

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

2  
3 FRONT SIGHT MANAGEMENT LLC, a  
4 Nevada Limited Liability Company,

5 Petitioner,

6 vs.

7 THE EIGHTH JUDICIAL DISTRICT  
8 COURT OF THE STATE OF NEVADA,  
9 IN AND FOR THE COUNTY OF CLARK;  
10 and THE HONORABLE TIMOTHY C.  
11 WILLIAMS, DISTRICT COURT JUDGE,

12 Respondents,

13 and

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

Real Parties in Interest.

No.: \_\_\_\_\_ Electronically Filed  
Dec 18 2019 10:39 a.m.  
Elizabeth A. Brown  
Dist. Ct. Case No: A-18-781084-B  
Clerk of Supreme Court



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22	Preliminary Injunction Hearing (04/10/2019)		
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24	Motion for Protective Order (11/27/2018)		
25	Notice of Entry of Order Granting Temporary	I	00128-00133
26	Restraining Order and Expunging Notice of Default		
27	(11/27/2018)		
28	Notice of Entry of Order on Defendants’ Motion to	II	00405-00409
	Dismiss Plaintiff’s First Amended Complaint		
	(01/17/2019)		

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Notice of Entry of Order on Plaintiff's Motion for Preliminary Injunction (01/17/2019)	II	00395-00399
Notice of Entry of Order on Plaintiff's Motion to Disqualify C. Keith Greer as Attorney of Record for Defendants (01/25/2019)	II	00410-00415
Notice of Entry of Order on Plaintiff's Petition for Appointment of Receiver and for an Accounting (11/27/2018)	I	00098-00103
Notice of Entry of Order on Plaintiff's Renewed Motion for an Accounting Related to Defendants Las Vegas Development Fund LLC and Robert Dziubla and for Release of Funds (01/17/2019)	II	00400-00404
Notice of Entry of Order Regarding Defendants' Motions to Dismiss Plaintiff's Second Amended Complaint and Motion to Strike Portions of Second Amended Complaint (04/10/2019)	III	00563-00569
Notice of Entry of Order Shortening Time (11/15/2019)	XVII	03557-03565
Notice of Entry of Order Staying All Subpoenas For Documents and Depositions which were Served on Non-Parties by Plaintiff (09/13/2019)	VIII	01619-01626
Notice of Entry of Protective Order (11/27/2018)	I	00109-00127
Notice of Entry of Stipulation and Order Regarding Defendants' Judicial Foreclosure Cause of Action (06/25/2019)	V	00978-00983
Notice of Entry of Stipulation and Order Regarding Exhibit (12/6/2019)	XVIII	03665-03680

1	Notice of Entry of Stipulation and Order Resetting	IV	00737-00742
2	Evidentiary Hearing and Extending Temporary		
3	Restraining Order (05/16/2019)		
4	Notice of Entry of Stipulation and Order Setting	V	00971-00977
5	Briefing Schedule on Defendant Las Vegas		
6	Development Fund, LLC's Motion for Appointment		
7	of a Special Master (06/25/2019)		
8	Order Re Rule 16 Conference, Setting Civil Jury	VII	01402-01406
9	Trial, Pre-Trial/Calendar Call and Deadlines for		
10	Motions; Discovery Scheduling Order (08/20/2019)		
11	Order Scheduling Hearing, to discuss NRCP	XI	02372-02373
12	65(a)(2) Notice (09/27/2019)		
13	Order Setting Settlement Conference (12/06/2018)	I	00177-00178
14	Order Setting Settlement Conference (06/04/2019)	V	00967-00968
15	Plaintiff's Motion for Sanctions (09/17/2019)	IX	01627-01670
16	Plaintiff's Motion to Extinguish LVDF's Deed of	XII	02509-02601
17	Trust, or Alternatively to Grant Senior Debt Lender		
18	Romspen a First Lien Position, and Motion to		
19	Deposit Funds Pursuant to NRCP 67 (10/04/2019)		
20	Plaintiff's Motion to Quash Subpoenas (10/29/2019)	XIV	02952-02970
21	Plaintiff's Notice of Intent to Issue Amended	VII	01274-01289
22	Subpoena Duces Tecum to Bank of Hope		
23	(08/06/2019)		
24	Plaintiff's Notice of Intent to Issue Amended	VII	01242-01257
25	Subpoena Duces Tecum to Open Bank (08/06/2019)		
26	Plaintiff's Notice of Intent to Issue Amended	VII	01226-01241
27	Subpoena Duces Tecum to Signature Bank		
28	(08/06/2019)		

