder of the Project).  
3 After restructuring the deal, Mr. Dziubla and his associates continued to market the Project  
4 and kept Front Sight apprised of their efforts in doing so (including but not limited to,  
5 providing weekly marketing reports to Front Sight).

6 **REVISED INTERROGATORY NO. 2G:**

7 Please state with particularity all facts and identify all documents relating to Affirmative  
8 Defense Number 13 in your Amended Answer to Second Amended Complaint. If you assert a  
9 privilege, please provide a privilege log.

10 **RESPONSE TO REVISED INTERROGATORY NO. 2G:**

11 Mr. Dziubla objects to Revised Interrogatory No. 2G as overly broad and unduly  
12 burdensome. *See Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007 (“Contention  
13 interrogatories should not require a party to provide the equivalent of a narrative account of  
14 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
15 contents of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
16 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party  
17 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
18 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
19 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
20 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
21 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
22 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
23 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
24 document on which you rely” was “impermissibly overbroad, and if answered would produce  
25 much tangential if not irrelevant information.”). It would be impossible for Mr. Dziubla to  
26 identify, in response to this interrogatory every communication from Front Sight and every  
27 action by Front Sight that supports Mr. Dziubla’s thirteenth affirmative defense. Therefore,  
28 in responding to this interrogatory, Mr. Dziubla will provide a general overview of the basis

1 for Affirmative Defense Number 13.

2 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2H which calls for  
3 the identification of documents related to Affirmative Defense Number 13. Front Sight’s  
4 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
5 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
6 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
7 to harass Mr. Dziubla.

8 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
9 follows:

10 See Response to Revised Interrogatory No. 2B.

11 **REVISED INTERROGATORY NO. 2H:**

12 Please state with particularity all facts and identify all documents relating to Affirmative  
13 Defense Number 14 in your Amended Answer to Second Amended Complaint. If you assert a  
14 privilege, please provide a privilege log.

15 **RESPONSE TO REVISED INTERROGATORY NO. 2H:**

16 Mr. Dziubla is not a party to Front Sight’s fifth and sixth claims for relief and therefore  
17 no response to this interrogatory is needed.

18 **REVISED INTERROGATORY NO. 2I:**

19 Please state with particularity all facts and identify all documents relating to Affirmative  
20 Defense Number 15 in your Amended Answer to Second Amended Complaint. If you assert a  
21 privilege, please provide a privilege log.

22 **RESPONSE TO REVISED INTERROGATORY NO. 2I:**

23 Mr. Dziubla objects to Revised Interrogatory No. 2I as overly broad and unduly  
24 burdensome. See *Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007 (“Contention  
25 interrogatories should not require a party to provide the equivalent of a narrative account of  
26 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
27 contents of supporting documents”); see also *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
28 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party

1 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that  
2 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
3 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
4 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
5 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
6 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
7 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
8 document on which you rely” was “impermissibly overbroad, and if answered would produce  
9 much tangential if not irrelevant information.”).

10 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2I which calls for  
11 the identification of documents related to Affirmative Defense Number 15. Front Sight’s  
12 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
13 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
14 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
15 to harass Mr. Dziubla.

16 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
17 follows:

18 The only tort claim that remains pending against Mr. Dziubla is Front Sight’s  
19 Intentional Interference with Prospective Economic Advantage claim, which relates to the  
20 alleged disruption of a prospective contractual relationship between Front Sight and another  
21 potential lender for the Project who would have provided senior debt under the CLA. (*See*  
22 *Second Am. Compl.* at ¶ 123). However, Front Sight was contractually obligated to provide  
23 Mr. Dziubla (on behalf of LVD Fund) with information about its attempts to obtain senior  
24 debt. Mr. Dziubla simply requested that Front Sight comply with the CLA by: (i) timely  
25 obtaining senior debt and (ii) providing LVD Fund with evidence of its efforts to obtain senior  
26 debt.

27 ///

28 ///

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1 Front Sight was originally contractually required to obtain such senior debt no later  
2 than December 31, 2016. Front Sight failed to comply with that contractual obligation. LVD  
3 Fund subsequently gave Front Sight two extensions of the deadline by which to obtain senior  
4 debt, up and until June 30, 2018 to obtain senior debt. Still, Front Sight violated its  
5 contractual obligations and failed to secure senior debt.

6 In July 2018, Mr. Dziubla, on behalf of LVD Fund, requested that Front Sight provide  
7 LVD Fund with the documentation required by the Second Amendment to the CLA, reflecting  
8 Front Sight’s recent attempts to obtain senior debt. Still, Front Sight refused to provide the  
9 necessary documentation.

10 On July 12, 2018, Mr. Dziubla, on behalf of LVD Fund, informed Front Sight that it  
11 would be implementing the requirements of Article 5.27 of the CLA. For two months, instead  
12 of working to secure senior debt, Front Sight continued to fight with LVD Fund and  
13 threatened to file suit if LVD Fund attempted to implement Article 5.27 of the CLA.  
14 Eventually, LVD Fund opted to proceed and declared Front Sight in default of the CLA on or  
15 about September 11, 2018 (for, among other things, failing to obtain senior debt).

16 *See also* Response to Interrogatory No. 30.

17 **REVISED INTERROGATORY NO. 2J:**

18 Please state with particularity all facts and identify all documents relating to Affirmative  
19 Defense Number 16 in your Amended Answer to Second Amended Complaint. If you assert a  
20 privilege, please provide a privilege log.

21 **RESPONSE TO REVISED INTERROGATORY NO. 2J:**

22 Mr. Dziubla objects to Revised Interrogatory No. 2J as overly broad and unduly  
23 burdensome. *See Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007 (“Contention  
24 interrogatories should not require a party to provide the equivalent of a narrative account of  
25 its case, including every evidentiary fact, details of testimony of supporting witnesses, and the  
26 contents of supporting documents”); *see also Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403,  
27 404-05 (D. Kan. 1998) (holding that “[i]nterrogatories should not require the answering party  
28 to provide a narrative account of its case,” or to “duplicate initial disclosures,” and noting that

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1 courts generally find interrogatories to be “overly broad and unduly burdensome on their face  
2 to the extent they ask for ‘every fact’ which supports identified allegations or defenses”);  
3 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
5 subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,  
6 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every  
7 document on which you rely” was “impermissibly overbroad, and if answered would produce  
8 much tangential if not irrelevant information.”). It would be impossible for Mr. Dziubla to  
9 identify, in response to this interrogatory every communication from Front Sight and every  
10 action by Front Sight that supports Affirmative Defense Number 16. Therefore, in responding  
11 to this interrogatory, Mr. Dziubla will provide a general overview of the basis for Affirmative  
12 Defense Number 16.

13 Mr. Dziubla also objects to that portion of Revised Interrogatory No. 2J which calls for  
14 the identification of documents related to Affirmative Defense Number 16. Front Sight’s  
15 request is subsumed within Front Sight’s Request for Production No. 120 in its Fifth Set of  
16 Requests for Production of Documents to Mr. Dziubla, to which Mr. Dziubla previously  
17 responded. Front Sight’s request to identify a subsection of those documents is intended solely  
18 to harass Mr. Dziubla.

19 Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as  
20 follows:

21 *See Response to Revised Interrogatory No. 2B.*

22 **INTERROGATORY NO. 3:**

23 Please state with particularity all facts and identify all documents, emails, texts messages, or  
24 communication of any kind between you and any party to this litigation regarding the Front Sight  
25 Project referenced in the Second Amended Complaint. If you assert a privilege, please provide a  
26 privilege log.

27 *Interrogatory No. 3 was withdrawn and replaced pursuant to Plaintiff’s Revised First Set of*  
28 *Interrogatories to Defendant Robert Dziubla.*



1 **REVISED INTERROGATORY NO. 3:**

2 Please identify all documents, emails, text messages, or communications of any kind  
3 between you and any other Defendant in this matter regarding the Front Sight Project referenced  
4 in the Second Amended Complaint between September 1, 2012 and September 30, 2016. If you  
5 assert a privilege, please provide a privilege log.

6 **RESPONSE TO REVISED INTERROGATORY NO. 3:**

7 **Mr. Dziubla objects to Revised Interrogatory No. 3 as it is vague and ambiguous and**  
8 **thus overly broad. See *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF,**  
9 **2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all”**  
10 **documents concerning [a] subject is inherently overbroad”). As addressed during the parties’**  
11 **meet and confer discussions on Front Sight’s original interrogatories to Mr. Dziubla, it would**  
12 **be impossible for Mr. Dziubla to identify, in response to an interrogatory, every single**  
13 **communication (whether oral or in writing) he had with the other Defendants.**

14 **Mr. Dziubla further objects to Revised Interrogatory No. 3 as seeking the disclosure of**  
15 **information protected by the joint defense/common interest privilege and attorney-client**  
16 **privilege. Therefore, Mr. Dziubla will presume in responding to this Interrogatory that Front**  
17 **Sight is not seeking the disclosure of privileged communications and is only seeking**  
18 **information about internal communications about the Project between Mr. Dziubla and the**  
19 **other EB5 Parties between September 1, 2012 and September 30, 2016, and not after this**  
20 **litigation (but referencing the September 1, 2012 through September 30, 2016 timeframe).**

21 **Subject to and without waiving the foregoing objections, Mr. Dziubla responds as**  
22 **follows:**

23 **Between September 1, 2012 and September 30, 2016, Mr. Dziubla spoke to Mr.**  
24 **Fleming on a regular, if not daily, basis about the Front Sight Project, potential EB-5**  
25 **investors for the Front Sight Project, and marketing for the Front Sight Project. In addition,**  
26 **Mr. Dziubla communicated with Ethan Devine who was employed with EB5IA from**  
27 **approximately January to May 2016. It would be impossible for Mr. Dziubla to detail those**  
28 **communications in response to this Interrogatory.**

1           **However, to the extent there were written communications between Mr. Dziubla and**  
2 **Mr. Fleming and/or Mr. Devine, Mr. Dziubla previously produced those communications to**  
3 **Front Sight and now refers Front Sight to those emails: see Robert Dziubla’s First and**  
4 **Second Supplemental Responses to Plaintiff’s Fifth Set of Requests for Production of**  
5 **Documents, at First Supplemental Response to Request for Production of Documents No. 137.**

6           *See also* A-030359-030360; A-030464; A-030487-030488; A-030522-030523; A-030538;  
7 A-030570-030571; A-030572-030573; A-030606-030607; A-030614; A-030618-030620; A-  
8 030626-030627; A-030628; A-030706; A-030726-030731; A-030732-030737; A-030738-030744;  
9 A-030745-030751; A-030774-030776; A-030777; A-030778-030779; A-030780-030781.

10 **INTERROGATORY NO. 4:**

11           Please state with particularity all facts and identify all documents, emails, texts messages, or  
12 communication of any kind between you and any non-party to this litigation regarding the Front  
13 Sight Project referenced in the Second Amended Complaint. If you assert a privilege, please provide  
14 a privilege log.

15           *Interrogatory No. 4 was withdrawn and replaced pursuant to Plaintiff’s Revised First Set of*  
16 *Interrogatories to Defendant Robert Dziubla.*

17 **REVISED INTERROGATORY NO. 4:**

18           Please identify all documents, emails, text messages, or communications of any kind  
19 between you and any foreign placement consultant regarding the Front Sight Project referenced in  
20 the Second Amended Complaint from April 16, 2016 to July 31, 2018. If you assert a privilege,  
21 please provide a privilege log.

22 **RESPONSE TO REVISED INTERROGATORY NO. 4:**

23           **Mr. Dziubla objects to Revised Interrogatory No. 4 as it is vague and ambiguous and**  
24 **thus overly broad. See *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF,**  
25 **2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all”**  
26 **documents concerning [a] subject is inherently overbroad”). As addressed during the parties’**  
27 **prior meet and confer discussions on Front Sight’s original interrogatories to Mr. Dziubla, it**  
28 **would be impossible for Mr. Dziubla to identify, in response to this Interrogatory, every single**

1 communication (whether oral or in writing) he had with the foreign placement consultants  
2 (and potential foreign placement consultants) regarding the Front Sight Project.

3 Subject to and without waiving the foregoing objections, Mr. Dziubla responds as  
4 follows:

5 Between April 16, 2016 and July 31, 2018, Mr. Dziubla spoke to numerous foreign  
6 placement consultants, and potential foreign placement consultants, regarding the Front Sight  
7 Project. Mr. Dziubla both met with, had phone calls with, and had email correspondence  
8 with, foreign placement consultants regarding the Front Sight Project. It would be impossible  
9 for Mr. Dziubla to detail those communications in response to this Interrogatory.

10 However, to the extent there were written communications between Mr. Dziubla and  
11 foreign placement agents, Mr. Dziubla previously produced those communications to Front  
12 Sight and now refers Front Sight to those emails: *see* Robert Dziubla's Second Supplemental  
13 Responses to Plaintiff's Fifth Set of Requests for Production of Documents, at First  
14 Supplemental Response to Request for Production of Documents No. 132.

15 In addition, Mr. Dziubla responds to this Interrogatory by stating that he had the  
16 following in-person meetings with foreign placement consultants:

- 17 – In October 2014, Mr. Dziubla and Mr. Fleming traveled to Las Vegas, Nevada  
18 and Oakland, California, to show Jay Li (US General Manager of Sinowel) and  
19 King Liu (Founder and President of Sinowel) the Front Sight Project and to  
20 introduce them to Mr. Piazza. During that meeting, Sinowel stated that it had  
21 over 10,000 high net worth individuals clients and was confident that it could  
22 source 50 more investors. After that meeting, Mr. Piazza stated that he was  
23 very impressed with Sinowel and its fundraising ability, and, as a result, he  
24 subsequently delayed payments to EB5IA, which adversely impacted its ability  
25 to develop its marketing network;
- 26 – In October 2014, Mr. Dziubla attended an IIUSA Conference in San Francisco;
- 27 – In April 2015, Mr. Dziubla attended an IIUSA Conference in Washington, DC;
- 28 – In August 2015, Mr. Dziubla met with an Indian foreign placement agent to

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- 1           **give him a tour of Front Sight;**
- 2           – **In September 2015, Mr. Dziubla and Mr. Fleming traveled to Mission Viejo,**
- 3           **California to meet an Indian agent and potential investors;**
- 4           – **In September 2015, Mr. Dziubla traveled to China to meet with multiple foreign**
- 5           **placement agents in Shanghai, Hangzhou, and Hong Kong;**
- 6           – **In October 2015, Mr. Dziubla attended an IIUSA Conference in Dallas, Texas;**
- 7           – **In November 2015, Mr. Dziubla traveled to China to meet with foreign**
- 8           **placement agents in Beijing and Wuhan;**
- 9           – **In February 2016, Mr. Dziubla and Mr. Fleming attended an EB-5 industry**
- 10          **conference in Los Angeles, California;**
- 11          – **In February 2016, Mr. Dziubla met Kyle Scott, a foreign placement agent, in**
- 12          **San Juan Capistrano, California;**
- 13          – **In February 2016, Mr. Dziubla and Mr. Fleming met an Indian agent and two**
- 14          **potential EB-5 investors in Orange County, California;**
- 15          – **In April 2016, Mr. Dziubla, Mr. Fleming, and Mr. Devine met the head of**
- 16          **China’s largest migration agency in Los Angeles, California;**
- 17          – **In April 2016, Mr. Dziubla led a tour of Front Sight for potential investors;**
- 18          – **In November 2016, Mr. Dziubla traveled to Pahrump, Nevada to meet with**
- 19          **Kyle Scott, a foreign placement agent, at Front Sight;**
- 20          – **In February 2017, Mr. Dziubla and Mr. Fleming attended an EB-5 conference**
- 21          **in Los Angeles, California;**
- 22          – **In May 2017, Mr. Dziubla traveled to Las Vegas, Nevada to take an Indian**
- 23          **investor on a tour of Front Sight;**
- 24          – **In October 2017, Mr. Dziubla traveled to Las Vegas, Nevada to take a potential**
- 25          **investor on a tour of Front Sight;**
- 26          – **In July 2018, Mr. Dziubla traveled to Las Vegas, Nevada to take a potential**
- 27          **investor on a tour of Front Sight; and**

28    ///

1 – In September 2018, Mr. Dziubla traveled to Las Vegas, Nevada to take a  
2 potential investor on a tour of Front Sight.

3 *See also* First Supplemental Response to Interrogatory Nos. 35 and 37; A-030363-  
4 030365; A-030376-030377; A-030382-030429; A-030430-030431; A-030430-030431; A-030464;  
5 A-030465-030466; A-030467; A-030468; A-030469-030470; A-030478-030479; A-030480-  
6 030484; A-030485; A-030486; A-030487-030488; A-030489; A-030490-030493; A-030494-  
7 30496; A-030497-030499; A-030500-030502; A-030503-030504; A-030505-030506; A-030507-  
8 030521; A-030522-030523; A-030524-030531; A-030532-030537; A-030539; A-030540-030545;  
9 A-030546-030549; A-030550-030552; A-030553-030554; A-030555-030556; A-030557-030559;  
10 A-030560-030561; A-030562-030565; A-030566-030569; A-030570-030571; A-030572-030573;  
11 A-030574-030577; A-030578-030580; A-030581; A-030582-030584; A-030585-030586; A-  
12 030587-030588; A-030589-030590; A-030591-030592; A-030593-030594; A-030595; A-030596-  
13 030597; A-030598-030599; A-030600-030603; A-030604-030605; A-030606-030607; A-030608-  
14 030609; A-030610; A-030611; A-030612; A-030613; A-030615; A-030618-030620; A-030621-  
15 030623; A-030624-030625; A-030626-030627; A-030628; A-030629-030631; A-030632-030634;  
16 A-030635; A-030636-030637; A-030638-030642; A-030643-030644; A-030645; A-030646-  
17 030647; A-030648-030649; A-030650-030654; A-030655-030657; A-030658; A-030659-030663;  
18 A-030668; A-030669-030672; A-030673; A-030674-030681; A-030682-030685; A-030686-  
19 030693; A-030694-030695; A-030696; A-030697; A-030698-030705; A-030707-030708; A-  
20 030713-030717; A-030718-030720; A-030721-030725; A-030726-030731; A-030732-030737; A-  
21 030738-030744; A-030745-030751; A-030752-030754; A-030755-030759; A-030760-030767;  
22 A-030768-030769; A-030770-030772; A-030773; A-030774-030776; A-030782; A-030783; A-  
23 030784.

24 **INTERROGATORY NO. 5:**

25 Please state with particularity all facts and identify all documents which support or relate to  
26 the truthfulness of the representations made to Front Sight that you and your associates “have great  
27 depth of experience in the real estate and real estate financing market, and I personally have been  
28 involved in over \$10 billion of hospitality and leisure transactions during my 35-year career as an

1 investor, owner, operator, investment banker, and lawyer,” as set forth in Evidentiary Hearing  
2 Exhibit 2, p. 0004. If you assert a privilege, please provide a privilege log.

3 **RESPONSE TO INTERROGATORY NO. 5:**

4 Responding party objects to this Special Interrogatory because; individually, and in  
5 aggregate with the other requests made herein and previously propounded, including elicited oral  
6 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
7 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
8 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
9 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
10 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
11 purports to require responding party to disclose information that is a trade secret, confidential,  
12 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
13 privacy regarding financial information and tax records of responding party and/or third parties.