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Plaintiff's Notice of Intent to Issue Amended Subpoena Duces Tecum to Wells Fargo Bank (08/06/2019)	VII	01258-01273
Plaintiff's Omnibus Opposition to Defendants' Motions to Quash Subpoena and/or Motions for Protective Order Regarding Subpoenas (08/26/2019)	VIII	01408-01591
Plaintiff's Reply to Opposition to Motion to Quash Subpoenas (11/15/2019)	XVI	03153-03268
Plaintiff's Second Motion for Temporary Restraining Order and Preliminary Injunction, Motion for Order Shortening Time, and Order Shortening Time (03/01/19)	III	00423-00489
Renewed Motion for an Accounting Related to Defendants Las Vegas Development Fund LLC and Robert Dziubla and for Release of Funds, Motion for Order Shortening Time, and Order Shortening Time (11/13/2018)	I	00064-00092
Reply to Opposition to Plaintiff's Motion for Sanctions (10/18/2019)	XIV	02843-02907
Reply to Opposition to Motion to Compel and for Sanctions (10/18/2019)	XIV	02908-02938
Reply to Opposition to Motion to Extinguish LVDF's Deed of Trust, or Alternatively to Grant Senior Debt Lender Romspen a First Lien Position, and Motion to Deposit Funds Pursuant to NRCP 67 (10/18/2019)	XIV	02939-02949
Reporter's Transcript of Hearing (Preliminary Injunction Hearing) (09/20/2019)	X XI	02085-02126 02127-02371

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Reporter’s Transcript of Motion (Preliminary Injunction Hearing) (06/03/2019)	V	00743-00966
Reporter’s Transcript of Motions (Defendants’ Motions to Quash Subpoena to Wells Fargo Bank, Signature Bank, Open Bank and Bank of Hope) (10/09/2019)	XIII	02602-02789
Reporter’s Transcript of Preliminary Injunction (07/23/2019)	VI	01167-01218
Reporter’s Transcript of Preliminary Injunction Hearing (07/22/2019)	VI	00984-01166
Second Amended Complaint (01/04/2019)	II	00179-00394
Second Supplement to Motion to Compel and for Sanctions (11/18/2019)	XVII	03566-03640
Supplement to Motion to Compel and for Sanctions (11/15/2019)	XVI XVII	03269-03402 03403-03549
Supplemental Declaration of Defendant Robert Dziubla in Support of Defendants’ Opposition to Plaintiff’s Renewed Motion for an Accounting Related to Defendants Las Vegas Development Fund LLC and Robert Dziubla and for Release of Funds (12/03/2018)	I	00153-00176



1 This Opposition is based on the papers and pleadings on file herein, the following  
2 Memorandum of Points and Authorities, any exhibits attached thereto, together with any evidence  
3 or argument presented to the Court at the hearing of this matter.

4 DATED this 26<sup>th</sup> day of August, 2019.

5 **ALDRICH LAW FIRM, LTD.**

6 /s/ John P. Aldrich  
7 John P. Aldrich, Esq.  
8 Nevada Bar No. 6877  
9 Catherine Hernandez, Esq.  
10 Nevada Bar No. 8410  
11 Matthew B. Beckstead, Esq.  
12 Nevada Bar No. 14168  
13 7866 West Sahara Avenue  
14 Las Vegas, NV 89117  
15 Tel (702) 853-5490  
16 Fax (702) 226-1975  
17 *Attorneys for Plaintiff/Counterdefendant*

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I.**

20 **INTRODUCTION**

21 Defendants' Motions to Quash are untimely filed. Defendants filed their Motions two (2)  
22 days too late to seek an order quashing or modifying Plaintiff's subpoenas.

23 Defendants lack standing to object to the Plaintiff's subpoenas because the subpoenas do  
24 not seek privileged, protected, or confidential information for which any Defendant has a personal  
25 right or privilege. For the same reason, Defendants lack standing to seek a protective order under  
26 NRCPC 45.

27 Similarly, Defendants lack procedural authority to seek a protective order under NRCPC 26.  
28 Defendants lack standing, once again for the same reason that they have no personal right or  
privilege to the requested documents and information.

Finally, even assuming the Court still decides to consider the merits, Defendants' Motions



1 fail on the merits, as demonstrated by this Opposition. There is no trade secret protection for any  
2 of the information sought in Plaintiff’s subpoenas. Plaintiff has full legal authority to subpoena  
3 individuals and entities in other states. Plaintiff’s subpoenas are not premature by any stretch of  
4 the imagination. Plaintiff has full authority to conduct discovery to the full extent of the Nevada  
5 Rules of Civil Procedure. The full extent of Defendants’ substantive arguments is addressed in  
6 this Opposition.

7 **II.**

8 **STATEMENT OF FACTS**

9 The Joint Case Conference Report in this action was filed on July 19, 2019. Since then,  
10 Plaintiff has issued multiple subpoenas. The Notices of Intent to Issue Subpoena pertaining to the  
11 subpoenas at issue in Defendants’ Motions were all e-served on August 6, 2019, in compliance  
12 with NRCP 45(a)(4).