14 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

15 **Mr. Dziubla objects to Interrogatory No. 5 as overly broad and unduly burdensome.**  
16 **Mr. Dziubla and Mr. Fleming provided copies of their resumes and information regarding**  
17 **their background to Front Sight years before Front Sight commenced this lawsuit.**  
18 **Consequently, as drafted, this interrogatory is intended to harass and burden Mr. Dziubla and**  
19 **is not intended for a legitimate purpose.**

20 **Pursuant to the parties’ recent meet and confer efforts, Mr. Dziubla understands that**  
21 **Front Sight now agrees it does not seek a narrative response detailing all of Mr. Dziubla and**  
22 **“his associates” experience in real estate and real estate financing markets, or the production**  
23 **of documents specific to the transactions they have been involved in. Rather, the parties have**  
24 **agreed to limit this interrogatory to a brief narrative response which would provide a broad**  
25 **understanding of Mr. Dziubla and his associates’ experience. Based on that understanding**  
26 **and agreement, Mr. Dziubla responds as follows:**

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1           **Mr. Dziubla received a Bachelor of Arts in East Asian Studies from Northwestern**  
2 **University in 1974. In 1980, Mr. Dziubla received a juris doctorate from Northwestern**  
3 **University School of Law. While at Northwestern University School of Law, he served as the**  
4 **Executive Editor of the Journal of International Law & Business. In 1982, he obtained an**  
5 **L.L.M. in Asian Law from the University of Washington School of Law. From 1983-85, he was**  
6 **at Kyoto University as a Senior Fulbright Fellow, where he researched and wrote on Japanese**  
7 **corporate and securities law at the law school, University of Kyoto, in Japan. In 1978, Mr.**  
8 **Dziubla obtained a Masters Degree in Political Science and Government (with a focus on the**  
9 **Chinese political system) from the University of Chicago.**

10           **Mr. Dziubla subsequently practiced law in Tokyo for several years and then became an**  
11 **international partner in the world's two largest law firms, Baker & McKenzie and Jones Day**  
12 **Reavis & Pogue, where his legal focus was on Asian finance and real estate.**

13           **In approximately 1993, Mr. Dziubla withdrew from Jones Day and established his own**  
14 **onymous law firm in downtown Los Angeles, Brand Farrar Dziubla Freilich & Kolstad. In**  
15 **1996, he acquired the largest law firm in China, with 8 offices and 60 lawyers around the**  
16 **country. During that period, Mr. Dziubla represented the majority of Japanese banks**  
17 **operating in the United States, including: Industrial Bank of Japan, Long Term Credit Bank**  
18 **of Japan, Sanwa Bank, Dai-Ichi Kangyo Bank, Bank of Tokyo, Mitsubishi Trust & Banking**  
19 **Corp., Sumitomo Bank, Mitsui Trust & Banking Corp., as well as major Chinese operations**  
20 **seeking to enter the United States market (such as China Southern Airways).**

21           **In 1998, Mr. Dziubla retired from the practice of law and established a real estate**  
22 **private equity fund in Bangkok, Thailand. For the next five years, that fund became the**  
23 **largest direct foreign owner and operator of real estate in Thailand with a portfolio that**  
24 **included three resorts, 55 industrial properties, and a portfolio of about 1,000 condominiums**  
25 **across Thailand.**

26           **In 2007 through 2009, Mr. Dziubla and some of his Chinese and American business**  
27 **colleagues were engaged to complete the first-ever listing of a Macau Gaming Company on the**  
28 **NASDAQ Stock Exchange, which they accomplished by doing a reverse merger into a blank**

1 shell company (spac – special purpose acquisition company). That company boasted  
2 thousands of ultrahigh net worth Chinese gamblers – who could potentially become interested  
3 in an EB-5 visa into the United States.

4 During his 35-year career as an investor, owner, operator, and lawyer Mr. Dziubla was  
5 personally involved in cumulatively over \$10 billion of hospitality and leisure transactions,  
6 most notably the Westin Hotel Tokyo (with a total development budget in excess of \$5 billion),  
7 Aoki Construction Company’s acquisition of Westin Hotel and Resorts (with a budget in  
8 excess of \$1.5 billion), Seibu Saison’s acquisition of Intercontinental Hotel Group (with a total  
9 budget in excess of \$3 billion) Shimizu Construction Corporation (restructuring of U.S. and  
10 Australia non-performing real estate portfolio with a total budget in excess of \$2 billion), and  
11 the Ritz-Carlton Hotel (Hong Kong) development (with a total development budget and  
12 subsequent reorganization in excess of \$1 billion). In addition, Mr. Dziubla has been involved  
13 in billions of dollars of loan restructuring for major Japanese banks, including: Industrial  
14 Bank of Japan, Long Term Credit Bank of Japan, Sanwa Bank, Dai-Inchi Kangyo Bank, Bank  
15 of Tokyo, and Mitsubishi Trust & Banking Corp.

16 Mr. Fleming was a former banker with over 25 years of experience in financing and  
17 investment in commercial real estate properties and notes across the United States. Mr.  
18 Fleming has a deep understanding in finance, having worked as a loan officer, broker, and  
19 senior asset manager, and senior acquisition associate at numerous financial institutions before  
20 becoming a principal at Legacy Realty Capital, Inc. Mr. Dziubla and Mr. Fleming have had a  
21 long-standing professional relationship.

22 Prior to working with Front Sight, Mr. Dziubla provided Front Sight with a copy of his  
23 resume, copies of which were previously produced at A-013415-13419, A-21507-21512, and FS  
24 01248-1252.

25 In addition—and importantly—on August 27, 2012, when this description was provided  
26 by Mr. Dziubla to Front Sight, the parties were still initially discussing a private equity  
27 financing for the resort project. Mr. Dziubla’s email had nothing to do with EB-5. Therefore,  
28 in the context of the statement, he was speaking to his decades of experience in the real estate



1 finance industry and global capital markets (which was true). Once the parties began to  
2 discuss a potential EB-5 raise for the Front Sight Project—after Mr. Dziubla’s August 27, 2012  
3 email—Mr. Dziubla made clear to Front Sight that he and Mr. Fleming had limited experience  
4 with EB-5 and were relying on Empyrean West for such expertise, which is why Michael  
5 Meacher subsequently asked that Mr. Dziubla provide two or three references on recent EB-5  
6 transactions where Empyrean West successfully raised significant capital.

7 **INTERROGATORY NO. 6:**

8 Please state with particularity all facts and identify all documents which support or relate to  
9 the truthfulness of the representations made to Front Sight that you and your associates “have been  
10 underwriting over a dozen hospitality transaction during the past 8 months, with two of them located  
11 in the desert just like Front Sight, so we have a keen appreciation and understanding of the  
12 peculiarities of that market and how to structure the transaction appropriately,” as set forth in  
13 Evidentiary Hearing Exhibit 2, p. 0004. If you assert a privilege, please provide a privilege log.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 Responding party objects to this Special Interrogatory because; individually, and in  
16 aggregate with the other requests made herein and previously propounded, including elicited oral  
17 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
18 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
19 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
20 already in requesting party’s possession or equally accessible to the requesting party; it seeks  
21 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
22 purports to require responding party to disclose information that is a trade secret, confidential,  
23 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
24 privacy regarding financial information and tax records of responding party and/or third parties.

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**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

**Mr. Dziubla objects to Interrogatory No. 6 as vague and ambiguous as written and thus overly broad. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is inherently overbroad”).**

**Pursuant to the parties’ recent meet and confer efforts, Mr. Dziubla understands that Front Sight now agrees it does not seek a narrative response detailing all of Mr. Dziubla and “his associates” experience in underwriting dozens of hospitality transactions. Rather, the parties have agreed to limit this interrogatory to a brief narrative response which would provide a general explanation of Mr. Dziubla’s involvement in hospitality transactions in the eight months prior to when this statement was made on April 7, 2012, including which two hospitality projects were involved in the desert. Based on that understanding and agreement, Mr. Dziubla responds as follows:**

***See First Supplemental Response to Interrogatory No. 5.***

**Mr. Dziubla further states that prior to getting involved in the Front Sight Project, he was involved in the San Diego Hyatt Project, another EB-5 Project. In addition, in the 8 months prior to his April 7, 2012 email, Mr. Dziubla was working on the hotel portfolio expansion project for a developer based in San Luis Obispo, with one of the developer’s hotels—Two Bunch Palms Resort—located in Desert Hot Springs, California. Separately, Mr. Dziubla was involved in underwriting the purchase of the Casa Del Zorro Resort in Borrego Springs, California.**

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1 **INTERROGATORY NO. 7:**

2 Please state with particularity all facts and identify all documents which support or relate to  
3 the truthfulness of the representations made to Front Sight that you and your associates had the  
4 ability, experience and networking breadth with Chinese investors to enable you “to put together a  
5 financing package for some, or perhaps, all, of the \$150 million you were seeking to raise,” as set  
6 forth in Evidentiary Hearing Exhibit 2, p. 0002. If you assert a privilege, please provide a privilege  
7 log.

8 *Interrogatory No. 7 was withdrawn and replaced pursuant to Plaintiff’s Revised First Set of*  
9 *Interrogatories to Defendant Robert Dziubla.*

10 **REVISED INTERROGATORY NO. 7A:**

11 Concerning the representation that you and your associates had the ability, experience and  
12 networking breadth with Chinese investors to enable you “to put together a financing package for  
13 some, or perhaps, all, of the \$150 million you were seeking to raise,” as set forth in Evidentiary  
14 Hearing Exhibit 2, Bates-labeled 0002, please state with particularity all facts regarding the  
15 networking contacts that you referenced that justify the truthfulness of this representation. If you  
16 assert a privilege, please provide a privilege log.

18 **RESPONSE TO REVISED INTERROGATORY NO. 7A:**

19 **Mr. Dziubla objects to Interrogatory 7A as overly broad and unduly burdensome.**

20 **Subject to and without waiver of the foregoing objection, Mr. Dziubla responds as**  
21 **follows:**

22 ***See First Supplemental Response to Interrogatory No. 5.***

23 **Mr. Dziubla further states that his first work in the EB-5 industry was in the early**  
24 **1990s, while practicing law at Baker & McKenzie. Both Baker & McKenzie and Jones Day**  
25 **had active global immigration practices that included EB-5 assignments that Mr. Dziubla was**  
26 **apprised of during his legal practice. In fact, one of Mr. Dziubla’s law school friends and**  
27 **fellow partner at Baker & McKenzie was the head of the global immigration practice based in**  
28 **Hong Kong. During the lead up to the reversion of Hong Kong to Chinese sovereignty in 1997,**

1 many Hong Kong Chinese investors participated in the EB-5 and the Canadian equivalent  
2 thereto and Mr. Dziubla was frequently updated on issues and developments in EB-5.

3 In addition, because of Mr. Dziubla’s legal and investment career in Asia, and  
4 especially in China due to having owned the largest law firm in China and having done the  
5 NASDAQ listing explained in response to Interrogatory No. 5, Mr. Dziubla developed an  
6 expansive network of relationships throughout China. Mr. Dziubla also developed a  
7 relationship with a leading visa advisory firm called Firstway Visa Services, which later  
8 changed its name to Sunnyway. Having served as a former partner in the Hong Kong office of  
9 Baker & McKenzie, Mr. Dziubla also relied upon the visa processing department there.

10 Finally, when the parties subsequently began discussing a potential EB-5 raise for the  
11 Front Sight Project, Mr. Dziubla and Mr. Fleming anticipated partnering with Empyrean  
12 West to seek USCIS-approval for a regional center to sponsor the Front Sight Project.  
13 Accordingly, they expected to be able to take advantage of Empyrean West’s purported visa  
14 migration agents in Vietnam, China, and Korea and Empyrean West’s nascent online portal  
15 that targeted foreign students in the United States whose F-1 student visa was expiring and  
16 who could then become leading candidates for an EB-5 visa.

17 **REVISED INTERROGATORY NO. 7B:**

18 Concerning the representation that you and your associates had the ability, experience and  
19 networking breadth with Chinese investors to enable you “to put together a financing package for  
20 some, or perhaps, all, of the \$150 million you were seeking to raise,” as set forth in Evidentiary  
21 Hearing Exhibit 2, Bates-labeled 0002, please state with particularity all facts that justify your  
22 statement that you had the experience and knowledge to raise “some, or perhaps, all of the \$150  
23 million” that Front Sight sought to raise. If you assert a privilege, please provide a privilege log.

24 **RESPONSE TO REVISED INTERROGATORY NO. 7B:**

25 Mr. Dziubla objects to Interrogatory 7B as overly broad and unduly burdensome. *See*  
26 *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4  
27 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]  
28 subject is inherently overbroad”).

1 Subject to and without waiver of the foregoing objection, Mr. Dziubla responds as  
2 follows:

3 See First Supplemental Response to Interrogatory No. 5.

4 Mr. Dziubla further states that on August 27, 2012, when this statement was made to  
5 Front Sight, the parties were discussing a potential private equity financing for the Front Sight  
6 resort project. These statements had nothing to do with EB-5. Mr. Dziubla's statement was  
7 made considering the decades of experience between Mr. Dziubla and Mr. Fleming in the real  
8 estate finance industry and global capital markets. However, Front Sight subsequently chose  
9 to reject this proposed private equity approach because the cost of funds would have been in  
10 the 12-15% range and because Mr. Piazza, the owner of Front Sight, refused to provide his  
11 personal guaranty on any loans.

12 Only after Front Sight rejected Mr. Dziubla's written proposal to do private equity  
13 financing did he spend months researching the then-state of the EB-5 financing model and  
14 discussing the possible feasibility and durability of EB-5 and its potential use in the Front Sight  
15 Project. Once the parties ultimately began discussing an EB-5 raise, Mr. Dziubla consistently  
16 informed Front Sight about the speculative nature of fundraising and no guarantees were ever  
17 made regarding the amount of money to be raised. In addition, based on Mr. Dziubla and Mr.  
18 Fleming's understanding of the EB-5 market at the time, Mr. Dziubla's networking contacts in  
19 China, and based on statements made by potential foreign placement agents about the number  
20 of EB-5 investors they could bring to an EB-5 project, Mr. Dziubla and Mr. Fleming believed  
21 that they could raise *some* of the \$150 million dollars Front Sight was seeking to raise for the  
22 Front Sight Project and the development of a second Front Sight facility in the eastern portion  
23 of the United States. While marketing the Front Sight Project, on numerous occasions, foreign  
24 placement agents indicated to Mr. Dziubla and/or Mr. Fleming that they could bring in at least  
25 10-15 investors (per foreign placement agent). Unfortunately, the foreign placement agents  
26 were ultimately unable to bring in the anticipated number of EB-5 investors by no fault of the  
27 EB5 Parties.

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1 **INTERROGATORY NO. 8:**

2 Please state with particularity all facts and identify all documents which support the  
3 truthfulness of the representations made to Front Sight that “EB-5 funding initiatives typically take 5  
4 – 8 months before first funds are placed into escrow with the balance of the funds being deposited  
5 during the next 6 – 8 months. This sort of extended timing seems to be compatible with Front Sight’s  
6 development timeline given our discussions,” as set forth in Evidentiary Hearing Exhibit 3, p. 0006.  
7 If you assert a privilege, please provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 8:**

9 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, including elicited oral testimony,  
11 this request fails to meet the proportionality requirements of proper discovery and thus is over  
12 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
13 duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

20 **Mr. Dziubla objects to Interrogatory No. 8 as vague and ambiguous. As phrased, it is**  
21 **unclear whether Interrogatory No. 8 seeks information regarding the timeline of EB-5 funding**  
22 **initiatives, Mr. Dziubla’s knowledge of the EB-5 funding timeline, or whether the EB-5**  
23 **funding timeline was compatible with Front Sight’s development timeline.**

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1           **Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as**  
2 **follows:**

3           **Front Sight was made aware of Mr. Dziubla, Mr. Fleming, and EB5IA’s level of**  
4 **experience with EB-5 and the EB5 Parties’ reliance on Empyrean West for such expertise,**  
5 **which is why Michael Meacher asked that the EB5 Parties provide two or three references on**  
6 **recent EB-5 transactions where Empyrean West had successfully raised significant capital. On**  
7 **April 7, 2012, Mr. Dziubla informed Mr. Meacher, after discussing Front Sight’s inability to**  
8 **obtain traditional bank financing, that he believed that with a professional and thorough**  
9 **presentation and underwriting, a well-honed and focused message, and a creative and**  
10 **experienced approach to finance raises, the EB5 Parties had a “very good chance” of raising**  
11 **the desired amounts. The EB5 Parties believed that to be true but made no specific promises.**  
12 **After Front Sight rejected a written proposal from Mr. Dziubla to do a private equity**  
13 **financing at a 12-15% rate, Mr. Dziubla spent months researching the then-current state of the**  
14 **EB-5 financing model and discussing the feasibility and durability of EB-5 with business**  
15 **colleagues.**

16           **Based on those discussions, the then-apparent healthy state of the EB-5 market, and the**  
17 **favorable terms associated with EB-5 capital, Mr. Dziubla later suggested that Front Sight**  
18 **consider using EB-5 as the vehicle to meet their professed need for additional capital. While**  
19 **this was LVD Fund’s first direct project in EB-5 lending, this was not the EB5 Parties’ first**  
20 **project as they had previously teamed up with Empyrean West to do a \$75 million EB-5 raise**  
21 **for the San Diego Hyatt project.**

22           **Based on Mr. Dziubla’s due diligence at the time, he was aware and believed that EB-5**  
23 **visa applications had doubled between 2011 and 2012, rising from 3,805 in 2011 to 6,041 in**  
24 **2012, with over 80% of those applications coming from Chinese investors. In addition,**  
25 **Empyrean West had made representations to Mr. Dziubla regarding its EB-5 experience about**  
26 **its previous ability to raise \$21 million from Chinese investors within 65 days of going to**  
27 **market. Based on that information, and because Mr. Dziubla and Mr. Fleming had already**  
28 **teamed up with Empyrean West, which already had a functioning and successful regional**

1 center, Liberty West Regional Center, Mr. Dziubla expected that their foreign placement  
2 agents would be able to prepare the market while USCIS was reviewing the project documents  
3 (and thus, expedite how quickly the EB-5 raise could be completed).

4 Despite believing that it was possible to complete the EB-5 raise within the timeframes  
5 referenced in Evidentiary Hearing Exhibit 3, Mr. Dziubla cautioned Front Sight that no  
6 guarantee of financing could be made by the EB5 Parties. The February 14, 2013 Engagement  
7 Letter provided to Front Sight specifically stated “the parties acknowledge and agree that the  
8 budget and timelines are the best current estimates for both and that they may change in  
9 response to actions by USCIS and market conditions.” (See A-022301-22308 at 22301.) In  
10 addition, the Engagement Letter also contained the following disclaimer of any guaranties of  
11 success: “Nothing contained in this Agreement is to be construed as a commitment by EB5IA,  
12 its affiliates or its agents to lend to or invest in the contemplated Financing. This is not a  
13 guarantee that any such Financing can be procured by EB5IA for the Company on terms  
14 acceptable to the Company, or a representation or guarantee that EB5IA will be able to  
15 perform successfully the Services detailed in this Agreement.”

16 *See also* First Supplemental Response to Interrogatory No. 2B.

17 **INTERROGATORY NO. 9:**

18 Please state with particularity all facts and identify all documents which support or relate to  
19 the truthfulness of the representations made to Front Sight that “... we don’t make any money until  
20 we have successfully raised the \$65m...” as set forth in Evidentiary Hearing Exhibit 3, p. 0007. If  
21 you assert a privilege, please provide a privilege log.

22 **RESPONSE TO INTERROGATORY NO. 9:**

23 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, including elicited oral testimony, this  
25 request fails to meet the proportionality requirements of proper discovery and thus is over burdensome  
26 and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of  
27 other requests contained herein and previously propounded; it seeks documents that are already in  
28 requesting party’s possession or equally accessible to the requesting party; it seeks information



1 protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to  
2 require responding party to disclose information that is a trade secret, confidential, proprietary,  
3 commercially sensitive, or information that is privileged or protected by rights of privacy regarding  
4 financial information and tax records of responding party and/or third parties.

5 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

6 **Mr. Dziubla objects to Interrogatory No. 9 as vague and ambiguous as phrased. It is**  
7 **unclear what Front Sight is asking for when it asks for facts and documents “which support or**  
8 **relate to the truthfulness” of statements made to Front Sight.**

9 **Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as**  
10 **follows:**

11 **On March 22, 2012, Mr. Dziubla sent an email, as a representative of Kenworth**  
12 **Capital, Inc. (a non-party entity), offering to work on a pure success fee basis. This offer was**  
13 **made in the context of private equity fundraising. Front Sight subsequently rejected the offer**  
14 **being contemplated by the parties at that time.**

15 **The February 14, 2013 Engagement Letter provided that Front Sight was obligated to**  
16 **pay for expenses incurred in creating the regional center and to establish the foundation for**  
17 **the EB-5 capital raise. The money Front Sight paid pursuant to the engagement letter went**  
18 **towards expenses for establishing the EB-5 financing platform and marketing the project. The**  
19 **only money that was used for anything other than direct expenses was the success payments**  
20 **Front Sight subsequently agreed to pay for each cash distribution LVD Fund made to Front**  
21 **Sight.**

22 **INTERROGATORY NO. 10:**

23 **Please state with particularity all facts and identify all documents which support or relate to**  
24 **the truthfulness of the representations made to Front Sight that “In addition to the Chinese EB-5**  
25 **funding, Empyrean West has been authorized by the Vietnamese government to act as the exclusive**  
26 **EB-5 firm in Vietnam and has been exempted from the \$5,000 limit on international money**  
27 **transfers,” as set forth in Evidentiary Hearing Exhibit 3, p. 0006. If you assert a privilege, please**  
28 **provide a privilege log.**

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1 **RESPONSE TO INTERROGATORY NO. 10:**

2 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, including elicited oral testimony,  
4 this request fails to meet the proportionality requirements of proper discovery and thus is over  
5 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
6 duplicative of other requests contained herein and previously propounded; it seeks documents that  
7 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
8 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
9 purports to require responding party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
11 privacy regarding financial information and tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

13 **Mr. Dziubla objects to Interrogatory No. 10 as vague and ambiguous as phrased. It is**  
14 **unclear what Front Sight is asking for when it asks for facts and documents “which support or**  
15 **relate to the truthfulness” of statements made to Front Sight.**

16 **Subject to and without waiver of the foregoing objection, Mr. Dziubla responds as**  
17 **follows:**

18 **At the time this statement was made by Mr. Dziubla to Front Sight on September 13,**  
19 **2012, Mr. Dziubla believed it to be true. Emyrean West led Mr. Dziubla to believe that it had**  
20 **been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam**  
21 **and that it had been exempted from the \$5,000 limit on international money transfers. Mr.**  
22 **Dziubla had no reason to doubt those representations by Emyrean West at the time they were**  
23 **made and would not have made his subsequent statements to Front Sight about the same had**  
24 **he known they were untrue.**

25 **Front Sight subsequently interviewed and approved the Liberty West Regional Center,**  
26 **owned and operated by Emyrean West, for the Front Sight Project. However, Front Sight**  
27 **subsequently tried to do an end-run with Emyrean West alone, and then abandoned that**  
28 **when Front Sight and Emyrean West had a falling out.**

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1 **INTERROGATORY NO. 11:**

2 Please state with particularity all facts and identify all documents which support or relate to  
3 the truthfulness of the statement in the February 14, 2013 engagement letter that Professor Sean  
4 Flynn will “prepare the business plan” and that Professor Flynn will be paid \$20,000 to prepare the  
5 business plan, as set forth in Evidentiary Hearing Exhibit 6, pp. 0020, 0026. If you assert a privilege,  
6 please provide a privilege log.

7 **RESPONSE TO INTERROGATORY NO. 11:**

8 Responding party objects to this Special Interrogatory because; individually, and in  
9 aggregate with the other requests made herein and previously propounded, including elicited oral  
10 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
11 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
12 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
13 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
14 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
15 purports to require responding party to disclose information that is a trade secret, confidential,  
16 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
17 privacy regarding financial information and tax records of responding party and/or third parties.

18 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

19 **Mr. Dziubla objects to Interrogatory No. 11 as vague and ambiguous as phrased. It is**  
20 **unclear what Front Sight is asking for when it asks for facts and documents “which support or**  
21 **relate to the truthfulness” of statements made to Front Sight.**

22 **Mr. Dziubla also object to Interrogatory No. 11 as overly broad as phrased. See**  
23 ***Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4**  
24 **(S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]**  
25 **subject is inherently overbroad”).**

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1 Subject to, and without waiving the foregoing objections, Mr. Dziubla answers as  
2 follows:

3 Consistent with Mr. Dziubla’s statement to Front Sight, Mr. Sean Flynn did prepare a  
4 business plan for the Front Sight Project which was submitted to USCIS. However, instead of  
5 receiving \$20,000, Mr. Flynn opted to invest his fee and obtain an ownership interest in EB5IC  
6 as compensation for his services.

7 See A-023109-023109; A-025656-025683; A-025687-025713; A-025725-025783; A-  
8 025786-025814; A-025816-025845; A-025847-025877; A-025899-025906; A-025919-025942; A-  
9 025957-025962; A-025995--026023; A-026026-026033.

10 **INTERROGATORY NO. 12:**

11 Please state with particularity all facts and identify all documents which relate to how  
12 Professor Sean Flynn was compensated for the creation of the business plan referenced in the  
13 February 14, 2013 engagement letter, including all communications between any party to this  
14 litigation and Professor Flynn related to how and when the terms of that compensation were agreed  
15 upon. If you assert a privilege, please provide a privilege log.

16 **RESPONSE TO INTERROGATORY NO. 12:**

17 Responding party objects to this Special Interrogatory because; individually, and in  
18 aggregate with the other requests made herein and previously propounded, including elicited oral  
19 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
20 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
21 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
22 already in requesting party’s possession or equally accessible to the requesting party; it seeks  
23 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
24 purports to require responding party to disclose information that is a trade secret, confidential,  
25 proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy  
26 regarding financial information and tax records of responding party and/or third parties.

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**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

*See First Supplemental Response to Interrogatory No. 11.*

**INTERROGATORY NO. 13:**

Please state with particularity all facts and identify all documents which demonstrate or relate to each and every payment, financial transaction, and/or transfer of money or property made by you to any other Defendant in this matter, or entity controlled by any other Defendant in this matter, from 2012 to the present. This includes, but is not limited to, facts and documentation related to any reimbursement, salary, or equity distribution from you to any other Defendant in this matter, or entity controlled by any other Defendant or entity in this matter. If you assert a privilege, please provide a privilege log.

**RESPONSE TO INTERROGATORY NO. 13:**

Responding party objects to this Special Interrogatory because; individually, and in aggregate with the other requests made herein and previously propounded, including elicited oral testimony, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:**

**Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

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1 **INTERROGATORY NO. 14:**

2 Please state with particularity all facts and identify all documents which demonstrate or relate  
3 to each and every payment, financial transaction, and/or transfer of money or property made to you  
4 by any other Defendant in this matter, or entity controlled by any other Defendant in this matter,  
5 from 2012 to the present. This includes, but is not limited to, facts and documentation related to any  
6 reimbursement, salary, or equity distribution to you from any other Defendant in this matter, or  
7 entity controlled by any other Defendant or entity in this matter. If you assert a privilege, please  
8 provide a privilege log.

9 **RESPONSE TO INTERROGATORY NO. 14:**

10 Responding party objects to this Special Interrogatory because; individually, and in  
11 aggregate with the other requests made herein and previously propounded, including elicited oral  
12 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
13 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
14 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
15 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
16 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
17 purports to require responding party to disclose information that is a trade secret, confidential,  
18 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
19 privacy regarding financial information and tax records of responding party and/or third parties.

20 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:**

21 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
22 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
23 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
24 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

25 **INTERROGATORY NO. 15:**

26 Please state with particularity all facts and identify all documents which relate to  
27 communications between you and Kathryn Holbert, Esq., in her capacity as prospective and/or actual  
28 substitute trustee under the Construction Deed of Trust, Security Agreement, Assignment of Leases

1 and Rents and Fixture Filing (recorded on Oct. 13, 2016, as Document #860867 in the Nye County  
2 Official Records). If you assert a privilege, please provide a privilege log.

3 **RESPONSE TO INTERROGATORY NO. 15:**

4 Responding party objects to this Special Interrogatory because; individually, and in  
5 aggregate with the other requests made herein and previously propounded, including elicited oral  
6 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
7 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
8 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
9 already in requesting party’s possession or equally accessible to the requesting party; it seeks  
10 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
11 purports to require responding party to disclose information that is a trade secret, confidential,  
12 proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy  
13 regarding financial information and tax records of responding party and/or third parties.

14 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:**

15 Pursuant to the parties’ meet and confer efforts, the parties have agreed that this  
16 request shall be limited to only those communications between LVD Fund and Kathryn  
17 Holbert, Esq., *solely* in her capacity as prospective and/or actual substitute trustee under the  
18 Construction Deed of Trust. The parties have further agreed that LVD Fund does not need to  
19 provide a privilege log for communications between LVD Fund and Kathryn Holbert, Esq. in  
20 her capacity as former counsel of record in this case.

21 Based on this understanding, LVD Fund supplements its response as follows: there are  
22 no responsive documents to this request to produce or communications to identify because any  
23 communications between Mr. Dziubla and Ms. Holbert would have been in her capacity as  
24 counsel for Mr. Dziubla (and thus, privileged).

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1 **INTERROGATORY NO. 16:**

2 Please state with particularity all facts which relate to and/or account for any and all funds  
3 you (or any entity you control) have received from Front Sight directly, and/or that you know  
4 originated from Front Sight, including all money received by you from Plaintiff, how said funds  
5 were spent, identification of who received any portion of the funds, and identify all documents to  
6 support or justify payments made or funds spent. If you assert a privilege, please provide a privilege  
7 log.

8 **RESPONSE TO INTERROGATORY NO. 16:**

9 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, including elicited oral testimony,  
11 this request fails to meet the proportionality requirements of proper discovery and thus is over  
12 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
13 duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:**

20 **Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for**  
21 **Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not**  
22 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
23 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

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1 **INTERROGATORY NO. 17:**

2 Please state with particularity all facts and identify all documents which relate to your  
3 communications with Professor Sean Flynn related to any economic study he has prepared related to  
4 the Front Sight Project or the San Diego Hyatt project, including any and all documents provided by  
5 you to Professor Flynn for either study. If you assert a privilege, please provide a privilege log.

6 **RESPONSE TO INTERROGATORY NO. 17:**

7 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, including elicited oral testimony, this  
9 request fails to meet the proportionality requirements of proper discovery and thus is over burdensome  
10 and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of  
11 other requests contained herein and previously propounded; it seeks documents that are already in  
12 requesting party's possession or equally accessible to the requesting party; it seeks information  
13 protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to  
14 require responding party to disclose information that is a trade secret, confidential, proprietary,  
15 commercially sensitive, or information that is privileged or protected by rights of privacy regarding  
16 financial information and tax records of responding party and/or third parties.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:**

18 **Mr. Dziubla objects to Interrogatory No. 17 as overly broad and unduly burdensome as**  
19 **it contains no time limitation. As written, this interrogatory appears to request that Mr.**  
20 **Dziubla identify every document that relates to any communications with Sean Flynn**  
21 **regarding his economic study related to the Front Sight Project, whether it occurred prior to**  
22 **Mr. Flynn's economic study or after and regardless of whether such communications are**  
23 **relevant to the claims and defenses in this case.**

24 **Subject to and without waiver of the foregoing objection, see Mr. Dziubla's Second**  
25 **Supplemental Response to Request No. 138.**

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1 **INTERROGATORY NO. 18:**

2 Please state with particularity all facts and identify all documents which relate to  
3 communications between you and Empyrean West and/or Dave Keller or Jay Carter. If you assert a  
4 privilege, please provide a privilege log.

5 **RESPONSE TO INTERROGATORY NO. 18:**

6 Responding party objects to this Special Interrogatory because; individually, and in  
7 aggregate with the other requests made herein and previously propounded, including elicited oral  
8 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
9 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
10 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
11 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
12 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
13 purports to require responding party to disclose information that is a trade secret, confidential,  
14 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
15 privacy regarding financial information and tax records of responding party and/or third parties.

16 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:**

17 **Mr. Dziubla objects to Interrogatory No. 18 as overly broad and unduly burdensome as**  
18 **this interrogatory contains no subject matter or date limitation whatsoever and therefore seeks**  
19 **the production and identification of every communication between Mr. Dziubla, and anyone**  
20 **acting on Mr. Dziubla’s behalf, and Empyrean West and/or David Keller, regardless of**  
21 **whether such communications are relevant to the claims and defenses in this case or whether**  
22 **the communications relate to Front Sight and/or the Project. As drafted, this request arguably**  
23 **calls for the production of communications between Mr. Dziubla and Empyrean West and/or**  
24 **David Keller that are unrelated to Front Sight and/or the Project whatsoever (e.g., including**  
25 **birthday greetings, emails about the weather, emails about projects other than Front Sight,**  
26 **etc.).**

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1 Pursuant to the parties' meet and confer, Mr. Dziubla has agreed to identify those  
2 communications between himself and/or Mr. Fleming and the other EB5 Parties and  
3 Empyrean West and/or David Keller that relate to Front Sight and/or the Project. Mr.  
4 Dziubla now responds as follows: Pursuant to NRCP 33(d), see A-001747-001750; A-006149-  
5 006171; A-010756-010764; A-010769-010780; A-010789-010850; A-010852-010910; A-013367;  
6 A-013373-013397; A-013401; A-020654.

7 Mr. Dziubla will not respond to the portion of Interrogatory No. 18 that calls for the  
8 disclosure of information related to other projects.

9 **INTERROGATORY NO. 19:**

10 Please state with particularity all facts and identify all documents which relate to each and  
11 every representation and/or communication you have made to any potential or eventual EB-5  
12 investor of the Front Sight Project, or agent of any potential EB-5 investor from 2013-2019,  
13 including representations prior to investment and updates since investment. If you assert a privilege,  
14 please provide a privilege log.

15 **RESPONSE TO INTERROGATORY NO. 19:**

16 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
17 with the other requests made herein and previously propounded, including elicited oral testimony,  
18 this request fails to meet the proportionality requirements of proper discovery and thus is over  
19 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
20 duplicative of other requests contained herein and previously propounded; it seeks documents that  
21 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
22 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
23 purports to require responding party to disclose information that is a trade secret, confidential,  
24 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
25 privacy regarding financial information and tax records of responding party and/or third parties.

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**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:**

Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, Front Sight is not entitled to conduct discovery as to the investors. Therefore, to the extent this interrogatory seeks communications with investors, Mr. Dziubla will not respond to that portion of the interrogatory. In addition, to the extent this interrogatory seeks communications between Mr. Dziubla and foreign placement agents referencing or regarding potential, prospective, or actual EB-5 investors, Mr. Dziubla will only provide redacted communications, protecting the information subject to the Court’s Protective Order.

Subject to, and based on the foregoing objections, Mr. Dziubla responds as follows:  
Pursuant to NRCP 33(d), *see* A-000339-000340; A-000474-000482; A-000489-000492; A-000495-00498; A-000550-000694; A-001249-001250; A-001385-001394; A-001448-001459; A-001461; A-001619; A-001955-001956; A-002024-002030; A-002032-002038; A-002041 - 002099; A-002105; A-002108-002110; A-002114-002115; A-002122-002128; A-002162-002164; A-002181; A-002187; A-002210-002226; A-002234-002268; A-002321-002328; A-002332-002356; A-002368-002383; A-002432; A-002437; A-002563-002568; A-002573-002574; A-002591-002593; A-002614-002616; A-002619-002624; A-002626-002630; A-002634-002642; A-002649A-002658; A-002661-002664; A-002681-002682; A-002785-002795; A-002804-002809; A-002858; A-02864-002867; A-002870-002871; A-002879; A-002921-002921; A-002930-002931; A-002975; A-002979; A-002988-002990; A-003076-003091; A-003101; A-003104-003110; A-003113-003114; A-003135-003138; A-003142-003148; A-003152-003157; A-003160-003165; A-003283-003284; A-003407-003408; A-003458-003460; A-004247; A-004917-004926; A-004935-004937; A-005011-005012; A-005414-005418; A-005647-005649; A-005861-005935; A-006744-006745; A-006866-006867; A-006914-006920; A-007050-007054; A-007059-007061; A-007063-007088; A-007091; A-007115-007133; A-007143-007147; A-007159-007160; A-007200-007213; A-007274-007275; A-008316-008318; A-019615-019625; A-020668-020670; A-020686-020689; A-020693-020694; A-020699; A-020740; A-020743-020746; A-020761-020762; A-020781-

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1 020785; A-022032-022040; A-022193-022198; A-022418-022424; A-022429-022431; A-022435;  
2 A-022447-022482; A-022517; A-022523-022538; A-022558-022559; A-022567; A-022603; A-  
3 022618-022619; A-022625-022627; A-022664-022674; A-022684-022687; A-022728-022731; A-  
4 022739-022744; A-022746-022752; A-022754-022764; A-022806-022821; A-022832-022838; A-  
5 022845-022885; A-022896-022900; A-022918-022929; A-022931; A-022933-022939; A-022943-  
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23 024886; A-024888-024889; A-024891-024923; A-024925-024940; A-024942; A-024946-024947;  
24 A-024955-024962; A-024964-024965; A-024969-024971; A-024974-024976; A-024979; A-  
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1 A-025627-025654; A-025656-025783; A-025786-025906; A-025919-025942; A-025954-025962;  
2 A-025973-026023; A-026026-026034; A-026036-026066; A-026070-026240; A-026243-026328;  
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4 A-026416-026449; A-026457-026460; A-026464-026467; A-026480-026482; A-026503-026505;  
5 A-026512-026522; A-026533-026539; A-026549-026551; A-026553; A-026599-026606; A-  
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9 027308; A-027534-027544; A-028060; A-028062-028094; A-028096-028099; A-028101-028132;  
10 A-028136-028164; A-028679-028681; A-028840-028841; A-029270-029282; A-029289-029299;  
11 A-029307-029322; A-029341-029386; A-029391-029440; A-029445-029468; A-029479-029480;  
12 A-029482-029499; A-029505-029507; A-029509-029510; A-029580-029581; A-029583-029584;  
13 A-030363-030365; A-030376-030377; A-030382-030429; A-030430-030431; A-030430-030431;  
14 A-030464; A-030465-030466; A-030467; A-030468; A-030469-030470; A-030478-030479; A-  
15 030480-030484; A-030485; A-030486; A-030487-030488; A-030489; A-030490-030493; A-  
16 030494-030496; A-030497-030499; A-030500-030502; A-030503-030504; A-030505-030506; A-  
17 030507-030521; A-030522-030523; A-030524-030531; A-030532-030537; A-030539; A-030540-  
18 030545; A-030546-030549; A-030550-030552; A-030553-030554; A-030555-030556; A-030557-  
19 030559; A-030560-030561; A-030562-030565; A-030566-030569; A-030570-030571; A-030572-  
20 030573; A-030574-030577; A-030578-030580; A-030581; A-030582-030584; A-030585-030586;  
21 A-030587-030588; A-030589-030590; A-030591-030592; A-030593-030594; A-030595; A-  
22 030596-030597; A-030598-030599; A-030600-030603; A-030604-030605; A-030606-030607; A-  
23 030608-030609; A-030610; A-030611; A-030612; A-030613; A-030615; A-030618-030620; A-  
24 030621-030623; A-030624-030625; A-030626-030627; A-030628; A-030629-030631; A-030632-  
25 030634; A-030635; A-030636-030637; A-030638-030642; A-030643-030644; A-030645; A-  
26 030646-030647; A-030648-030649; A-030650-030654; A-030655-030657; A-030658; A-030659-  
27 030663; A-030668; A-030669-030672; A-030673; A-030674-030681; A-030682-030685; A-  
28 030686-030693; A-030694-030695; A-030696; A-030697; A-030698-030705; A-030707-030708;

1 A-030713-030717; A-030718-030720; A-030721-030725; A-030726-030731; A-030732-030737;  
2 A-030738-030744; A-030745-030751; A-030752-030754; A-030755-030759; A-030760-030767;  
3 A-030768-030769; A-030770-030772; A-030773; A-030774-030776; A-030782; A-030783; A-  
4 030784.