13 Nine days later, two days past the deadline for filing a motion to quash and for a  
14 protective order pursuant to NRCP 45(a)(4)(B), Defendants filed their motions to quash and for  
15 protective order regarding Plaintiff’s subpoenas.

16 Plaintiff issued an Amended Deposition Subpoena to **Jay Carter**. Mr. Carter is affiliated  
17 with Empyrean West, LLC and is one of the persons described by Dziubla as a “partner” in the  
18 realm of EB-5 fundraising, along with David Keller and Empyrean West, LLC. In its Subpoena,  
19 Plaintiff lists the following documents to be provided by Mr. Carter at his deposition:

20 1. Please provide any and all documents You possess or control  
21 showing communications between any employee, officer, member, manager,  
22 agent, or principal of Empyrean West, LLC and (1) Robert W. Dziubla; (2) Jon D.  
23 Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; and/or (5) Las  
24 Vegas Development Fund LLC, pertaining to the San Diego Hyatt EB-5 project  
for which Empyrean West, LLC raised investment funds from EB-5 immigrant  
investors through the Liberty West Regional Center.

25 2. Please provide any and all documents You possess or control  
26 showing communications between any employee, officer, member, manager,  
27 agent, or principal of Empyrean West, LLC and (1) Robert W. Dziubla; (2) Jon D.  
28 Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; (5) Linda  
Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact Capital Regional

1 Center, LLC; and/or (8) Las Vegas Development Fund LLC, from March 2012 to  
2 the present date.

3 3. Please provide any and all documents You possess or control  
4 showing communications between You and (1) Robert W. Dziubla; (2) Jon D.  
5 Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; (5) Linda  
6 Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact Capital Regional  
7 Center, LLC; and/or (8) Las Vegas Development Fund LLC, from March 2012 to  
8 the present date.

9 4. Please provide any and all documents You possess or control  
10 regarding the Front Sight project and the EB-5 fundraising that sought investors  
11 for the Front Sight project by and through EB5 Impact Capital Regional Center  
12 LLC.

13 Plaintiff issued an Amended Deposition Subpoena to **David C. Keller**. Mr. Keller is also  
14 affiliated with Empyrean West, LLC and is one of the persons described by Dziubla as a “partner”  
15 in the realm of EB-5 fundraising, along with Jay Carter and Empyrean West, LLC. In its  
16 Subpoena, Plaintiff lists the following documents to be provided by Mr. Keller at his deposition:

17 1. Please provide any and all documents You possess or control  
18 showing communications between any employee, officer, member, manager,  
19 agent, or principal of Empyrean West, LLC and (1) Robert W. Dziubla; (2) Jon D.  
20 Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; and/or (5) Las  
21 Vegas Development Fund LLC, pertaining to the San Diego Hyatt EB-5 project  
22 for which Empyrean West, LLC raised investment funds from EB-5 immigrant  
23 investors through the Liberty West Regional Center.

24 2. Please provide any and all documents You possess or control  
25 showing communications between any employee, officer, member, manager,  
26 agent, or principal of Empyrean West, LLC and (1) Robert W. Dziubla; (2) Jon D.  
27 Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; (5) Linda  
28 Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact Capital Regional  
Center, LLC; and/or (8) Las Vegas Development Fund LLC, from March 2012 to  
the present date.

3. Please provide any and all documents You possess or control  
showing communications between You and (1) Robert W. Dziubla; (2) Jon D.  
Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty Capital; (5) Linda  
Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact Capital Regional  
Center, LLC; and/or (8) Las Vegas Development Fund LLC, from March 2012 to  
the present date.

4. Please provide any and all documents You possess or control  
regarding the Front Sight project and the EB-5 fundraising that sought investors

1 for the Front Sight project by and through EB5 Impact Capital Regional Center  
2 LLC.

3 Plaintiff issued an Amended Deposition Subpoena to the **Person(s) Most Knowledgeable**  
4 **for Empyrean West, LLC**. Empyrean West, LLC is an Arizona limited liability company which  
5 Dziubla described (including during his June 3, 2019 sworn testimony<sup>1</sup>) as his “partner” in the  
6 realm of EB-5 fundraising, along with Jay Carter and David Keller. Dziubla has also represented  
7 to Plaintiff that Empyrean West, LLC was the “exclusive EB-5 firm in Vietnam and has been  
8 exempted from the \$5,000 limit international money transfers.”<sup>2</sup> In its Subpoena, Plaintiff lists  
9 the following deposition topics and documents to be provided from the Person(s) Most  
10 Knowledgeable for Empyrean West, LLC:

11 TOPICS FOR NRCP 30(b)(6) DEPOSITION

12  
13 1. Any and all facts, documents, and/or other evidence that pertains to  
14 Empyrean West, LLC’s participation in the San Diego Hyatt EB5 project through  
the Liberty West Regional Center.

15 2. Any and all facts, documents, and/or other evidence pertaining to  
16 Empyrean West, LLC’s interaction and/or communication with Robert W.  
17 Dziubla regarding the San Diego Hyatt EB5 project through the Liberty West  
Regional Center.

18 3. Any and all facts, documents, and/or other evidence pertaining to  
19 Empyrean West, LLC’s interaction and/or communication with Jon D. Fleming  
20 regarding the San Diego Hyatt EB5 project through the Liberty West Regional  
Center.

21 4. Any and all facts, documents, and/or other evidence pertaining to  
22 Empyrean West, LLC’s partnership, interaction, and/or communication with  
23 Kenworth Capital, Inc., including, but not limited to, the San Diego Hyatt EB5  
project through the Liberty West Regional Center.

24 5. Any and all facts, documents, and/or other evidence pertaining to  
25 Empyrean West, LLC’s history of involvement, and experience, with EB5  
26 fundraising and investing, including, but not limited to, the projects and regional

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27 <sup>1</sup> June 3, 2019 Evidentiary Hearing Transcript, p. 59, ls. 8-13; p. 60, ls. 12-25; p. 61, ls. 1-19.

28 <sup>2</sup> See Exhibit 10 attached hereto, which has also been admitted as Exhibit 3 to the Evidentiary Hearing exhibits.

1 centers with which Empyrean West, LLC has worked, cooperated and/or been  
2 affiliated.

3 6. Any and all facts, documents, and/or other evidence pertaining to  
4 Empyrean West, LLC's history, and experience, with EB5 fundraising and  
5 investing in Vietnam.

6 7. Any and all facts, documents, and/or other evidence pertaining to  
7 Empyrean West, LLC's history, and experience, with EB5 fundraising and  
8 investing in China.

9 8. Any and all facts, documents, and/or other evidence pertaining to  
10 Empyrean West, LLC's history, and experience, with EB5 fundraising and  
11 investing in India.

12 9. Any and all facts, documents, and/or other evidence pertaining to  
13 Empyrean West, LLC's history, and experience, with EB5 fundraising and  
14 investing in any foreign countries.

15 ...

16 1. Please provide any and all documents Empyrean West, LLC,  
17 possesses or controls showing communications between any employee, officer,  
18 member, manager, agent, or principal of Empyrean West, LLC and (1) Robert W.  
19 Dziubla; (2) Jon D. Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty  
20 Capital; (5) Linda Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact  
21 Capital Regional Center, LLC; and (8) Las Vegas Development Fund LLC,  
22 pertaining to the San Diego Hyatt EB-5 project for which Empyrean West, LLC  
23 raised investment funds from EB-5 immigrant investors through the Liberty West  
24 Regional Center.

25 2. Please provide any and all documents Empyrean West, LLC,  
26 possesses or controls showing communications between any employee, officer,  
27 member, manager, agent, or principal of Empyrean West, LLC and (1) Robert W.  
28 Dziubla; (2) Jon D. Fleming; (3) Kenworth Capital, Inc.; (4) Legacy Realty  
Capital; (5) Linda Stanwood; (6) EB5 Impact Advisors, LLC; (7) EB5 Impact  
Capital Regional Center, LLC; and (8) Las Vegas Development Fund LLC, from  
March 2012 to the present date.

3. Please provide any and all documents Empyrean West, LLC,  
possesses or controls showing communications between Empyrean West, LLC,  
and (1) Robert W. Dziubla; (2) Jon D. Fleming; (3) Kenworth Capital, Inc.; (4)  
Legacy Realty Capital; (5) Linda Stanwood; (6) EB5 Impact Advisors, LLC; (7)  
EB5 Impact Capital Regional Center, LLC; and (8) Las Vegas Development Fund  
LLC, from March 2012 to the present date.

4. Please provide any and all documents that Empyrean West, LLC,  
possesses or controls regarding the Front Sight project and the EB-5 fundraising

1 that sought investors for the Front Sight project by and through the EB5 Impact  
2 Capital Regional Center.

3 Plaintiff issued a Deposition Subpoena to **Sean Wasaki Flynn**. Mr. Flynn is the  
4 economist who created an economic impact study pertaining to the Project in exchange for his  
5 company's 20% ownership interest stake in EB5IC. The Court will recall from Dziubla's  
6 evidentiary hearing testimony that Front Sight gave Dziubla \$20,000 for the economic study but  
7 Dziubla kept the money and spent it on "business expenses." In its Subpoena, Plaintiff lists the  
8 following documents to be provided by Mr. Flynn at his deposition:

9 1. Please provide any and all documents You possess or control  
10 showing communications between You and (1) Robert W. Dziubla; (2) Jon D.  
11 Fleming; (3) Kenworth Capital; (4) Legacy Realty Capital; (5) Linda Stanwood;  
12 (6) EB5 Impact Advisors, LLC; and (7) EB5 Impact Capital Regional Center,  
LLC, from March 2012 to the present date.