5 **Finally, Mr. Dziubla states that it would be impossible for him to provide a summary of**  
6 **his oral communications with foreign placement agents in response to this interrogatory.**  
7 **However, any communications by Mr. Dziubla with foreign placement agents about the Front**  
8 **Sight Project were typically made in consultation with Front Sight. For example, if a foreign**  
9 **placement agent posed a question to Mr. Dziubla and/or Mr. Fleming about the Front Sight**  
10 **Project, Mr. Dziubla and/or Mr. Fleming would typically pass along that question to Mr.**  
11 **Meacher for Front Sight’s input and then pass along Front Sight’s response to the foreign**  
12 **placement agent.**

13 **INTERROGATORY NO. 20:**

14 Please identify any and all financial accounts at Bank of Hope, Signature Bank, Wells Fargo  
15 Bank, or Open Bank pertaining to you and/or for which you are the beneficiary, signatory, and/or  
16 account holder, for the time period beginning March 2012 to the present date, and identify all  
17 documents which relate to said accounts. If you assert a privilege, please provide a privilege log.

18 **RESPONSE TO INTERROGATORY NO. 20:**

19 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
20 with the other requests made herein and previously propounded, including elicited oral testimony, this  
21 request fails to meet the proportionality requirements of proper discovery and thus is over burdensome  
22 and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of  
23 other requests contained herein and previously propounded; it seeks documents that are already in  
24 requesting party’s possession or equally accessible to the requesting party; it seeks information  
25 protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to  
26 require responding party to disclose information that is a trade secret, confidential.

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**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

Pursuant to the Court’s July 10, 2020 Order Granting Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial Information, Front Sight is not entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms. Stanwood. Therefore, Mr. Dziubla will not respond to this request.

**INTERROGATORY NO. 21:**

Please state with particularity all facts and identify all documents which relate to or support the representation made by you during the evidentiary hearing on June 3, 2019 and LVDF’s counsel, Keith Greer, Esq., at the hearing on October 23, 2019 that LVDF has approximately \$1.5 million ready to be disbursed to Front Sight. (See Evid. Hrg. Tr. p. 156, l. 2 – p. 157, l. 25.) If you assert a privilege, please provide a privilege log.

**RESPONSE TO INTERROGATORY NO. 21:**

Responding party objects to this Special Interrogatory because; individually, and in aggregate with the other requests made herein and previously propounded, including elicited oral testimony, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to require responding party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy regarding financial information and tax records of responding party and/or third parties.

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:**

Mr. Dziubla objects to Interrogatory No. 21 as overbroad. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a] subject is inherently overbroad”).

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1           **Mr. Dziubla further objects to Interrogatory No. 21 as seeking the disclosure of**  
2 **information which is neither relevant to the claims at issue in this action nor is this**  
3 **interrogatory reasonably calculated to lead to the discovery of admissible evidence.**  
4 **Specifically, whether foreign investors sought to invest in the Project after Front Sight**  
5 **breached the CLA will not help the parties determine whether the EB5 Parties allegedly**  
6 **fraudulently induced Front Sight into accepting over 6 million dollars in loan proceeds from**  
7 **LVD Fund or whether Front Sight breached its obligations under the CLA.**

8           **Mr. Dziubla further objects that, as drafted, this request seeks the disclosure of**  
9 **information that Front Sight is not entitled to pursuant to the Court’s June 30, 2020 Findings**  
10 **of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’**  
11 **Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’**  
12 **Confidential Information and pursuant to the Court’s July 10, 2020 Order Granting**  
13 **Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial**  
14 **Information, Front Sight is not entitled to financial information from LVD Fund.**

15           **Based on the foregoing objections, Mr. Dziubla will not provide a response to**  
16 **Interrogatory No. 21.**

17 **INTERROGATORY NO. 22:**

18           Please state with particularity all facts and identify all documents which relate to or support  
19 the representation made by you during the evidentiary hearing on June 3, 2019 that LVDF has  
20 approximately \$2 million held in escrow for the Front Sight Project. (See Evid. Hrg. Tr. p. 154, ls. 7-  
21 9.) If you assert a privilege, please provide a privilege log.

22 **RESPONSE TO INTERROGATORY NO. 22:**

23           Responding party objects to this Special Interrogatory because; individually, and in aggregate  
24 with the other requests made herein and previously propounded, including elicited oral testimony, this  
25 request fails to meet the proportionality requirements of proper discovery and thus is over  
26 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
27 duplicative of other requests contained herein and previously propounded; it seeks documents that  
28 are already in requesting party’s possession or equally accessible to the requesting party; it seeks

1 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
2 purports to require responding party to disclose information that is a trade secret, confidential,  
3 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
4 privacy regarding financial information and tax records of responding party and/or third parties.

5 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22:**

6 **Mr. Dziubla objects to Interrogatory No. 22 as overbroad. See *Gropper v. David Ellis***  
7 ***Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014)**  
8 **(holding that requests for “any and all” documents concerning [a] subject is inherently**  
9 **overbroad”).**

10 **Mr. Dziubla further objects to Interrogatory No. 22 as seeking the disclosure of**  
11 **information which is neither relevant to the claims at issue in this action nor is this**  
12 **interrogatory reasonably calculated to lead to the discovery of admissible evidence.**  
13 **Specifically, whether foreign investors sought to invest in the Project after Front Sight**  
14 **breached the CLA will not help the parties determine whether the EB5 Parties allegedly**  
15 **fraudulently induced Front Sight into accepting over 6 million dollars in loan proceeds from**  
16 **LVD Fund or whether Front Sight breached its obligations under the CLA.**

17 **Mr. Dziubla further objects that, as drafted, this request seeks the disclosure of**  
18 **information that Front Sight is not entitled to pursuant to the Court’s June 30, 2020 Findings**  
19 **of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants’**  
20 **Motion for Protective Order Regarding Discovery of Consultants’ and Individual Investors’**  
21 **Confidential Information and pursuant to the Court’s July 10, 2020 Order Granting**  
22 **Defendants’ Motion for Protective Order Regarding the Defendants’ Private Financial**  
23 **Information, Front Sight is not entitled to financial information from LVD Fund.**

24 **Based on the foregoing objections, Mr. Dziubla will not provide a response to**  
25 **Interrogatory No. 22.**

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1 **INTERROGATORY NO. 23:**

2 Please state with particularity all facts and identify all documents which relate to or support  
3 the representation made by your counsel, Keith Greer, Esq., at the hearing on October 23, 2019 that  
4 LVDF recently received additional inquiries from potential immigrant investors regarding  
5 investment into the Front Sight Project. If you assert a privilege, please provide a privilege log.

6 **RESPONSE TO INTERROGATORY NO. 23:**

7 Responding party objects to this Special Interrogatory because; individually, and in  
8 aggregate with the other requests made herein and previously propounded, including elicited oral  
9 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
10 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
11 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
12 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
13 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
14 purports to require responding party to disclose information that is a trade secret, confidential,  
15 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
16 privacy regarding financial information and tax records of responding party and/or third parties.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23:**

18 **Mr. Dziubla objects to Interrogatory No. 23 as overbroad. *See Gropper v. David Ellis***  
19 ***Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014)**  
20 **(holding that requests for “any and all” documents concerning [a] subject is inherently**  
21 **overbroad”).**

22 **Mr. Dziubla further objects to Interrogatory No. 23 as seeking the disclosure of**  
23 **information which is neither relevant to the claims at issue in this action nor is this**  
24 **interrogatory reasonably calculated to lead to the discovery of admissible evidence.**  
25 **Specifically, whether foreign investors sought to invest in the Project after Front Sight**

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1 **breached the CLA will not help the parties determine whether the EB5 Parties allegedly**  
2 **fraudulently induced Front Sight into accepting over 6 million dollars in loan proceeds from**  
3 **LVD Fund or whether Front Sight breached its obligations under the CLA.**

4 **Subject to and without waiver of the foregoing objections, pursuant to NRCP 33(d), Mr.**  
5 **Dziubla directs Front Sight to A-25020-25026.**

6 **INTERROGATORY NO. 24:**

7 Please state with particularity all facts and identify all documents which relate to or  
8 demonstrate the status of the I-829 petition for each immigrant investor who has invested funds in  
9 the Front Sight Project. If you assert a privilege, please provide a privilege log.

10 **RESPONSE TO INTERROGATORY NO. 24:**

11 Responding party objects to this Special Interrogatory because; individually, and in  
12 aggregate with the other requests made herein and previously propounded, including elicited oral  
13 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
14 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
15 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
16 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
17 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
18 purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
20 privacy regarding financial information and tax records of responding party and/or third parties.

21 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24:**

22 **Pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law and**  
23 **Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
24 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information,**  
25 **Front Sight is not entitled to conduct discovery as to the investors.**

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1 Subject to and without waiver of the foregoing objection, Mr. Dziubla responds as  
2 follows: To Mr. Dziubla’s knowledge, as of today’s date, the first and second EB-5 Investors  
3 have filed their I-829 Petition with USCIS. Mr. Dziubla anticipates that at least two additional  
4 EB-5 investors will need to file an I-829 petition within the next year.

5 **INTERROGATORY NO. 25:**

6 Please state with particularity all facts and identify all documents which demonstrate that you  
7 advised Front Sight, before entering into the engagement letter dated February 14, 2013, that Front  
8 Sight would have to use its own funds/profits to finish the Project. If you assert a privilege, please  
9 provide a privilege log.

10 **RESPONSE TO INTERROGATORY NO. 25:**

11 Responding party objects to this Special Interrogatory because; individually, and in  
12 aggregate with the other requests made herein and previously propounded, including elicited oral  
13 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
14 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
15 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
16 already in requesting party’s possession or equally accessible to the requesting party; it seeks  
17 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
18 purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
20 privacy regarding financial information and tax records of responding party and/or third parties.

21 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 25:**

22 Mr. Dziubla objects to Interrogatory No. 25 as overbroad. *See Gropper v. David Ellis*  
23 *Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014)  
24 (holding that requests for “any and all” documents concerning [a] subject is inherently  
25 overbroad”).

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1           **Mr. Dziubla further objects to Interrogatory No. 25 to the extent it implies that he had**  
2 **a responsibility to advise Front Sight, before entering into the engagement letter dated**  
3 **February 14, 2013, about the potential that Front Sight would have to use its own funds/profits**  
4 **to finish the Project.**

5           **Subject to and without waiver of the foregoing objection, Mr. Dziubla responds as**  
6 **follows:**

7           **Mr. Dziubla and Mr. Fleming consistently informed Front Sight about the uncertain**  
8 **nature of fundraising. While EB5IA hoped to raise as much EB-5 money as possible, Mr.**  
9 **Dziubla and Mr. Fleming advised Front Sight on numerous occasions that there were no**  
10 **guarantees in fundraising. By way of example, the February 14, 2013 Engagement Letter**  
11 **specifically stated: “Nothing contained in this Agreement is to be construed as a commitment**  
12 **by EB5IA, its affiliates, or its agents, to lend or invest in the contemplated Financing. *This is***  
13 ***not a guarantee that any such Financing can be procured by EB5IA for the Company on terms***  
14 **acceptable to the Company, or a representation or guarantee that EB5IA will be able to**  
15 **perform successfully the Services detailed in this Agreement.”**

16           **Front Sight was keenly aware of the uncertain nature of an EB-5 raise and was**  
17 **expected to conduct its own due diligence (and was able to do so given Mr. Meacher and Mr.**  
18 **Piazza’s extensive backgrounds in commercial banking and commercial real estate purchases,**  
19 **respectively). Front Sight was always aware that should the parties fail to reach their**  
20 **fundraising goal, Front Sight would have to either procure an additional loan or use its own**  
21 **funds to obtain the remainder of the money necessary to finish the Project. That is specifically**  
22 **why the CLA required Front Sight to obtain senior debt, which it never did.**

23           **In fact, before executing the February 14, 2013 Engagement Letter, the parties**  
24 **repeatedly discussed the fact that Front Sight would need to put in a minimum of a \$35 million**  
25 **equity investment into the Project as reflected in Schedule A to the February 14, 2013**

26 **///**

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1 **Engagement Letter. However, it was always understood—and explicitly discussed—that there**  
2 **was no guarantee of EB-5 funding and therefore implied that Front Sight may have to put in**  
3 **more than \$35 million into the Project.**

4 *See also* A-000466-473; A-001377-1384; A-013491-13501; A-013482-13490; A-001432-  
5 1438; A-022220-22227; A-022301-22308.

6 **INTERROGATORY NO. 26:**

7 Please state with particularity all facts and identify all documents which demonstrate that you  
8 advised Front Sight, before entering into the Construction Loan Agreement dated October 6, 2016,  
9 that Front Sight would have to use its own funds/profits to finish the Project. If you assert a  
10 privilege, please provide a privilege log.

11 **RESPONSE TO INTERROGATORY NO. 26:**

12 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
13 with the other requests made herein and previously propounded, including elicited oral testimony,  
14 this request fails to meet the proportionality requirements of proper discovery and thus is over  
15 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
16 duplicative of other requests contained herein and previously propounded; it seeks documents that  
17 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
18 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
19 purports to require responding party to disclose information that is a trade secret, confidential,  
20 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
21 privacy regarding financial information and tax records of responding party and/or third parties

22 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 26:**

23 **Mr. Dziubla objects to Interrogatory No. 26 as duplicative and therefore intended solely**  
24 **to harass Mr. Dziubla. Subject to and without waiver of the foregoing objection, see First**  
25 **Supplemental Response to Interrogatory No. 25.**

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1 **INTERROGATORY NO. 27:**

2 Please state with particularity all facts and identify all documents which relate to any and all  
3 compensation in any form that you, or any entity owned or controlled by you, have received from  
4 any other Defendant in this matter, including the date, amount, source, and the reason/justification  
5 for said compensation. If you assert a privilege, please provide a privilege log.

6 **RESPONSE TO INTERROGATORY NO. 27:**

7 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
8 with the other requests made herein and previously propounded, including elicited oral testimony, this  
9 request fails to meet the proportionality requirements of proper discovery and thus is over burdensome  
10 and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of  
11 other requests contained herein and previously propounded; it seeks documents that are already in  
12 requesting party's possession or equally accessible to the requesting party; it seeks information  
13 protected by the attorney-client privilege and/or attorney work product doctrine; and it purports to  
14 require responding party to disclose information that is a trade secret, confidential, proprietary,  
15 commercially sensitive, or information that is privileged or protected by rights of privacy regarding  
16 financial information and tax records of responding party and/or third parties.

17 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 27:**

18 **Pursuant to the Court's July 10, 2020 Order Granting Defendants' Motion for**  
19 **Protective Order Regarding the Defendants' Private Financial Information, Front Sight is not**  
20 **entitled to financial information from LVD Fund, EB5IC, Mr. Dziubla, Mr. Fleming, or Ms.**  
21 **Stanwood. Therefore, Mr. Dziubla will not respond to this request.**

22 **INTERROGATORY NO. 28:**

23 Please identify and describe each interaction or communication you have had with any EB-5  
24 investor or agent of an investor related to any EB-5 project in which you have had any involvement.  
25 If you assert a privilege, please provide a privilege log.

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1 **RESPONSE TO INTERROGATORY NO. 28:**

2 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, including elicited oral testimony,  
4 this request fails to meet the proportionality requirements of proper discovery and thus is over  
5 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
6 duplicative of other requests contained herein and previously propounded; it seeks documents that  
7 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
8 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
9 purports to require responding party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
11 privacy regarding financial information and tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 28:**

13 **Mr. Dziubla objects to Interrogatory No. 28 as vague and ambiguous. As phrased, it is**  
14 **unclear whether Front Sight is asking Mr. Dziubla to describe interactions or communications**  
15 **with EB-5 investors and their agents related to the Front Sight Project or unrelated EB-5**  
16 **projects. To the extent Interrogatory No. 28 refers to the latter, Mr. Dziubla objects as the**  
17 **interrogatory is overbroad and seeks information which is neither relevant to the claims at**  
18 **issue in this action nor is the interrogatory reasonably calculated to lead to the discovery of**  
19 **admissible evidence.**

20 **Finally, pursuant to the Court's June 30, 2020 Findings of Fact and Conclusions of Law**  
21 **and Order Granting in Part and Denying in Part Defendants' Motion for Protective Order**  
22 **Regarding Discovery of Consultants' and Individual Investors' Confidential Information, the**  
23 **Court has found that Front Sight is not entitled to conduct discovery as to the potential,**  
24 **prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only**  
25 **entitled to limited information about the foreign placement consultants involved in finding**  
26 **prospective EB-5 investors for the Front Sight Project. Based on this order, it is Mr. Dziubla's**  
27 **position that Front Sight is not entitled to any information about the potential, prospective, or**  
28 **actual EB-5 investors for projects unrelated to the Front Sight Project.**

1 As discussed during the parties' meet and confer discussions, Mr. Dziubla maintains  
2 the foregoing objections, understanding that Interrogatory No. 28 was intended to relate to  
3 non-Front Sight Project (specifically including the San Diego Hyatt Project). Accordingly, Mr.  
4 Dziubla will not provide a response to this interrogatory.

5 **INTERROGATORY NO. 29:**

6 Please identify and describe each and every communication you have had with any  
7 representative of the USCIS. If you assert a privilege, please provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 29:**

9 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
10 with the other requests made herein and previously propounded, including elicited oral testimony,  
11 this request fails to meet the proportionality requirements of proper discovery and thus is over  
12 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
13 duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 29:**

20 Mr. Dziubla objects to Interrogatory No. 29 as vague and ambiguous. As drafted, it is  
21 unclear whether Interrogatory No. 29 seeks the disclosure of documents provided by Mr.  
22 Dziubla to USCIS related to the Front Sight Project, documents provided by Mr. Dziubla to  
23 USCIS that are unrelated to the Front Sight Project, representations made to USCIS  
24 regarding the loan provided by LVD Fund to Front Sight, or all documents that relate to the  
25 Front Sight Project in any way.

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1 Subject to and without waiver of the foregoing objection, Mr. Dziubla states that  
2 counsel for EB5IC was tasked with communicating with USCIS. Mr. Dziubla had very limited  
3 communications with USCIS. Mr. Dziubla responded to a FOIA request received from USCIS  
4 in August 2016, and communications with USCIS requesting expedited approval of EB5IC’s I-  
5 924 application for approval of the Regional Center and the Front Sight Project as an  
6 exemplar-approved project.

7 See also A-00911-912; A-009139-9141; A-009142-9147; A-009148-9151.

8 **INTERROGATORY NO. 30:**

9 Please identify and describe each and every communication you have had with any  
10 representative of Plaintiff. If you assert a privilege, please provide a privilege log.