13 2. Please provide any and all documents You possess or control  
14 regarding the Front Sight project and the EB-5 fundraising that sought investors  
15 for the Front Sight project by and through the EB5 Impact Capital Regional  
Center.

16 3. Please provide any and all documents You possess or control  
17 regarding the economic study you did for EB5 Impact Capital Regional Center,  
LLC, pertaining to the Front Sight project.

18 4. Please provide any and all documents and communications You  
19 possess or control regarding the \$20,000.00 payment you did, or were supposed  
20 to, receive in exchange for doing the economic study for EB5 Impact Capital  
Regional Center, LLC.

21 Plaintiff issued an Amended Subpoena Duces Tecum to **Signature Bank**. Signature Bank  
22 is a bank whose New York City branch was designated by Dziubla, Fleming, and Front Sight, as  
23 the place for the deposit of EB-5 investors' funds. In its Subpoena Duces Tecum, Plaintiff lists  
24 the following documents to be provided by Signature Bank:

25 1. Please provide any and all bank statements and other documents  
26 for NES Financial's escrow account for Las Vegas Development Fund LLC,  
27 account # 1502391026, for the time period beginning in March 2012 to the  
28 present date.

1           2.       Please provide, if any exist, any document(s) showing the check  
2 images for deposits made into NES Financial's escrow account for Las Vegas  
3 Development Fund LLC, account #1502391026, for the time period beginning in  
4 March 2012 to the present date.

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

9           4.       Please provide any and all documents for any and all financial  
10 accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact  
11 Advisors LLC is the beneficiary, signatory, and/or account holder, for the time  
12 period beginning March 2012 to the present date.

13           5.       Please provide any and all documents for any and all financial  
14 accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which  
15 EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or  
16 account holder, for the time period beginning March 2012 to the present date.

17           6.       Please provide any and all documents for any and all financial  
18 accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or  
19 for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder,  
20 for the time period beginning March 2012 to the present date.

21           7.       Please provide any and all documents for any and all financial  
22 accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the  
23 beneficiary, signatory, and/or account holder, for the time period beginning  
24 March 2012 to the present date.

25           8.       Please provide any and all documents for any and all financial  
26 accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the  
27 beneficiary, signatory, and/or account holder, for the time period beginning  
28 March 2012 to the present date.

Plaintiff issued an Amended Subpoena Duces Tecum to **Open Bank**. Open Bank is a  
bank doing business in California who has an account for LVDF that Dziubla designated for Front  
Sight to use in order to deposit fees related to marking the Project to potential EB-5 investors. In  
its Subpoena Duces Tecum, Plaintiff lists the following documents to be provided by Open Bank:

1.       Please provide any and all bank statements and other documents  
for Las Vegas Development Fund LLC's financial account # 1226364, for the  
time period beginning in March 2012 to the present date.

1           2.     Please provide any and all documents for any and all financial  
2 accounts pertaining to Las Vegas Development Fund LLC and/or for which Las  
3 Vegas Development Fund LLC is the beneficiary, signatory, and/or account  
4 holder, for the time period beginning March 2012 to the present date.

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

9           4.     Please provide any and all documents for any and all financial  
10 accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact  
11 Advisors LLC is the beneficiary, signatory, and/or account holder, for the time  
12 period beginning March 2012 to the present date.

13           5.     Please provide any and all documents for any and all financial  
14 accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which  
15 EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or  
16 account holder, for the time period beginning March 2012 to the present date.

17           6.     Please provide any and all documents for any and all financial  
18 accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or  
19 for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder,  
20 for the time period beginning March 2012 to the present date.

21           7.     Please provide any and all documents for any and all financial  
22 accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the  
23 beneficiary, signatory, and/or account holder, for the time period beginning  
24 March 2012 to the present date.

25           8.     Please provide any and all documents for any and all financial  
26 accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the  
27 beneficiary, signatory, and/or account holder, for the time period beginning  
28 March 2012 to the present date.

Plaintiff issued an Amended Subpoena Duces Tecum to **Wells Fargo Bank**. Wells Fargo  
Bank is a national association whose Incline Village, Nevada branch was designated for deposit  
into the respective accounts for EB5IA and EB5IC, for marketing fees paid by Front Sight. In its  
Subpoena Duces Tecum, Plaintiff lists the following documents to be provided by Wells Fargo  
Bank:

1.     Please provide any and all bank statements and other documents  
for EB5 Impact Advisors LLC, Account No. 7197291581, for the time period  
beginning in March 2012 to the present date.