11 *Interrogatory No. 28 was withdrawn and revised pursuant to Plaintiff’s Revised First Set of*  
12 *Interrogatories to Defendant Robert Dziubla.*

13 **REVISED INTERROGATORY NO. 30:**

14 Please identify and describe each and every communication you have had with any  
15 representative of Plaintiff between October 1, 2016 to July 31, 2018 regarding Plaintiff’s  
16 obtaining senior debt pursuant to the Construction Loan Agreement. If you assert a privilege,  
17 please provide a privilege log.

18 **RESPONSE TO REVISED INTERROGATORY NO. 30:**

19 Mr. Dziubla objects to Interrogatory No. 30 as it is vague and ambiguous and thus  
20 overly broad. See *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014  
21 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents  
22 concerning [a] subject is inherently overbroad”). It would be impossible for Mr. Dziubla to  
23 identify, in response to this Interrogatory, every single communication (whether oral or in  
24 writing) he had with Front Sight and/or its agents, principals, and/or employees regarding the  
25 senior debt requirement of the Construction Loan Agreement.

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1 Mr. Dziubla further objects to this interrogatory as seeking information equally within  
2 Front Sight’s custody and control. Consequently, it appears that Front Sight has propounded  
3 this interrogatory solely to harass and burden Mr. Dziubla.

4 Subject to, and without waiver, of the foregoing objection, Mr. Dziubla responds as  
5 follows:

6 For context, it is important to note that in May 2016, when it became apparent that the  
7 parties were not going to raise their goal of \$75 million in EB-5 investments, Mr. Dziubla gave  
8 Front Sight three options:

- 9 1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that
- 10 we first refund the EB5 money that is in escrow to the investors and then close
- 11 our doors.
- 12 2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)
- 13 bringing in senior debt from a timeshare lender who understands the timeshare
- 14 business. . .
- 15 3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas
- 16 Development Fund LLC entities to you, and you then proceed as you wish.

17 Rather than purchasing EB5IC, Front Sight elected to take the second option—i.e., to  
18 take the \$2,250,000 in EB-5 money raised and obtain senior debt to finance the remainder of  
19 the Project. Front Sight’s obligation to secure senior debt for the project was included in the  
20 CLA at page 11 (defining Senior Debt as “the additional loan that will be sought by Borrower,  
21 and which Borrower will use its best efforts to obtain, from a traditional institution  
22 specializing in financing projects such as the Project”) and Article 5.27 (which stated that  
23 “Borrower will use its best efforts to obtain Senior Debt” and “[i]f Borrower has not obtained  
24 such Senior Debt by March 31, 2017, Borrower agrees that Lender may impose provisions  
25 concerning such matters similar to those customarily found in construction loans made by  
26 institutional lenders.” Front Sight was contractually required to obtain such senior debt no  
27 later than December 31, 2016.

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1 As soon as August 2016, LVD Fund began impressing upon Front Sight the importance  
2 of timely securing senior debt, repeatedly reiterating that the foreign placement agents and  
3 potential EB-5 investors were “antsy” without senior debt secured and were often “unwilling  
4 to commit until [they were] able to see at least an LOI.” Although outside the timeframe  
5 identified in this interrogatory, in August and September 2016, Front Sight made multiple  
6 representations to LVD Fund about having multiple lenders competing for Front Sight’s  
7 business and its ability to “pull the trigger” on closing on a loan with U.S. Capital Partners  
8 (“USCP”) and/or Summit Financial shortly. In fact, in October 2016, Mr. Meacher  
9 represented to LVD Fund that the negotiations of the USCP loan were going “very well” and  
10 that upon their review, USCP expressed their belief that “the project [was] even stronger than  
11 their initial evaluation.” Front Sight, of course, never closed either loan.

12 Despite representing to LVD Fund in October 2016 that the USCP would close within  
13 60 days, it never closed. Between October 2016 and 2018, Mr. Dziubla, on behalf of LVD  
14 Fund, repeatedly followed up with Front Sight to find out when the USCP loan was expected to  
15 close and Front Sight repeatedly represented that they were working on closing the loan. In  
16 November 2016, Front Sight represented that it had submitted all required documents to  
17 USCP and that it had no anticipated issues with closing the USCP loan. In December 2016,  
18 Front Sight claimed that USCP would have a commitment letter to Front Sight “within thirty  
19 days” and funding would be “less than 30 days after that.” On December 21, 2016, Mr. Piazza  
20 emailed Mr. Dziubla and Mr. Fleming expressing that Front Sight “MAY not need or accept  
21 any further EB-5 money” once the USCP loan was funded. A month later, on January 23,  
22 2017, Front Sight represented that Mr. Piazza was continuing to communicate with the CEO  
23 of USCP and that “funding [was] moving forward nicely” but stated that it did not have a  
24 “firm funding date yet.”

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1 On February 13, 2017, Mr. Dziubla, on behalf of LVD Fund, emailed Mr. Meacher to  
2 inquire about the status of the USCP loan “as more than 4 months ha[d] passed since the LOI  
3 was signed on September 30<sup>th</sup>.” Mr. Piazza responded, claiming that his “gut” told him that  
4 Front Sight would close the USCP loan “within 45 days or so.” On February 16, 2017, LVD  
5 Fund Fed-Exed and emailed to Front Sight and its legal counsel (Scott Preston), a Notice of  
6 Inspection, demanding to inspect Front Sight’s book and records pursuant to Article 5.4 of the  
7 CLA, specifically with regard to the USCP senior debt deal. Front Sight responded that it  
8 would never allow LVD Fund to inspect its books and records.

9 On March 20, 2017, Mr. Fleming emailed Mr. Meacher requesting a conference call  
10 with USCP to “discuss the status of the loan.” Front Sight did not agree to LVD Fund’s  
11 request but, instead, stated that in a “show of good faith,” it was confirming, in response to  
12 LVD Fund’s inquiry, that “USCP received the Quality of Earnings report,” and that a Letter  
13 of Commitment would be in hand “within 10 days” with Mr. Piazza meeting with USCP “next  
14 week.”

15 Based on Front Sight’s numerous representations about the forthcoming USCP loan, on  
16 July 1, 2017, the parties executed the First Amendment to the CLA, giving Front Sight until  
17 December 31, 2017 to obtain senior debt (which LVD Fund understood would be more than  
18 sufficient time for Front Sight to close on the USCP loan). However, by September 2017,  
19 Front Sight had yet to close the USCP loan. Accordingly, on September 27, 2017, Mr. Fleming  
20 emailed Mr. Piazza, urging Front Sight to “get the USCP loan documented and funded  
21 quickly” in order to encourage potential EB-5 investors to invest in the Project.

22 On October 30, 2017, Mr. Fleming emailed Mr. Meacher to pass along a concern from  
23 a foreign placement agent (Kyle Scott) that Front Sight had misled the foreign placement agent  
24 about its attempts to secure senior debt. Mr. Scott stated, in pertinent part: “to be frank, we  
25 feel a little misled by FS regarding the bridge financing. Our understanding was that this loan  
26 was in place months ago, but not yet funded. However, despite repeated requests, we have

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1 been unable to get any evidence of the basic terms or a commitment letter from FS. Our  
2 marketing materials say the bridge loan has been committed . . . Funding the loan is  
3 important. . [b]ut having evidence of the loan and its basic terms is equally important . . . We  
4 cannot afford to convey any inaccurate information [to potential EB-5 investors].”

5 In October 2017, Front Sight represented that it had secured a \$36 million construction  
6 line of credit from Top Rank Builders, Inc., Morales Construction, Inc., and All American  
7 Concrete and Masonry, Inc. (collectively, the “Morales Entities”). Mr. Meacher separately  
8 emailed Mr. Dziubla and Mr. Fleming to inform them that with the \$36 million construction  
9 line of credit available, it was Front Sight’s position that it didn’t “need USCP.” A few days  
10 later, Mr. Meacher emailed Mr. Dziubla and Mr. Fleming to inform them that now that Front  
11 Sight had secured the purported \$36 million line of credit from the Morales Entities, “he [Mr.  
12 Piazza] really no longer needs you.” Mr. Dziubla responded by continuing to urge Front Sight  
13 to secure the USCP loan (i.e., to have Front Sight comply with Article 5.27 the CLA).

14 On November 5, 2017, Mr. Meacher represented to Mr. Dziubla and Mr. Fleming that  
15 the USCP loan would close “in about 30 days” and then “Front Sight will have secured \$51  
16 million in capital from U.S. banks and from our contractors” (i.e., the Morales Entities).

17 On December 3, 2017, Mr. Dziubla emailed Mr. Meacher to confirm that Front Sight  
18 was still on track to have the USCP loan funded by December 31, 2017 (the deadline for Front  
19 Sight’s obligation to obtain senior debt). The next day, Mr. Meacher confirmed, in writing,  
20 that Front Sight had “secured the USCP deal for \$15 million as [LVD Fund] requested” and  
21 that the loan would fund by the end of the year.” On December 4, 2017, Mr. Meacher  
22 represented that Front Sight and USCP were working towards a December 15 close date.

23 On January 8, 2018, after receiving no update from Front Sight, Mr. Dziubla emailed  
24 Mr. Meacher to confirm whether the USCP loan had been finalized and whether Front Sight  
25 intended to exercise its 60 day extension right under the First Amendment to the CLA to allow  
26 it to close on the USCP loan.

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1           **On January 15, 2018, Mr. Meacher represented to LVD Fund that USCP “made some**  
2 **last minute demands of Naish that were not in the original documents” and were currently**  
3 **being discussed between Front Sight and USCP (and thus, Front Sight had not yet secured**  
4 **senior debt for the Project). On January 31, 2018, Mr. Meacher provided another update to**  
5 **LVD Fund representing that USCP had now “provided two offers which [were] being**  
6 **considered by Front Sight” and that “[b]oth [were] pending review by the lender” of Front**  
7 **Sight’s 2017 financial statements. In addition, Mr. Meacher represented to LVD Fund that**  
8 **Front Sight had been approached by a Houston, Texas based bank, American First National**  
9 **Bank, who had also expressed interest in loaning construction money to Front Sight. Front**  
10 **Sight claimed to be “negotiating all three concurrently to come-up with the best long-term**  
11 **construction financing at the lowest cost” which led LVD Fund to believe that Front Sight**  
12 **would be able to secure senior debt in the near future.**

13           **On February 14, 2018, in response to two separate emails from Front Sight complaining**  
14 **about the status of marketing the project to potential EB-5 investors, Mr. Dziubla reminded**  
15 **Front Sight that “[a]s we have been saying since May 2016, [ ] without a senior loan in place,**  
16 **the FS project looks under-capitalized. The longer that deficiency remains, the longer we have**  
17 **to struggle explaining that to potential investors” and reiterating that Front Sight had not (as**  
18 **it claimed) done everything it needed to facilitate marketing the Project because it had not**  
19 **secured senior debt for the Project.**

20           **On February 28, 2018, in response to Front Sight’s email pushing the EB5 Parties to**  
21 **secure “3-4 investors a month” and indicating that it would “be very pleased with [the EB5**  
22 **Parties’] performance if they were able to do so, Mr. Dziubla responded that it would be “quite**  
23 **unlikely” to source 3-4 investors per month “given that no senior construction loan has been**  
24 **signed” (reaffirming his repeated prior emails to Front Sight that many of the potential**  
25 **investors wanted the security of having senior debt in place before committing to invest in the**  
26 **Project).**

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1           **Front Sight (including Mr. Piazza) continued to push LVD Fund to extend the senior**  
2 **debt requirement and on March 13, 2018, claimed that it did not need additional money for a**  
3 **“few months” and that it did not want to pay interest on money that it did not already need.**  
4 **In light of Mr. Piazza’s explanation, LVD Fund acquiesced, with Mr. Dziubla telling Front**  
5 **Sight that it would accept Front Sight’s request to extend the senior debt requirement by**  
6 **another 90 days (notwithstanding the impact the lack of senior debt was having on the EB5**  
7 **Parties and their foreign placement agents’ ability to secure EB-5 investors for the project).**

8           **On or about February 28, 2018, the parties executed a Second Amendment to the Loan**  
9 **Agreement confirming their agreement that Front Sight would have until June 30, 2018 to**  
10 **obtain senior debt. In addition, Front Sight agreed “[c]oncurrently with the extension of this**  
11 **Second Extension,” to provide LVD Fund with “copies of term sheets, emails and other**  
12 **materials related to the Senior Debt Term Sheets and shall periodically, but no less than**  
13 **monthly, update the same.”**

14           **On April 20, 2018, Mr. Dziubla again requested the documents reflecting Front Sight’s**  
15 **attempts to obtain senior debt pursuant to the Second Amendment to the CLA. Mr. Meacher**  
16 **responded by indicating that Front Sight would not do so. Accordingly, on April 20, 2018, Mr.**  
17 **Dziubla, on behalf of LVD Fund, requested that Front Sight provide all documentation to**  
18 **“substantiate the negotiations with the senior lender” as it was supposed to do so concurrent**  
19 **with signing the Second Amendment to the CLA. When Front Sight failed to respond, Mr.**  
20 **Dziubla again asked for the requested documentation. Still, Front Sight refused to provide it.**

21           **Accordingly, the parties scheduled a call for April 27, 2018 to discuss the status of Front**  
22 **Sight’s attempts to obtain senior debt pursuant to the CLA. During that telephone call, Mr.**  
23 **Meacher represented that Front Sight was actively working with two different lenders—USCP**  
24 **and a Los Angeles lender—to obtain senior debt but details about both proposed loans were**  
25 **not provided.**

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1 On May 18, 2018, in the context of emails about Front Sight’s inquiries about where the  
2 EB5 Parties were in terms of marketing the Project, Mr. Dziubla reminded Mr. Meacher: “As  
3 we have been saying for two years now, the best thing you can do to help the marketing is to  
4 get the senior debt into place.” On May 21, 2018, Mr. Dziubla, on behalf of LVD Fund,  
5 reminded Front Sight that its obligation to obtain senior debt by June 30, 2018 was  
6 approaching and further reminded Front Sight that “June 30 is not that far off.” Mr.  
7 Meacher responded by promising to keep Mr. Dziubla updated with regard to Front Sight’s  
8 attempts to obtain senior debt.

9 On May 22, 2018, Mr. Dziubla informed Front Sight that LVD Fund would need to  
10 “have in hand *at least* a commitment letter (not just an LOI) from [a] senior lender” in order  
11 to satisfy the senior debt requirement of the CLA.

12 On June 4, 2018, Mr. Dziubla reminded Front Sight that LVD Fund was looking  
13 forward to receiving the “senior debt confirmation/loan agreement by the end of the month.”  
14 On June 7, 2018, Mr. Meacher represented to LVD Fund that Front Sight was still working on  
15 obtaining senior debt but that the amount of the loan was “not yet finalized.”

16 On June 12, 2018, after the parties exchanged emails about Front Sight’s requirement  
17 to obtain senior debt, Mr. Dziubla emailed Mr. Meacher to make clear that the requirement  
18 for senior debt was tied to the Chinese market’s need for comfort that the Project would be  
19 completed and the EB-5 debt would be repaid.

20 On July 2, 2018, Mr. Dziubla requested that Front Sight provide the senior loan  
21 commitment letter that was due by June 30, 2018, pursuant to the Second Amendment to the  
22 CLA. On July 4, 2018, Mr. Meacher emailed Mr. Dziubla stating: “Naish Piazza came over  
23 for the last couple of days [to Front Sight for the 4<sup>th</sup> of July holiday] and we have a working  
24 agreement from a \$1.3 billion dollar manufacturing company to extend Front Sight about \$40  
25 million in construction credit to build all of the buildings on both the firearms training side  
26 and the resort side of the facility. This business is owned by one individual. He and Naish  
27 worked out the framework for this agreement on Monday and we anticipate having it finalized  
28 in the next 60 days. Because of this good news, we have elected not to take the construction

1 loan Naish had been negotiating. This is a better deal for the project. We will now only need a  
2 smaller amount for a construction loan to cover the projected infrastructure costs.” Mr.  
3 Meacher concluded with the statement that Front Sight would need “an additional 90-day  
4 extension to provide” the required loan agreement and/or commitment letter. On July 12,  
5 2018, Mr. Dziubla, on behalf of LVD Fund, informed Front Sight that it was requiring Front  
6 Sight comply with the terms of the Second Amendment to the CLA and “immediately provide  
7 [LVD Fund] with term sheets, emails, and other tangible evidence” confirming its prior  
8 representations about having “two competing lenders to provide senior debt.” Front Sight  
9 responded by refusing to provide any such documentation. On July 16, 2018, Mr. Dziubla, on  
10 behalf of LVD Fund, reiterated that LVD Fund was unwilling to provide a third extension of  
11 the senior debt requirement and that it would be implementing the requirements of Article  
12 5.27 of the CLA. On July 16, 2018, Mr. Piazza responded to Mr. Dziubla threatening to file  
13 suit against LVD Fund if it attempted to implement Article 5.27 of the CLA and demanding  
14 that LVD Fund yield to its demands for another three months to obtain senior debt.

15 On July 19, 2018, Scott Preston, on behalf of Front Sight, sent two separate emails to  
16 Mike Brand, LVD Fund’s counsel, representing that Mr. Piazza had “personally negotiated” a  
17 deal with USCP “in several face-to-face meetings” but claiming that the final terms offered by  
18 USCP were “not acceptable” to Front Sight and thus, Front Sight “declined to move forward.”  
19 In addition, Mr. Preston further represented that while Summit Partners in Salt Lake City,  
20 Utah had provided Front Sight with both a term sheet and a commitment letter, Front Sight  
21 “declined to move forward with th[at] lender” as well.

22 On July 30, 2018, Mr. Dziubla on behalf of LVD Fund sent Front Sight a Notice of  
23 Default noting that Front Sight had failed to obtain senior debt by June 30, 2018, and that  
24 Front Sight’s previous misrepresentations about its attempts to obtain senior debt constituted  
25 a default of the CLA (and the Second Amendment thereto). On August 20, 2018, Front Sight  
26 responded to the July 30, 2018 Notice of Default, contending that, “[b]ased on both the  
27 language included in the Original Loan Agreement [the CLA] as well as the representations to  
28 the prospective EB-5 investors made by Lender,” it was “NOT required to obtain Senior Debt”

1 but indicating, nonetheless, that it had obtained a “revolving line of credit” for \$36 million  
2 from Top Rank Builders, Inc., Morales Construction, Inc., and All American Concrete and  
3 Masonry, Inc. which Front Sight represented it was “using to build the Project facilities.”

4 *See also* A-000013-17; A-000018-36; A-000097; A-000107-108; A-000166-169; A-  
5 000334-336; A-000462-465; A-000499-500; A-000520; A-000530-533; A-000534-538; A-000541-  
6 548; A-000923-927; A-000997-998; A-001007; A-001017-1018; A-001252-1270; A-001411-1412;  
7 A-001439-1446; A-003393; A-003394-3395; A-003396; A-003397-3398; A-003399-3400; A-  
8 003404-3406; A-003407-3408; A-003412-3414; A-003415-3416; A-003419; A-003420; A-003421;  
9 A-003422-3423; A-003424; A-003425-3426; A-003427-3429; A-003434-3436; A-003437-3438;  
10 A-003439-3440; A-003441; A-003442-3443; A-003444; A-003445-3446; A-003447-3448; A-  
11 003449-3451; A-003456-3457; A-003458-3460; A-003461-3462; A-003465; A-003466-3467; A-  
12 003468-3470; A-00371-3473; A-003474-3475; A-003476-3477; A-003478-3479; A-003480-3481;  
13 A-003482-3483; A-003484; A-003485-3486; A-003487-3489; A-003490-3492; A-003493-3494;  
14 A-003495; A-003496-3497; A-003498-3499; A-003500-3502; A-003503-3505; A-003512; A-  
15 003513; A-003514-3516; A-003518-3521; A-003527; A-003528-3531; A-003532-3535; A-003536-  
16 3539; A-003541-3543; A-003544-3547; A-003548-3551; -003564-3565; A-003569-3570; A-  
17 003574-3575; A-003585-3586; A-003607; A-003608-3609; A-003629-3638; A-003645-3654; A-  
18 003669-3674; A-003714-3715; A-003716; A-003720-3724; A-003731-3734; A-003735-3737; A-  
19 003738; A-003739-3740; A-003746-3753; A-003767-3768; A-003773-3778; A-003779-3781; A-  
20 003782-003793; A-004253-004259; A-004262-004265; A-004274-004285; A-004459; A-004471-  
21 004474; A-004590-004594; A-004708-004711; A-004719-004722; A-004738-004740; A-004782;  
22 A-004784-004785; A-004787-004788; A-004805-004808; A-004811-004812; A-004816-004824;  
23 A-004854-004861; A-004869-004873; A-004881; A-004885-004923; A-004933-004937; A-  
24 004969-004972; A-004996-004997; A-005000-005002; A-005096-005097; A-005104-005119; A-  
25 005121-005136; A-005159-005160; A-005163; A-005195-005196; A-005208; A-005209-005210;  
26 A-005213-005221; A-005414-005426; A-005432-005434; A-005462-005464; A-005476-005478;  
27 A-005480-5483; A-005525-005528; A-005532-005564; A-005572-005776; A-005778-5779; A-  
28 005780-5782; A-005783-5784; A-005786-5787; A-005791-005792; A-005796; A-005797; A-

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1 005798-5799; A-005817-5821; A-005834-5836; A-005837-5838; A-005839-5840; A-005841; A-  
2 005842-5844; A-005842-5844; A-005845-005849; A-005848-5849; A-005850; A-005856-5857; A-  
3 005861-005935; A-005865-5869; A-005870-5874; A-005875-5881; A-005882-5887; A-005889-  
4 5895; A-005896-5897; A-005898-5905; A-005906-5909; A-005910-5917; A-005918-5921; A-  
5 005922-5924; A-005925-5932; A-005933-5935; A-005937; A-005940-005942; A-005952-005964;  
6 A-005966-5968; A-005970-5973; A-005975-5979; A-005982-005988; A-005991-006000; A-  
7 007470-007475; A-00748-007489; A-007484; A-007490-007537; A-007539-007545; A-007548-  
8 007584; A-007588-007607; A-007610-007613; A-007619-007637; A-007641; A-007673-007674;  
9 A-007818-007823; A-007835-007840; A-007844-007849; A-007884-007899; A-007918-007926;  
10 A-008334-008335; A-008337-008338; A-008340-008343; A-008389-008391; A-008395-008411;  
11 A-008414; A-008449-008453; A-008466-008481; A-008604-008616; A-008621-008622; A-  
12 008632-008633; A-008638; A-008671-008679; A-015225; A-019534-019541; A-019542-019549;  
13 A-019550-019557; A-019639-019640; A-019641-019643; A-019661-019666; A-019675-019683;  
14 A-019696-019702; A-019703-019712; A-019713-019722; A-019724-019735; A-019736-019737;  
15 A-019738-019738; A-019739-019741; A-019755-019767; A-019775-019779; A-019780- 19786;  
16 A-019787-019794; A-019804-019812; A-019813-019816; A-019820-019825; A-019838; A-  
17 019841-019843; A-019844-019847; A-019848-019852; A-019853-019858; A-019866-019872; A-  
18 019873-019880; A-019891-019893; A-019894-019895; A-019896-019898; A-019899-019901; A-  
19 019903-019903; A-019904-019905; A-019908-019910; A-019916-019918; A-019920-019920; A-  
20 019921; A-019924-019926; A-019927-019928; A-019929; A-019930-019931; A-019934-019937;  
21 A-019941-019941; A-019942-019943; A-019944-019945; A-019946-019948; A-019949-019951;  
22 A-019952-019955; A-019956; A-019957-019865; A-019962-019994; A-019964-019966; A-  
23 019967-019967; A-019968-019971; A-019972-019974; A-019977-019978; A-019979-019981; A-  
24 019986-019989; A-019995-019998; A-019999-020001; A-020067-020075; A-020123-020132; A-  
25 020146-020155; A-020211-020213; A-024271-024273; A-027045-027046; A-027218-027220; A-  
26 028175-028179; A-028714-28770; A-028185-028190; A-028313-028322; A-028440-028442; A-  
27 028447-028452; A-028453-028457; A-028466-028467; A-028468-028470; A-028474-028480; A-  
28 028494-028500; A-028501-028507; A-028544-028551; A-028972-028976; A-028977-028980; A-

1 029136-29137; A-029143-029149; A-029150-029156; A-029157-029163; A-029164-029182; A-  
2 029183-029191; A-029192-029208; A-029441-029444; A-029503-029504.

3 **INTERROGATORY NO. 31:**

4 Please specifically describe your involvement, if any, with the San Diego Hyatt EB-5  
5 project/funding deal (hereinafter “San Diego Project”) that was discussed and referenced in  
6 Evidentiary Hearing Exhibit 9, and identify and describe the contents of any and all documents  
7 regarding the San Diego Project. If you assert a privilege, please provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 31:**

9 Responding party objects to this Special Interrogatory because; individually, and in  
10 aggregate with the other requests made herein and previously propounded, including elicited oral  
11 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
12 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
13 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 31:**

20 **Mr. Dziubla objects to that portion of Interrogatory No. 31 that seeks the disclosure of**  
21 **“any and all documents regarding the San Diego Project” as overly broad and unduly**  
22 **burdensome. *See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014**  
23 **WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents**  
24 **concerning [a] subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227**  
25 **F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify**  
26 **“each and every document on which you rely” was “impermissibly overbroad, and if answered**  
27 **would produce much tangential if not irrelevant information.”).**

28 ///

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1           **Mr. Dziubla further objects to Interrogatory No. 31 as seeking information which is**  
2 **neither relevant to the claims at issue in this action nor is the interrogatory reasonably**  
3 **calculated to lead to the discovery of admissible evidence. Specifically, details about Mr.**  
4 **Dziubla’s involvement in the San Diego Hyatt Project will not help the parties determine**  
5 **whether the EB5 Parties allegedly fraudulently induced Front Sight into accepting over \$6**  
6 **million in loan proceeds from LVD Fund or whether Front Sight breached its obligations**  
7 **under the CLA.**

8           **Finally, pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law**  
9 **and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
10 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the**  
11 **Court has found that Front Sight is not entitled to conduct discovery as to the potential,**  
12 **prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only**  
13 **entitled to limited information about the foreign placement consultants involved in finding**  
14 **prospective EB-5 investors for the Front Sight Project. Based on this order, it is Mr. Dziubla’s**  
15 **position that Front Sight is not entitled to any information about the potential, prospective, or**  
16 **actual EB-5 investors for projects unrelated to the Front Sight Project, including the San**  
17 **Diego Hyatt Project.**

18           **Pursuant to the parties’ meet and confer efforts, Mr. Dziubla has agreed to respond to**  
19 **this interrogatory by specifically identifying the documents previously produced referencing**  
20 **Mr. Dziubla’s involvement in the San Diego Hyatt Project, including identifying the investor**  
21 **tracking list for the San Diego Hyatt Project with redactions in order to protect the EB-5**  
22 **investors in that project. Mr. Dziubla now responds as follows:**

23           *See* **A-006216-006218; A-006228-006239; A-006410-006411; A-006484-006486; A-**  
24 **006499-006500; A-014453-014454; A-010843; A-010826-010828; A-020676-020678; A-020798-**  
25 **020798; A-020713; A-020763; A-020679; A-020698; A-010903; A-010868-010869; A-010756-**  
26 **010757; A-010835-010837; A-013522-013568; A-020669-020671; A-020714-020717; A-010790;**  
27 **A-020639-020640; A-020652-020653; A-010776; A-020722-020722; A-020753-020754; A-**  
28 **020720-020721; A-020641; A-014895-014896; A-010844-010850; A-010872-010878; A-010829-**

1 010830; A-010769-010775; A-010805; A-010838-010842; A-010879-010879; A-010807; A-  
2 010789; A-010871; A-010823-010825; A-010781-010788; A-010891-010892; A-020700-020701;  
3 A-010884-010887; A-014880-014882; A-010777-010780; A-021528-021530 and A-026067-  
4 26069.

5 **INTERROGATORY NO. 32:**

6 Please explain, in your own words, the specific nature of the disagreement with Hyatt that  
7 was discussed and referenced in Evidentiary Hearing Exhibit 9, and identify and describe the  
8 contents of any and all documents that relate to that explanation. If you assert a privilege, please  
9 provide a privilege log.

10 **RESPONSE TO INTERROGATORY NO. 32:**

11 Responding party objects to this Special Interrogatory because; individually, and in  
12 aggregate with the other requests made herein and previously propounded, including elicited oral  
13 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
14 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
15 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
16 already in requesting party's possession or equally accessible to the requesting party; it seeks  
17 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
18 purports to require responding party to disclose information that is a trade secret, confidential,  
19 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
20 privacy regarding financial information and tax records of responding party and/or third parties.

21 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 32:**

22 **Mr. Dziubla objects to Interrogatory No. 32 as overly broad and unduly burdensome.**  
23 ***See Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF, 2014 WL 518234, at**  
24 **\*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all” documents concerning [a]**  
25 **subject is inherently overbroad”); *see also United Oil Co. v. Parts Assocs.*, 227 F.R.D. 404, 420,**  
26 **420 n.30 (D. Md. 2005) (agreeing that a request directing the party to identify “each and every**  
27 **document on which you rely” was “impermissibly overbroad, and if answered would produce**  
28 **much tangential if not irrelevant information.”).**



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1           **Mr. Dziubla further objects to Interrogatory No. 32 to the extent it incorrectly assumes**  
2 **that there was a “disagreement” between Mr. Dziubla and the San Diego Hyatt which led to**  
3 **the termination of the San Diego Hyatt Project.**

4           **Mr. Dziubla also objects to Interrogatory No. 32 as seeking information which is**  
5 **neither relevant to the claims at issue in this action nor is the interrogatory reasonably**  
6 **calculated to lead to the discovery of admissible evidence. Specifically, the reason for the**  
7 **termination of the San Diego Hyatt Project will not help the parties determine whether the**  
8 **EB5 Parties allegedly fraudulently induced Front Sight into accepting over \$6 million in loan**  
9 **proceeds from LVD Fund or whether Front Sight breached its obligations under the CLA.**

10           **Finally, pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law**  
11 **and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
12 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the**  
13 **Court has found that Front Sight is not entitled to conduct discovery as to the potential,**  
14 **prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only**  
15 **entitled to limited information about the foreign placement consultants involved in finding**  
16 **prospective EB-5 investors for the Front Sight Project. Based on this order, to the extent this**  
17 **interrogatory potentially calls for the disclosure of prospective of actual EB-5 investors’**  
18 **information that were involved in the San Diego Hyatt Project, it is Mr. Dziubla’s position that**  
19 **Front Sight is not entitled to that information.**

20           **Subject to and without waiver of the foregoing objections, Mr. Dziubla responds as**  
21 **follows:**

22           **The Hyatt Corporation terminated its management agreement because the developer**  
23 **involved in the San Diego Hyatt Project failed to meet a construction deadline.**

24 **INTERROGATORY NO. 33:**

25           Please explain, in your own words, the specific reason(s) for Hyatt terminating the  
26 management agreements, as discussed and referenced in Evidentiary Hearing Exhibit 9, and identify  
27 and describe the contents of any and all documents related to those reasons. If you assert a privilege,  
28 please provide a privilege log.

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1 **RESPONSE TO INTERROGATORY NO. 33:**

2 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
3 with the other requests made herein and previously propounded, including elicited oral testimony,  
4 this request fails to meet the proportionality requirements of proper discovery and thus is over  
5 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
6 duplicative of other requests contained herein and previously propounded; it seeks documents that  
7 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
8 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
9 purports to require responding party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
11 privacy regarding financial information and tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 33:**

13 **Mr. Dziubla objects to Interrogatory No. 33 as duplicative and therefore intended solely**  
14 **to harass Mr. Dziubla. Subject to and without waiver of the foregoing objection, see First**  
15 **Supplemental Response to Interrogatory No. 32.**

16 **INTERROGATORY NO. 34:**

17 Please identify and describe, to the full extent of your personal knowledge, the investors to  
18 the San Diego Project, including, but not limited to, name, nationality, capital invested, date of  
19 investment, and status of the capital invested. If you assert a privilege, please provide a privilege log.

20 **RESPONSE TO INTERROGATORY NO. 34:**

21 Responding party objects to this Special Interrogatory because; individually, and in aggregate  
22 with the other requests made herein and previously propounded, including elicited oral testimony,  
23 this request fails to meet the proportionality requirements of proper discovery and thus is over  
24 burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
25 duplicative of other requests contained herein and previously propounded; it seeks documents that  
26 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
27 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
28 purports to require responding party to disclose information that is a trade secret, confidential,

1 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
2 privacy regarding financial information and tax records of responding party and/or third parties.

3 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 34:**

4 **Mr. Dziubla objects to Interrogatory No. 34 as vague and ambiguous. It is unclear**  
5 **what Front Sight means when it asks Mr. Dziubla to identify and describe “the investors to the**  
6 **San Diego Project.” Mr. Dziubla further objects to Interrogatory No. 34 as overly broad and**  
7 **unduly burdensome. See *Gropper v. David Ellis Real Estate, L.P.*, No. 13 CIV. 2068 ALC JCF,**  
8 **2014 WL 518234, at \*4 (S.D.N.Y. Feb. 10, 2014) (holding that requests for “any and all”**  
9 **documents concerning [a] subject is inherently overbroad”); see also *United Oil Co. v. Parts***  
10 ***Assocs.*, 227 F.R.D. 404, 420, 420 n.30 (D. Md. 2005) (agreeing that a request directing the**  
11 **party to identify “each and every document on which you rely” was “impermissibly overbroad,**  
12 **and if answered would produce much tangential if not irrelevant information.”).**

13 **In addition, Mr. Dziubla further objects to Interrogatory No. 34 as seeking information**  
14 **which is neither relevant to the claims at issue in this action nor is the interrogatory reasonably**  
15 **calculated to lead to the discovery of admissible evidence. Specifically, details about the EB-5**  
16 **investors in the San Diego Hyatt Project will not help the parties determine whether the EB5**  
17 **Parties allegedly fraudulently induced Front Sight into accepting over \$6 million in loan**  
18 **proceeds from LVD Fund or whether Front Sight breached its obligations under the CLA.**

19 **Finally, pursuant to the Court’s June 30, 2020 Findings of Fact and Conclusions of Law**  
20 **and Order Granting in Part and Denying in Part Defendants’ Motion for Protective Order**  
21 **Regarding Discovery of Consultants’ and Individual Investors’ Confidential Information, the**  
22 **Court has found that Front Sight is not entitled to conduct discovery as to the potential,**  
23 **prospective, and actual EB-5 investors in the Front Sight Project and that Front Sight is only**  
24 **entitled to limited information about the foreign placement consultants involved in finding**  
25 **prospective EB-5 investors for the Front Sight Project. Based on this order, it is Mr. Dziubla’s**  
26 **position that Front Sight is not entitled to any information about the potential, prospective, or**  
27 **actual EB-5 investors for projects unrelated to the Front Sight Project, including the San**  
28 **Diego Hyatt Project.**

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1 Pursuant to the parties’ meet and confer efforts, Front Sight has agreed to narrow this  
2 interrogatory to only seeking the production of the investor tracking list for the San Diego  
3 Hyatt Project with redactions in order to protect the EB-5 investors in that project. Based on  
4 that understanding, and without waiver of the foregoing objections, Mr. Dziubla responds as  
5 follows:

6 See A-026067-26069.

7 **INTERROGATORY NO. 35:**

8 Please state with particularity all facts and identify all documents which relate to any trip you  
9 or any of your representatives took outside the United States related to raising funds for the Front  
10 Sight Project. This includes, but is not limited to, all communications, internal or external, related to  
11 the travel, itineraries, hotel receipts, meal receipts, plane ticket receipts, and so forth. If you assert a  
12 privilege, please provide a privilege log.

13 **RESPONSE TO INTERROGATORY NO. 35:**

14 Mr. Dziubla objects to Interrogatory No. 35 as vague and ambiguous. As phrased, it is  
15 unclear whether Mr. Dziubla’s “representatives” include the EB5 Parties, or whether Front Sight  
16 intends to include the agents and independent contractors utilized by the EB5 Parties in the  
17 fundraising of the Front Sight Project.

18 Mr. Dziubla also objects to Interrogatory No. 35 as better suited for a request for production  
19 of documents. To the extent this Interrogatory asks Mr. Dziubla identify each communication,  
20 itinerary, hotel receipt, meal receipt, and plane ticket receipt related to international travel on behalf  
21 of Front Sight, it would be unduly burdensome to require Mr. Dziubla to provide such a response.