1           2.     Please provide any and all documents for any and all financial  
2 accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact  
3 Advisors LLC is the beneficiary, signatory, and/or account holder, for the time  
4 period beginning March 2012 to the present date.

5           3.     Please provide any and all bank statements for EB5 Impact Capital  
6 Regional Center LLC, Account No. 3871099804, for the time period beginning in  
7 March 2012 to the present date.

8           4.     Please provide any and all documents for any and all financial  
9 accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which  
10 EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or  
11 account holder, for the time period beginning March 2012 to the present date.

12           5.     Please provide any and all documents for any and all financial  
13 accounts pertaining to Las Vegas Development Fund LLC and/or for which Las  
14 Vegas Development Fund LLC is the beneficiary, signatory, and/or account  
15 holder, for the time period beginning March 2012 to the present date.

16           6.     Please provide any and all documents for any and all financial  
17 accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact  
18 Advisors LLC is the beneficiary, signatory, and/or account holder, for the time  
19 period beginning March 2012 to the present date.

20           7.     Please provide any and all documents for any and all financial  
21 accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which  
22 EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or  
23 account holder, for the time period beginning March 2012 to the present date.

24           8.     Please provide any and all documents for any and all financial  
25 accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or  
26 for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder,  
27 for the time period beginning March 2012 to the present date.

28           9.     Please provide any and all documents for any and all financial  
accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the  
beneficiary, signatory, and/or account holder, for the time period beginning  
March 2012 to the present date.

          10.    Please provide any and all documents for any and all financial  
accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the  
beneficiary, signatory, and/or account holder, for the time period beginning  
March 2012 to the present date.

          Plaintiff issued an Amended Subpoena Duces Tecum to **Bank of Hope**. Bank of Hope is  
a bank doing business in California with multiple accounts that were designated by Dziubla for



1 Front Sight to use to pay interest under the CLA and for use as an escrow account for EB-5  
2 investor funds. In its Subpoena Duces Tecum, Plaintiff lists the following documents to be  
3 provided by Bank of Hope:

4 1. Please provide any and all bank statements and other documents  
5 for Las Vegas Development Fund LLC's financial account # 6400371502, for the  
6 time period beginning in March 2012 to the present date.

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

11 3. Please provide any and all documents for any and all financial  
12 accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital,  
13 Inc. is the beneficiary, signatory, and/or account holder, for the time period  
14 beginning March 2012 to the present date.

15 4. Please provide any and all documents for any and all financial  
16 accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact  
17 Advisors LLC is the beneficiary, signatory, and/or account holder, for the time  
18 period beginning March 2012 to the present date.

19 5. Please provide any and all documents for any and all financial  
20 accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which  
21 EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or  
22 account holder, for the time period beginning March 2012 to the present date.

23 6. Please provide any and all documents for any and all financial  
24 accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or  
25 for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder,  
26 for the time period beginning March 2012 to the present date.

27 7. Please provide any and all documents for any and all financial  
28 accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the  
beneficiary, signatory, and/or account holder, for the time period beginning  
March 2012 to the present date.

1. Please provide any and all documents for any and all financial  
accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the  
beneficiary, signatory, and/or account holder, for the time period beginning  
March 2012 to the present date.

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III.

LEGAL ARGUMENT

**A. DEFENDANTS' MOTIONS TO QUASH ARE UNTIMELY FILED AND SHOULD BE DENIED WITH PREJUDICE**

Defendants' Motions to Quash must be denied because Defendants have not complied with NRCPC 45(a)(4)(B)'s procedural requirements for such motions. Rule 45(a)(4)(B) states, in relevant part:

(ii) To invoke the protections of this rule, the objecting party must file and serve written objections to the subpoena and a motion for a protective order under Rule 26(c) within 7 days after being served with notice and a copy of the subpoena under Rule 45(a)(4)(A);

(iii) In the objections and the motion, the party must specifically state the party's objections to each command to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises and demonstrate a basis for asserting that the command will require disclosure of privileged, confidential, or other protected matter and establish that no exception or waiver applies and that the objecting party is entitled to assert the claim of privilege or other protection against disclosure.

NRCPC 45(a)(4)(B)(ii)-(iii).

The deadline for Defendants to file their motion to quash was August 13, 2019. The motions to quash were untimely filed and should be denied on that basis alone. The motions were filed two days late, nine days after the amended notices of intent to issue subpoena were e-served. Because the notices of intent to issue subpoena were e-served, there is *no* three-day grace period. *See* NRCPC 6(d). Because Defendants filed their motions two days too late, the Court should deny each and every motion to quash *with prejudice*.

**B. DEFENDANTS LACK STANDING TO CHALLENGE PLAINTIFF'S SUBPOENAS**

“Ordinarily, a party does not have standing to challenge a subpoena issued to a nonparty unless the party claims some personal right or privilege in the information sought by the subpoena.” *Singletary v. Sterling Transport Co.*, 289 F.R.D. 237, 239 (E.D. Va. 2012) (quoting *United States v. Idema*, 118 F. App'x 740, 744 (4th Cir. 2005)) (citing *Green v. Sauder Mouldings, Inc.*, 223 F.R.D. 304, 306 (E.D.Va. 2004)). But “a personal right does not attach to

1 bank records because they are not confidential communications but [instead] instruments of  
2 commercial transactions and the business records of the bank.” *Id.* (alteration in *Singletary*)  
3 (internal quotation marks omitted) (citations omitted). Because a personal right does not attach to  
4 the bank records sought in the bank subpoenas, Defendants all lack standing to challenge the bank  
5 subpoenas to Bank of Hope, Open Bank, Signature Bank, and Wells Fargo, because they do not  
6 have a privacy right to their banking records that would justify quashing or modifying the bank  
7 subpoenas.

8 Nor do Defendants have a personal right or privilege to the records and information  
9 sought from Sean Flynn, Empyrean West, LLC, David Keller, and Jay Carter, meaning they lack  
10 standing to seek an order quashing or modifying the subpoenas to these persons. Defendants use  
11 mere boilerplate, repetitive analysis for each and every motion to quash the subpoenas for these  
12 records, without specifically explaining what records are or should be protected against disclosure  
13 or production or specifying what privilege applies to which request (or to any request). There is  
14 no privilege regarding communications with potential EB-5 investors or the  
15 consultants/contractors/agents who were working overseas. These records are not trade secrets, as  
16 shown below in a more detailed analysis, and Defendants have provided nothing to support these  
17 claims.

18 Defendants also have no personal right or privilege to the records and information sought  
19 from any person or entity designated in Front Sight’s subpoenas, which necessarily means they  
20 cannot seek to quash or modify those subpoenas. Because Defendants have no standing, the  
21 Motions should be denied.

22 **C. DEFENDANTS’ MOTIONS DO NOT STATE ANY OBJECTIONS WITH THE**  
23 **REQUISITE PARTICULARITY**

24 Defendants’ Motions fail to “state with particularity the grounds for seeking the order[s]”  
25 sought, a requirement under NRCP 7(b)(1). Rule 7(b)(1) states that a “motion must: (A) be in  
26 writing unless made during a hearing or trial; (B) state with particularity the grounds for seeking  
27 the order; and (C) state the relief sought.” Nevada procedure requires more analysis than  
28 Defendants provide, and Defendants’ motions to quash or modify and for a protective order are

1 procedurally deficient for failure to flesh out the specific, particular reasons justifying their  
2 requests for such orders pursuant to NRCPC 7(b)(1).

3 Defendants' Motions each argue that Plaintiff's subpoenas are "intended to harass, annoy,  
4 embarrass and/or oppress Defendants and/or to cause Defendants undue burden or expense," but  
5 there is no substantive analysis to support such a finding at all. Defendants must provide  
6 substantive analysis and "state with particularity the grounds for seeking the order[s]," NRCPC  
7 7(b)(1)(B). Despite this procedural requirement, however, this specific ground is not particularly  
8 stated in any of Defendants' Motions.

9 Also, each and every one of Defendants' Motions to Quash is nearly identical and does  
10 not comply with Rule 45(a)'s requirement that the moving party:

11 must specifically state the party's objections **to each** command to produce  
12 documents . . . and demonstrate a basis for asserting that the command will  
13 require disclosure of privileged, confidential, or other protected matter and  
14 establish that no exception or waiver applies and that the objecting party is  
entitled to assert the claim of privilege or other protection against disclosure.

15 NRCPC 45(a)(4)(B)(iii) (emphasis added). Defendants do not even come close to meeting their  
16 burden. Instead, Defendants effectively recycled the same general objections over and over in the  
17 apparent hope that the Court would conduct a wholesale quashing of Plaintiff's duly issued,  
18 proper subpoenas. *Compare, e.g.*, Defendants' Motion to Quash Subpoena to Signature Bank, pp.  
19 8-9 *with* Defendants' Motion to Quash to Quash Subpoena to Bank of Hope, pp. 8-10.

20 The following tables demonstrate how Defendants recycled their general objections in  
21 each of their motions to quash, and while this is not an exhaustive demonstration of each general  
22 objection Defendants used, it illustrates Plaintiff's point that Defendants are not complying with  
23 Rule 45's specificity requirement for objections to a subpoena:

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1           **1. Defendants’ General Objection:** “The information sought is not admissible nor is  
 2           it likely to lead to the discovery of admissible evidence.”