22 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 35:**

23 Pursuant to the parties’ meet and confer efforts, Mr. Dziubla has agreed to supplement  
24 his response to Interrogatory No. 35 to identify the trips taken by himself, Mr. Fleming, and/or  
25 Mr. Devine to market the Front Sight Project and to identify those documents previously  
26 produced which reflect such trips. Mr. Dziubla now responds as follows:

27 ///

28 ///

- 1       – **October 2014:**
- 2             ○ **Approximately October 5, 2014-October 7, 2014: Mr. Dziubla and Mr. Fleming**
- 3             **traveled to Las Vegas, Nevada and Oakland, California to show foreign**
- 4             **placement agents the Front Sight Property and to introduce them to Piazza;**
- 5             ○ **Approximately 10/24/2014: Mr. Dziubla traveled to San Francisco, California**
- 6             **for an IIUSA Conference;**
- 7       – **April 2015: Approximately April 9, 2015-April 15, 2015: Mr. Dziubla attended an**
- 8       **IIUSA Conference in Washington, D.C.;**
- 9       – **August 2015:**
- 10            ○ **Approximately August 15, 2015-August 21, 2015: Mr. Dziubla traveled to**
- 11            **Australia to meet with a number of contacts from Japan, England, and the**
- 12            **Philippines who might be able to source potential investors.**
- 13            ○ **Approximately August 26, 2015: Mr. Dziubla traveled to Las Vegas, Nevada to**
- 14            **meet Dr. Shah and his wife and take them on a tour of Front Sight;**
- 15            ○ **Approximately August 27, 2015-August 29, 2015: Mr. Fleming traveled to Las**
- 16            **Vegas, Nevada for an AILA conference;**
- 17       – **September 2015:**
- 18            ○ **Approximately September 11, 2015: Mr. Fleming traveled to Mission Viejo,**
- 19            **California to meet with an Indian foreign placement agent and potential**
- 20            **investors;**
- 21            ○ **Approximately September 12, 2015-September 20, 2015: Mr. Fleming and Mr.**
- 22            **Dziubla traveled to China to meet with multiple foreign placement agents;**
- 23       – **October 2015:**
- 24            ○ **Approximately October 21, 2015-October 23, 2015, Mr. Dziubla attended an**
- 25            **IIUSA Conference in Dallas, Texas;**
- 26       – **November 2015:**
- 27            ○ **Approximately November 3, 2015-November 15, 2015: Mr. Fleming traveled to**
- 28            **China to meet with multiple foreign placement agents;**

- 1           ○ **Approximately November 6, 2015-November 21, 2015: Mr. Dziubla traveled to**
- 2           **China to meet with multiple foreign placement agents;**
- 3           ○ **Approximately November 19, 2015, Mr. Fleming traveled to San Juan**
- 4           **Capistrano, California to meet with a foreign placement agent;**
- 5           ○ **Approximately November 27, 2015-December 2, 2015: Mr. Dziubla traveled to**
- 6           **Bangkok, Thailand on his way back from China to meet with a real estate**
- 7           **investor contact who Mr. Dziubla anticipated might be able to source potential**
- 8           **investors for the Project;**
- 9           – **February 2016:**
- 10           ○ **Approximately February 12, 2016, Mr. Devine traveled to Las Vegas, Nevada to**
- 11           **tour Front Sight and meet with Mr. Meacher;**
- 12           ○ **Approximately February 16, 2016, Mr. Dziubla traveled to San Juan**
- 13           **Capistrano, California to meet with a foreign placement agent;**
- 14           ○ **Approximately February 21, 2016, Mr. Dziubla and Mr. Fleming attended an**
- 15           **EB-5 industry conference in Los Angeles, California;**
- 16           ○ **Approximately February 26, 2016, Mr. Dziubla and Mr. Fleming traveled to**
- 17           **Orange County, California to meet with an Indian foreign placement agent and**
- 18           **two potential EB-5 investors;**
- 19           – **March 2016: Approximately March 7, 2016-March 22, 2016, Mr. Devine traveled to**
- 20           **China for two weeks to meet with numerous foreign placement agents;**
- 21           – **April 2016:**
- 22           ○ **Approximately April 19, 2016-April 22, 2016: Mr. Dziubla and Mr. Fleming**
- 23           **attended an IIUSA Conference in Washington, D.C.;**
- 24           ○ **Approximately April 20, 2016, Mr. Dziubla traveled to Las Vegas, Nevada to**
- 25           **meet a potential EB-5 investor and take them to Front Sight;**
- 26           ○ **Approximately April 27, 2016, Mr. Dziubla, Mr. Fleming, and Mr. Devine met**
- 27           **with the head of China’s largest migration agency in Los Angeles, California;**

28   ///

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- 1       – **May 2016:**
- 2             ○ **Approximately May 18, 2016, Mr. Dziubla and Mr. Fleming traveled to**
- 3             **Oakland, California to meet with Mr. Piazza and Mr. Meacher;**
- 4       – **June 2016:**
- 5             ○ **Approximately June 3, 2016, Mr. Fleming traveled to Las Vegas, Nevada to meet**
- 6             **a potential EB-5 investor and take them to Front Sight;**
- 7       – **July 2016:**
- 8             ○ **Mr. Dziubla traveled to Chapel Hill, North Carolina to meet with a contact from**
- 9             **Hong Kong who Mr. Dziubla believed may be able to source potential investors;**
- 10       – **October 2016:**
- 11            ○ **Approximately October 27, 2016, Mr. Fleming traveled to Washington, D.C. to**
- 12            **meet with an Indian foreign placement agent;**
- 13       – **November 2016:**
- 14            ○ **Mr. Dziubla traveled to Las Vegas, Nevada to meet a foreign placement agent**
- 15            **and take them to Front Sight;**
- 16       – **December 2016:**
- 17            ○ **Approximately December 19, 2016: Mr. Dziubla traveled to Green River, Utah**
- 18            **to meet with Japanese contacts regarding a potential introduction to a Japanese**
- 19            **immigration attorney who might be able to source EB-5 investors;**
- 20       – **January 2017:**
- 21            ○ **Approximately January 12, 2017, Mr. Fleming traveled to Las Vegas, Nevada to**
- 22            **meet an Indian foreign placement agent and his wife and take them to Front**
- 23            **Sight;**
- 24       – **February 2017:**
- 25            ○ **Approximately February 16, 2017: Mr. Dziubla and Mr. Fleming traveled to Los**
- 26            **Angeles, California to attend an EB-5 Conference;**

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- **May 2017:**
  - o **Approximately May 26, 2017, Mr. Dziubla traveled to Las Vegas, Nevada to meet an EB-5 investor and to take him on a tour of Front Sight;**
- **August 2017:**
  - o **Approximately August 2, 2017, Mr. Fleming traveled to Las Vegas, Nevada to meet a potential EB-5 investor and to take him on a tour of Front Sight;**
- **October 2017:**
  - o **Approximately October 17, 2017, Mr. Dziubla traveled to Las Vegas, Nevada to meet a potential EB-5 investor and take them to Front Sight;**
- **December 2017:**
  - o **Approximately December 6, 2017-December 11, 2017, Mr. Fleming traveled to Mumbai, India, to meet an Indian foreign placement agent to discuss marketing the Front Sight Project and to participate in roadshows to potential investors; and**
- **July 2018:**
  - o **Approximately July 24, 2018, Mr. Dziubla traveled to Las Vegas, Nevada to meet a potential EB-5 investor and take them to Front Sight.**

*See also* Notice of Accounting by Defendant EB5 Impact Advisors LLC, served November 30, 2018; Updated Declaration of Robert W. Dziubla re: Accounting (EB5ICA00001-204 and A-000702-905); A-000489 -000490; A-000702 -000716; A-000913-000920; A-001401-001402; A-001406; A-001418-001425; A-001955-001956; A-002360-002361; A-002368-002576; A-002587-002590; A-002658; A-002661; A-002872-002875; A-004596; A-006874-006875; A-006926-006927; A-008399-008404; A-008911-008945; A-009197-009202; A-019503-019509; A-019238-019239; A-019229-019231; A-019410-019416; A-019401-019403; A-019212-019214; A-022026-022049; A-025567; A-023161-023179; A-025846; A-025885-025887; A-025891-025892; A-028062-028084; A-024820-024824; A-024828; A-024830; A-029799; *see also* First Supplemental Response to Interrogatory No. 37.



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1 **INTERROGATORY NO. 36:**

2 Please state with particularity all facts and identify all documents which relate to any trip you  
3 or any of your representatives took inside the United States related to raising funds for the Front  
4 Sight Project. This includes, but is not limited to, all communications, internal or external, related to  
5 the travel, itineraries, hotel receipts, meal receipts, plane ticket receipts, and so forth. If you assert a  
6 privilege, please provide a privilege log.

7 **RESPONSE TO INTERROGATORY NO. 36:**

8 Responding party objects to this Special Interrogatory because; individually, and in  
9 aggregate with the other requests made herein and previously propounded, including elicited oral  
10 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
11 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
12 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
13 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
14 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
15 purports to require responding party to disclose information that is a trade secret, confidential,  
16 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
17 privacy regarding financial information and tax records of responding party and/or third parties.

18 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 36:**

19 *See First Supplemental Response to Interrogatory No. 35.*

20 **INTERROGATORY NO. 37:**

21 Please state with particularity all facts and identify all documents which show or relate to  
22 work you or any of your representatives actually completed in furtherance of raising immigrant  
23 investor funds for the Front Sight Project. If you assert a privilege, please provide a privilege log.

24 **RESPONSE TO INTERROGATORY NO. 37:**

25 Responding party objects to this Special Interrogatory because; individually, and in  
26 aggregate with the other requests made herein and previously propounded, including elicited oral  
27 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
28 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it

1 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
2 are already in requesting party's possession or equally accessible to the requesting party; it seeks  
3 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
4 purports to require responding party to disclose information that is a trade secret, confidential,  
5 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
6 privacy regarding financial information and tax records of responding party and/or third parties.

7 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 37:**

8 **PURSUANT TO ARTICLE 1.3 OF THE NOVEMBER 26, 2018 PROTECTIVE**  
9 **ORDER, MR. DZIUBLA'S FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY**  
10 **NO. 37 IS DESIGNATED "OUTSIDE COUNSEL EYES ONLY."**

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1 **INTERROGATORY NO. 38:**

2 Please state with particularity all facts and identify all documents which demonstrate how  
3 Professor Sean Flynn was compensated for the creation of the business plan referenced in the  
4 February 14, 2013 engagement letter, including all communications between any party to this  
5 litigation and Professor Flynn related to how and when the terms of that compensation were agreed  
6 upon. If you assert a privilege, please provide a privilege log. If you assert a privilege, please  
7 provide a privilege log.

8 **RESPONSE TO INTERROGATORY NO. 38:**

9 Responding party objects to this Special Interrogatory because; individually, and in  
10 aggregate with the other requests made herein and previously propounded, including elicited oral  
11 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
12 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it  
13 is duplicative of other requests contained herein and previously propounded; it seeks documents that  
14 are already in requesting party’s possession or equally accessible to the requesting party; it seeks  
15 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
16 purports to require responding party to disclose information that is a trade secret, confidential,  
17 proprietary, commercially sensitive, or information that is privileged or protected by rights of  
18 privacy regarding financial information and tax records of responding party and/or third parties.

19 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 38:**

20 *See First Supplemental Response to Interrogatory No. 11.*

21 **INTERROGATORY NO. 39:**

22 Please state with particularity all facts and identify all documents which relate to all  
23 representations made to Front Sight that USCIS would not allow Front Sight to be an owner of  
24 EB5IC because USCIS would look unfavorably on a developer owning a regional center, as alleged  
25 in Paragraph 43 of the Second Amended Complaint. If you assert a privilege, please provide a  
26 privilege log.

27 ///

28 ///

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1 **RESPONSE TO INTERROGATORY NO. 39:**

2 Responding party objects to this Special Interrogatory because; individually, and in  
3 aggregate with the other requests made herein and previously propounded, including elicited oral  
4 testimony, this request fails to meet the proportionality requirements of proper discovery and thus is  
5 over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is  
6 duplicative of other requests contained herein and previously propounded; it seeks documents that are  
7 already in requesting party’s possession or equally accessible to the requesting party; it seeks  
8 information protected by the attorney-client privilege and/or attorney work product doctrine; and it  
9 purports to require responding party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is privileged or protected by rights of privacy  
11 regarding financial information and tax records of responding party and/or third parties.

12 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 39:**

13 **Mr. Dziubla objects to Interrogatory No. 39 to the extent it incorrectly assumes that**  
14 **Mr. Dziubla or some unidentified person acting on Mr. Dziubla and/or EB5IC’s behalf**  
15 **represented to Front Sight that USCIS would not allow Front Sight to be an owner of EB5IC.**  
16 **Mr. Dziubla never represented to Front Sight that USCIS would not allow Front Sight to be an**  
17 **owner of EB5IC. To the contrary, when it became apparent that the parties were not going to**  
18 **raise the goal of \$75 million in EB-5 investments, Mr. Dziubla gave Front Sight three options:**

- 19 **1. Call it a day, shake hands, and part ways as friends. Naturally, as part of that**  
20 **we first refund the EB5 money that is in escrow to the investors and then close**  
21 **our doors.**  
22 **2. Restructure the capital stack by (i) eliminating the minimum raise and (ii)**  
23 **bringing in senior debt from a timeshare lender who understands the timeshare**  
24 **business. . .**  
25 **3. We sell the EB5 Impact Capital Regional Center LLC and the Las Vegas**  
26 **Development Fund LLC entities to you, and you then proceed as you wish.**

27 **(See A003181-3186).**

28 **///**

**///**

**///**



VERIFICATION

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I, Robert Dziubla, declare as follows:

1. That I am a Defendant in the case of *Front Sight Management LLC v. Las Vegas Development Fund, LLC, et al.*, Case No. A-18-78104-B, pending in the Eighth Judicial District Court of Clark County, Nevada.

2. That I have read the above and foregoing Defendat Robert Dziubla's **FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** and know the contents thereof; and

3. That the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

EXECUTED on this 21<sup>st</sup> day of September, 2020.

  
\_\_\_\_\_  
ROBERT DZIUBLA

**BAILEY KENNEDY**  
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LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 21<sup>st</sup> day of September, 2020, service of the foregoing **ROBERT DZIUBLA’S FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

JOHN P. ALDRICH  
CATHERINE HERNANDEZ  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Email: [jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com)

*Attorneys for Plaintiff/Counterdefendants*  
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PIAZZA; VNV DYNASTY TRUST I; VNV  
DYNASTY TRUST II; MICHAEL  
MEACHER; TOP RANK BUILDERS INC.;  
ALL AMERICAN CONCRETE &  
MASONRY INC.; MORALES  
CONSTRUCTION, INC.; AND EFRAIN  
RENE MORALES-MORENO

/s/ Angelique Mattox  
Employee of BAILEY ❖ KENNEDY

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**Reception**

**From:** efilngmail@tylerhost.net  
**Sent:** Monday, September 21, 2020 8:36 PM  
**To:** BKfederaldownloads  
**Subject:** Notification of Service for Case: A-18-781084-B, Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s) for filing Service Only, Envelope Number: 6657305

**Notification of Service**

Case Number: A-18-781084-B  
 Case Style: Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)  
 Envelope Number: 6657305



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Filing Details	
<b>Case Number</b>	A-18-781084-B
<b>Case Style</b>	Front Sight Management LLC, Plaintiff(s)vs.Las Vegas Development Fund LLC, Defendant(s)
<b>Date/Time Submitted</b>	9/21/2020 8:34 PM PST
<b>Filing Type</b>	Service Only
<b>Filing Description</b>	Robert Dziubla's First Supplemental Responses to Plaintiff's First Set of Interrogatories
<b>Filed By</b>	Angelique Mattox
<b>Service Contacts</b>	Front Sight Management LLC: Traci Bixenmann ( <a href="mailto:traci@johnaldrichlawfirm.com">traci@johnaldrichlawfirm.com</a> ) John Aldrich ( <a href="mailto:jaldrich@johnaldrichlawfirm.com">jaldrich@johnaldrichlawfirm.com</a> )  Las Vegas Development Fund LLC: Joshua Dickey ( <a href="mailto:jdickey@baileykennedy.com">jdickey@baileykennedy.com</a> ) John Bailey ( <a href="mailto:jbailey@baileykennedy.com">jbailey@baileykennedy.com</a> ) Bailey Kennedy, LLP ( <a href="mailto:bkfederaldownloads@baileykennedy.com">bkfederaldownloads@baileykennedy.com</a> )



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**DECL**  
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Sue Trazig Cavaco, Esq.  
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*Attorneys for Las Vegas Development  
Fund, LLC, EB5 Impact Capital Regional  
Center, LLC, EB5 Impact Advisors, LLC,  
Robert W. Dziubla, Jon Fleming and Linda Stanwood*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC,  
a Nevada Limited Liability Company; et al.,

Defendants.

CASE NO.: A-18-781084-B  
DEPT NO.: XVI

**DECLARATION OF ANDREA M.  
CHAMPION, ESQ. IN SUPPORT OF  
DEFENDANT/COUNTERCLAIMANTS'  
REPLY IN SUPPORT OF MOTION FOR  
PROTECTIVE ORDER RE: SUBPOENAS  
FOR DEPOSITION AND PRODUCTION  
OF DOCUMENTS TO IMMIGRANT  
INVESTOR AGENT #1, IMMIGRANT  
INVESTOR AGENT #2, IMMIGRANT  
INVESTOR AGENT #3, AND IMMIGRANT  
INVESTOR AGENT #4**

AND ALL RELATED COUNTERCLAIMS

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I, Andrea M. Champion, Esq., hereby declare as follows:

1. I am an attorney at the law firm of Jones Lovelock and counsel of record for Las Vegas Development Fund, LLC (“LVDF”), EB5 Impact Capital Regional Center, LLC, EB5 Impact Advisors, LLC, Robert W. Dziubla, Jon Fleming and Linda Stanwood (collectively, the “Lender Parties”) in the above-captioned case.

2. I am duly admitted to practice law in the State of Nevada. I have personal knowledge of the matters stated herein and would be competent to testify thereon if called upon to do so.

3. I make this declaration in support of Defendant/Counterclaimants’ Reply in Support of Motion for Protective Order Regarding Subpoenas for Deposition and Production of Documents to Immigrant Investor Agent #1, Immigrant Investor Agent #2, Immigrant Investor Agent #3, and Immigrant Investor Agent #4 (the “Reply”).

4. I have personally reviewed the Opposition to Defendant/Counterclaimants’ Motion for Protective Order Regarding Subpoenas for Deposition and Production of Documents to Immigrant Investor Agent #1, Immigrant Investor Agent #2, Immigrant Investor Agent #3, and Immigrant Investor Agent #4, filed by Front Sight Management LLC on January 19, 2022 (the “Opposition”).

5. The Opposition repeatedly, and falsely states that my clients, the Lender Parties, never objected to a subpoena Front Sight issued to NES Financial (“NES”) in September 2020 or the production of NES’ documents. In fact, Lender Parties did object to Front Sight’s production of the NES documents.

6. In September 2020, Front Sight issued a Notice of Intent to Issue Subpoena for Deposition and Production of Documents to NES. NES is LVDF’s loan processor. A true and correct copy of that Notice of Intent to Issue Subpoena is attached to the Reply as **Exhibit N**.

7. I personally reviewed the Notice of Intent and saw that it did not, on its face, request information regarding EB-5 Investors, potential EB-5 Investors, or Investor Agents (in violation of the Court’s June 30, 2020 Protective Order). Rather, the Notice of Intent only requested copies of

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1 NES' Loan Statements & Invoices and underlying documents relating to those Loan Statements &  
2 Invoices.

3 8. Out of an abundance of caution, I personally contacted NES to provide NES with a  
4 copy of the June 30, 2020 Protective Order (because Front Sight failed to do so) and to inquire  
5 whether Front Sight's subpoena would call for the production of any information subject to the  
6 Court's June 30, 2020 Protective Order, whether directly or indirectly. I subsequently had a  
7 telephone call with Jill Jones from NES in or around October 26, 2020, during which Ms. Jones told  
8 me that Front Sight's subpoena did not call for the production of any documents or information  
9 subject to the Court's June 30, 2020 Protective Order (i.e., relating to the EB-5 Investors or potential  
10 EB-5 Investors) and that NES would not be producing any documents that were subject to the Court's  
11 June 30, 2020 Protective Order.

12 9. Based on NES' representations, my clients had no reason to object to Front Sight's  
13 subpoena to NES or to file a motion for protective order.

14 10. On November 4, 2020, Front Sight produced over 3,000 documents from NES. A  
15 large portion of those documents contained information about EB-5 Investors which was subject to  
16 the Court's June 30, 2020 Order. Front Sight did not redact the information that was subject to the  
17 Court's June 30, 2020 Order nor did Front Sight designate those documents as "Outside Counsel's  
18 Eyes Only."

19 11. Given my previous telephone call with NES, my clients (and I) were shocked to see  
20 that NES produced documents that contained information subject to the Court's June 30, 2020 Order  
21 (including, but not limited to, identifying information about the EB-5 Investors and the EB-5  
22 Investors' personal financial information such as bank account information).

23 12. I immediately contacted John Aldrich, counsel from Front Sight, to demand that the  
24 NES documents be properly redacted and/or designated as "Outside Counsel Eyes' Only."

25 13. A true and correct copy of my November 10, 2020 Letter to Mr. Aldrich is attached  
26 to the Reply as **Exhibit O**.

27 14. I met and conferred with Mr. Aldrich at length regarding the NES documents.  
28 Specifically, Mr. Aldrich responded to my November 10, 2020 letter on November 11, 2020, I

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1 responded in turn on November 20, 2020, Mr. Aldrich responded on November 24, 2020, and I  
2 participated in a telephonic meet and confer call with Mr. Aldrich on November 24, 2020.

3 15. True and correct copies of Mr. Aldrich’s November 11, 2020 letter, my November  
4 20, 2020 letter, and Mr. Aldrich’s November 24, 2020 letter are attached to the Reply as **Exhibits P,**  
5 **Q, and R,** respectively.

6 16. During that November 24, 2020 telephonic meet and confer call, I reiterated my  
7 clients’ position that: (1) the NES documents should not have been produced without redaction as  
8 NES documents contained information that was subject to the Court’s June 30, 2020 Protective  
9 Order, (2) my clients, pursuant to the Protective Order entered in the case, were exercising their right  
10 to designate a sub-set of the NES documents as “Outside Counsel’s Eyes Only,” and that (3) none of  
11 the NES documents should be provided to Ignatius Piazza (or the other parties) prior to any motion  
12 Front Sight may file with the Court over my clients’ redactions and confidentiality designations.  
13 During that call, Mr. Aldrich informed me that it was his clients’ position that his office had no  
14 obligation to re-designate the NES documents as “Outside Counsel’s Eyes Only;” however, he agreed  
15 to redact all investor information (including investor names, contact information, and financial  
16 information) from the NES documents and that his clients retained the right to file a motion disputing  
17 the redactions. In addition, Mr. Aldrich confirmed that he had not yet provided any of his clients  
18 with the NES documents and that he would not do so until they were redacted.

19 17. I sent a confirming email to Mr. Aldrich following our meet and confer call on  
20 November 24, 2020 and he responded confirming the same above stated agreement. A true and  
21 correct copy of that email chain, without exhibits, is attached to the Reply as **Exhibit S.**

22 Executed this 23<sup>rd</sup> day of February 2022 in Clark County, Nevada.

23  
24 /s/ Andrea M. Champion  
ANDREA M. CHAMPION, ESQ.

# EXHIBIT 7

1 **NI**  
 John P. Aldrich, Esq.  
 2 Nevada Bar No. 6877  
 Catherine Hernandez, Esq.  
 3 Nevada Bar No. 8410  
 Jamie S. Hendrickson, Esq.  
 4 Nevada Bar No. 12770  
**ALDRICH LAW FIRM, LTD.**  
 5 7866 West Sahara Avenue  
 Las Vegas, Nevada 89117  
 6 Telephone: (702) 853-5490  
 Facsimile: (702) 227-1975  
 7 *Attorneys for Plaintiff/Counterdefendants*

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 FRONT SIGHT MANAGEMENT LLC, a  
 Nevada Limited Liability Company,

11 Plaintiff,

12 vs.

13 LAS VEGAS DEVELOPMENT FUND LLC, a  
 Nevada Limited Liability Company; et al.,

14 Defendants.  
 15  
 16  
 17

CASE NO.: A-18-781084-B  
 DEPT NO.: 16

**PLAINTIFF'S NOTICE OF INTENT  
 TO ISSUE SUBPOENA FOR  
 DEPOSITION AND PRODUCTION  
 OF DOCUMENTS TO NES  
 FINANCIAL**

18 AND ALL RELATED COUNTERCLAIMS.

19 Pursuant to Rule 45(a)(4)(A) of the Nevada Rules of Civil Procedure, Plaintiff FRONT  
 20 SIGHT MANAGEMENT LLC, by and through their counsel of record, hereby provides prior

21 ///

22 ///

23 ///

24 ///

1 notice of the Subpoena for Deposition and Production of Documents to be issued to NES  
2 Financial, attached hereto as **Exhibit 1**.

3 DATED this 4<sup>th</sup> day of September, 2020.

4 **ALDRICH LAW FIRM, LTD.**

5 /s/ John P. Aldrich

6 John P. Aldrich, Esq.

7 Nevada Bar No. 6877

8 Catherine Hernandez, Esq.

9 Nevada Bar No. 8410

10 Jamie S. Hendrickson, Esq.

11 Nevada Bar No. 12770

12 7866 West Sahara Avenue

13 Las Vegas, NV 89117

14 Tel (702) 853-5490

15 Fax (702) 226-1975

16 *Attorneys for Plaintiff/Counterdefendants*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4<sup>th</sup> day of September, 2020, I caused the foregoing **PLAINTIFF’S NOTICE OF INTENT TO ISSUE SUBPOENA FOR DEPOSITION AND PRODUCTION OF DOCUMENTS TO NES FINANCIAL** to be electronically served with the Clerk of the Court using Wiznet which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the Electronic Mail Notice List, to the following parties:

John R. Bailey, Esq.  
Joshua M. Dickey, Esq.  
Andrea M. Champion, Esq.  
**BAILEY KENNEDY**  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148  
*Attorneys for Defendants/Counterclaimant*

/s/ T. Bixenmann  
An employee of ALDRICH LAW FIRM, LTD.

# EXHIBIT 1

# EXHIBIT 1

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**SDT**  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Jamie S. Hendrickson, Esq.  
Nevada Bar No. 12770  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, NV 89117  
Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
*Attorneys for Plaintiff/Counterdefendants*

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

FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; et al.,

Defendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**SUBPOENA FOR DEPOSITION AND  
PRODUCTION OF DOCUMENTS**

AND ALL RELATED COUNTERCLAIMS.

**THE STATE OF NEVADA SENDS GREETINGS TO:**

**NES Financial  
50 West San Fernando St., Suite 300  
San Jose, CA 95113**

**YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
aside, pursuant to N.R.C.P. 45, to attend and testify at your deposition on **October 28, 2020, at  
10:00 a.m.**, at the following address:

///



1 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
2 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
3 N.R.S. 50.195, 50.205, and 22.100(3).

4 Please see the attached **Exhibit C** for information regarding your rights and  
5 responsibilities relating to this Subpoena.

6 A list of all parties to this action and their respective counsel is attached as **Exhibit D**.

7 **INSTRUCTIONS FOR THE SUBPOENA TO PRODUCE DOCUMENTS,**

8 **INFORMATION, OR OBJECTS**

9 A. The following definitions apply to this discovery request:

- 10 1. Concerning. The term “concerning” means relating to, referring to, describing,  
11 evidencing, or constituting.
- 12 2. You, Your, and Yours. The terms “You,” “Your,” and “Yours” refer to the  
13 responsible party in receipt of service and responding to this Subpoena, and,  
14 additionally, its agents, employees, members, owners, partners, shareholders,  
15 directors, or anyone acting on its behalf.
- 16 3. Document. The terms “Document” or “Writing” is defined to be synonymous in  
17 meaning and equal in scope to the use of the terms “document” and  
18 “electronically stored information” in Nevada Rules of Civil Procedure 26 and 34.  
19 A draft or non-identical copy is a separate document within the meaning of this  
20 term. “Document” shall also include any data compilation from which  
21 information can be obtained or translated if necessary by YOU through detection  
22 devices into reasonably usable form. Where the Document or Writing makes use  
23 of, or refers to, codes or keys for particular categories of information, then the  
24

1 definition of a Writing or Document includes the full description of the key  
2 necessary for a person unfamiliar with the parlance to understand the meaning of  
3 the code or key. A draft or non-identical copy is a separate Document within the  
4 meaning of this term.

- 5 4. Any term, word or phrase that has not been defined in this discovery request but  
6 appears in the live pleadings in this action (including without limitation the  
7 Complaint) shall be given the definition or meaning given to the term, word or  
8 phrase as used in the live pleadings. Any term, word, or phrase that has been  
9 defined in these definitions that also appears in the live pleadings shall be given  
10 the definition or meaning given to the term, word or phrase as used in the  
11 pleadings in addition to the definition(s) given in this discovery request.

12 B. The following rules of construction apply to this Subpoena to Produce Documents,  
13 Information, or Objects:

- 14 1. All/Each. The terms “all” and “each” shall be construed as all and each.  
15 2. And/Or. The connectives “and” and “or” shall be construed either disjunctively or  
16 conjunctively as necessary to bring within the scope of the discovery request all  
17 responses that might otherwise be construed to be outside of its scope.  
18 3. Number. The use of the singular form of any word includes the plural and vice  
19 versa.

20 C. The following instructions apply to this discovery request:

21 Electronic or Magnetic Data. In those instances when requested information exists in  
22 electronic or magnetic form, the responding party should state so. In responding to a  
23 discovery request, the responding party should, in addition to stating that the information  
24

1 exists in electronic/magnetic form, sufficiently identify the form in which the information  
2 exists.

- 3 1. E-MAILS: With respect to any and all responsible e-mail messages, produce them  
4 in their native, electronic format, including without limitation “.pst” files for  
5 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail  
6 messages.
- 7 2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce  
8 them in their native, electronic format, including without limitation “.xls” files for  
9 Microsoft Excel spreadsheets.
- 10 3. OTHER. Where applicable, any responsible information that exists in electronic  
11 or magnetic form must be produced in the following formats: CD Rom in an  
12 Acrobat (“.pdf”) compatible application, in a Microsoft Word or WordPerfect  
13 compatible application, or in ASCII.

14 DATED this \_\_\_ day of September, 2020.

15 **ALDRICH LAW FIRM, LTD.**

16 \_\_\_\_\_  
17 John P. Aldrich, Esq.  
18 Nevada Bar No. 6877  
19 Catherine Hernandez, Esq.  
20 Nevada Bar No. 8410  
21 Jamie S. Hendrickson, Esq.  
22 Nevada Bar No. 12770  
23 7866 West Sahara Avenue  
24 Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiff/Counterdefendants*

**EXHIBIT A**

1  
2  
3 1. Please provide copies of any and all documents that support or relate to the  
4 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
5 Management LLC for the invoice period May 1-31, 2018, including but not limited to each of the  
6 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
7 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
8 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
9 Total Amount Due.

10 2. Please provide copies of any and all documents that support or relate to the  
11 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
12 Management LLC for the invoice period June 1-30, 2018, including but not limited to each of the  
13 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
14 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
15 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
16 Total Amount Due.

17 3. Please provide copies of any and all documents that support or relate to the  
18 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
19 Management LLC for the invoice period July 1-31, 2018, including but not limited to each of the  
20 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
21 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
22 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
23 Total Amount Due.

24 4. Please provide copies of any and all documents that support or relate to the  
amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
Management LLC for the invoice period August 1-31, 2018, including but not limited to each of  
the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current



1 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
2 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
3 Total Amount Due.

4 5. Please provide copies of any and all documents that support or relate to the  
5 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
6 Management LLC for the invoice period September 1-30, 2018, including but not limited to each  
7 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
8 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
9 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
10 Total Amount Due.

11 6. Please provide copies of any and all documents that support or relate to the  
12 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
13 Management LLC for the invoice period October 1-31, 2018, including but not limited to each of  
14 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
15 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
16 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
17 Total Amount Due.

18 7. Please provide copies of any and all documents that support or relate to the  
19 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
20 Management LLC for the invoice period November 1-30, 2018, including but not limited to each  
21 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
22 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
23 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
24 Total Amount Due.

8. Please provide copies of any and all documents that support or relate to the  
amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
Management LLC for the invoice period December 1-31, 2018, including but not limited to each

1 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
2 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
3 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
4 Total Amount Due.

5 9. Please provide copies of any and all documents that support or relate to the  
6 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
7 Management LLC for the invoice period January 1-31, 2019, including but not limited to each of  
8 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
9 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
10 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
11 Total Amount Due.

12 10. Please provide copies of any and all documents that support or relate to the  
13 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
14 Management LLC for the invoice period February 1-28, 2019, including but not limited to each  
15 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
16 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
17 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
18 Total Amount Due.

19 11. Please provide copies of any and all documents that support or relate to the  
20 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
21 Management LLC for the invoice period March 1-31, 2019, including but not limited to each of  
22 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
23 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
24 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
Total Amount Due.

12. Please provide copies of any and all documents that support or relate to the  
amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight

1 Management LLC for the invoice period April 1-30, 2019, including but not limited to each of  
2 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
3 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
4 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
5 Total Amount Due.

6 13. Please provide copies of any and all documents that support or relate to the  
7 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
8 Management LLC for the invoice period May 1-31, 2019, including but not limited to each of the  
9 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
10 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
11 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
12 Total Amount Due.

13 14. Please provide copies of any and all documents that support or relate to the  
14 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
15 Management LLC for the invoice period June 1-30, 2019, including but not limited to each of the  
16 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
17 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
18 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
19 Total Amount Due.

20 15. Please provide copies of any and all documents that support or relate to the  
21 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
22 Management LLC for the invoice period July 1-31, 2019, including but not limited to each of the  
23 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
24 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
(Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
Total Amount Due.

1           16. Please provide copies of any and all documents that support or relate to the  
2 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
3 Management LLC for the invoice period August 1-31, 2019, including but not limited to each of  
4 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
5 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
6 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
7 Total Amount Due.

8           17. Please provide copies of any and all documents that support or relate to the  
9 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
10 Management LLC for the invoice period September 1-30, 2019, including but not limited to each  
11 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
12 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
13 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
14 Total Amount Due.

15           18. Please provide copies of any and all documents that support or relate to the  
16 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
17 Management LLC for the invoice period October 1-31, 2019, including but not limited to each of  
18 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
19 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
20 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
21 Total Amount Due.

22           19. Please provide copies of any and all documents that support or relate to the  
23 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
24 Management LLC for the invoice period November 1-30, 2019, including but not limited to each  
of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs

1 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
2 Total Amount Due.

3 20. Please provide copies of any and all documents that support or relate to the  
4 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
5 Management LLC for the invoice period December 1-31, 2019, including but not limited to each  
6 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
7 Legal/Attorneys’ Fees; (4) Past Due Legal/Attorneys’ Fees; (5) Current Foreclosure Costs  
8 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
9 Total Amount Due.

10 21. Please provide copies of any and all documents that support or relate to the  
11 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
12 Management LLC for the invoice period January 1-31, 2020, including but not limited to each of  
13 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
14 Legal/Attorneys’ Fees; (4) Past Due Legal/Attorneys’ Fees; (5) Current Foreclosure Costs  
15 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
16 Total Amount Due.

17 22. Please provide copies of any and all documents that support or relate to the  
18 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
19 Management LLC for the invoice period February 1-29, 2020, including but not limited to each  
20 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
21 Legal/Attorneys’ Fees; (4) Past Due Legal/Attorneys’ Fees; (5) Current Foreclosure Costs  
22 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
23 Total Amount Due.

24 23. Please provide copies of any and all documents that support or relate to the  
amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
Management LLC for the invoice period March 1-31, 2020, including but not limited to each of  
the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current

1 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
2 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
3 Total Amount Due.

4 24. Please provide copies of any and all documents that support or relate to the  
5 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
6 Management LLC for the invoice period April 1-30, 2020, including but not limited to each of  
7 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
8 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
9 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
10 Total Amount Due.

11 25. Please provide copies of any and all documents that support or relate to the  
12 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
13 Management LLC for the invoice period May 1-31, 2020, including but not limited to each of the  
14 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
15 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
16 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
17 Total Amount Due.

18 26. Please provide copies of any and all documents that support or relate to the  
19 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
20 Management LLC for the invoice period June 1-30, 2020, including but not limited to each of the  
21 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
22 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
23 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
24 Total Amount Due.

27. Please provide copies of any and all documents that support or relate to the  
amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
Management LLC for the invoice period July 1-31, 2020, including but not limited to each of the

1 following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
2 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
3 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
4 Total Amount Due.

5 28. Please provide copies of any and all documents that support or relate to the  
6 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
7 Management LLC for the invoice period August 1-31, 2020, including but not limited to each of  
8 the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
9 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
10 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
11 Total Amount Due.

12 29. Please provide copies of any and all documents that support or relate to the  
13 amounts allegedly due as set forth on the Loan Statement & Invoice sent by NES to Front Sight  
14 Management LLC for the invoice period September 1-30, 2020, including but not limited to each  
15 of the following categories: (1) Current Interest Due; (2) Past Due Interest; (3) Current  
16 Legal/Attorneys' Fees; (4) Past Due Legal/Attorneys' Fees; (5) Current Foreclosure Costs  
17 (Partial); (6) Past Due Foreclosure Costs; (7) Late Fee – (Current Month + Past Due); and (8)  
18 Total Amount Due.  
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1 **EXHIBIT C**

2 **NEVADA RULES OF CIVIL PROCEDURE**

3 **Rule 45 (c) Protection of Persons Subject to Subpoena.**

4 (1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible  
5 for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden  
6 or expense on a person subject to the subpoena. The court that issued the subpoena must enforce  
7 this duty and may impose an appropriate sanction — which may include lost earnings and  
8 reasonable attorney fees — on a party or attorney who fails to comply.

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

8 (A) **Appearance Not Required.**

9 (i) A person commanded to produce documents, electronically stored  
10 information, or tangible things, or to permit the inspection of premises, need not appear in person  
11 at the place of production or inspection unless also commanded to appear for a deposition,  
12 hearing, or trial.

12 (ii) If documents, electronically stored information, or tangible things are  
13 produced to the party that issued the subpoena without an appearance at the place of production,  
14 that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy  
15 or electronically reproduce the documents or information, photograph any tangible items not  
16 subject to copying, and serve these items on every other party. The party that issued the  
17 subpoena may also serve a statement of the reasonable cost of copying, reproducing, or  
18 photographing, which a party receiving the copies, reproductions, or photographs must promptly  
19 pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of  
20 copying the documents or information, or photographing the tangible items.

17 (B) **Objections.** A person commanded to produce documents, electronically stored  
18 information, or tangible things, or to permit the inspection of premises, or a person claiming a  
19 proprietary interest in the subpoenaed documents, information, tangible things, or premises to be  
20 inspected, may serve on the party or attorney designated in the subpoena a written objection to  
21 inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises  
22 — or to producing electronically stored information in the form or forms requested. The person  
23 making the objection must serve it before the earlier of the time specified for compliance or 14  
24 days after the subpoena is served. If an objection is made:

21 (i) the party serving the subpoena is not entitled to inspect, copy, test, or sample  
22 the materials or tangible things or to inspect the premises except by order of the court that issued  
23 the subpoena;

1 (ii) on notice to the parties, the objecting person, and the person commanded to  
2 produce or permit inspection, the party serving the subpoena may move the court that issued the  
subpoena for an order compelling production or inspection; and

3 (iii) if the court enters an order compelling production or inspection, the order  
4 must protect the person commanded to produce or permit inspection from significant expense  
resulting from compliance.

5 **(3) Quashing or Modifying a Subpoena.**

6 **(A) When Required.** On timely motion, the court that issued a subpoena must quash  
or modify the subpoena if it:

7 (i) fails to allow reasonable time for compliance;

8 (ii) requires a person to travel to a place more than 100 miles from the place  
9 where that person resides, is employed, or regularly transacts business in person, unless the  
person is commanded to attend trial within Nevada;

10 (iii) requires disclosure of privileged or other protected matter and no exception  
11 or waiver applies; or

12 (iv) subjects a person to an undue burden.

13 **(B) When Permitted.** On timely motion, the court that issued a subpoena may quash  
or modify the subpoena if it requires disclosing:

14 (i) a trade secret or other confidential research, development, or commercial  
15 information; or

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

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

20 (i) shows a substantial need for the testimony or material that cannot be otherwise  
met without undue hardship; and

21 (ii) ensures that the subpoenaed person will be reasonably compensated.

22 **Rule 45(d) Duties in Responding to a Subpoena.**

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

1 (A) **Documents.** A person responding to a subpoena to produce documents must  
2 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.

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

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

8 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
9 provide discovery of electronically stored information from sources that the person identifies as  
10 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.

11 (2) **Claiming Privilege or Protection.**

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

14 (i) expressly make the claim; and

15 (ii) describe the nature of the withheld documents, communications, or tangible things in  
16 a manner that, without revealing information itself privileged or protected, will enable the parties  
to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
18 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.  
19 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  
20 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 a determination of the  
claim. The person who produced the information must preserve the information until the claim is  
resolved.

**EXHIBIT D**

1  
2 Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

3 John P. Aldrich, Esq.  
4 Catherine Hernandez, Esq.  
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9 Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL  
10 REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
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<b>Filed By</b>	Traci Bixenmann
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