<b>MOTION</b>	<b>WAS THIS GENERAL OBJECTION USED?</b>
Defendants’ Motion to Quash Subpoena to Signature Bank	Yes.
Defendants’ Motion to Quash Subpoena to Bank of Hope	Yes.
Defendants’ Motion to Quash Subpoena to Open Bank	Yes.
Defendants’ Motion to Quash Subpoena to Empyrean West	Yes.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	Yes.
Defendants’ Motion to Quash Subpoena to Jay Carter	Yes.
Defendants’ Motion to Quash Subpoena to David C. Keller	Yes.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	Yes.

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 10           This objection is frivolous and Defendants’ Motions each fail to give a specific objection  
 11           and link that specific objection to the particular command stated in the subpoena being  
 12           challenged. Defendants have failed to meet their burden as set forth in NRCP 45(a)(4)(B)(iii).

13           **2. Defendants’ General Objection:** “The subpoena is intended to harass, annoy,  
 14           embarrass and/or oppress Defendants and/or to cause Defendants undue burden or  
 15           expense.”

<b>MOTION</b>	<b>WAS THIS GENERAL OBJECTION USED?</b>
Defendants’ Motion to Quash Subpoena to Signature Bank	Yes.
Defendants’ Motion to Quash Subpoena to Bank of Hope	Yes.
Defendants’ Motion to Quash Subpoena to Open Bank	Yes.
Defendants’ Motion to Quash Subpoena to Empyrean West	Yes.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	Yes.
Defendants’ Motion to Quash Subpoena to Jay Carter	Yes.
Defendants’ Motion to Quash Subpoena to David C. Keller	Yes.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	Yes.

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 22           This objection is frivolous and Defendants’ Motions each fail to link that specific  
 23           objection to the particular command stated in the subpoena being challenged. This is a failure to  
 24           comply with NRCP 45(a)(4)(B)(iii).

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3. **Defendants’ General Objection:** “The subpoena seeks privileged, confidential or other protected information.”

MOTION	WAS THIS GENERAL OBJECTION USED?
Defendants’ Motion to Quash Subpoena to Signature Bank	Yes.
Defendants’ Motion to Quash Subpoena to Bank of Hope	Yes.
Defendants’ Motion to Quash Subpoena to Open Bank	Yes.
Defendants’ Motion to Quash Subpoena to Empyrean West	Yes.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	Yes.
Defendants’ Motion to Quash Subpoena to Jay Carter	Yes.
Defendants’ Motion to Quash Subpoena to David C. Keller	Yes.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	Yes.

This objection is frivolous and Defendants’ Motions each fail to link that specific objection to the particular command stated in the subpoena being challenged. This is a failure to comply with NRCP 45(a)(4)(B)(iii). Further, Defendants have provided no basis for assertion of a privilege.

4. **Defendants’ General Objection:** “The subpoena seeks financial information and Plaintiff has not shown a compelling need, nor can it.”

MOTION	WAS THIS GENERAL OBJECTION USED?
Defendants’ Motion to Quash Subpoena to Signature Bank	Yes.
Defendants’ Motion to Quash Subpoena to Bank of Hope	Yes.
Defendants’ Motion to Quash Subpoena to Open Bank	Yes.
Defendants’ Motion to Quash Subpoena to Empyrean West	No.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	Yes.
Defendants’ Motion to Quash Subpoena to Jay Carter	No.
Defendants’ Motion to Quash Subpoena to David C. Keller	No.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	No.

This objection is frivolous and Defendants’ Motions each fail to link that specific objection to the particular command stated in the subpoena being challenged. This is a failure to comply with NRCP 45(a)(4)(B)(iii). Additionally, Defendants confuse who has the burden related to these Motions. As shown, NRCP 45 places the burden squarely on Defendants to show why the discovery should not be permitted. Defendants have failed to do so.

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5. **Defendants’ General Objection:** “The subpoena seeks privileged, confidential or other protected information under Nevada’s UTSA.”

<b>MOTION</b>	<b>WAS THIS GENERAL OBJECTION USED?</b>
Defendants’ Motion to Quash Subpoena to Signature Bank	Yes.
Defendants’ Motion to Quash Subpoena to Bank of Hope	Yes.
Defendants’ Motion to Quash Subpoena to Open Bank	Yes.
Defendants’ Motion to Quash Subpoena to Empyrean West	Yes.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	Yes.
Defendants’ Motion to Quash Subpoena to Jay Carter	Yes.
Defendants’ Motion to Quash Subpoena to David C. Keller	Yes.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	Yes.

This objection is frivolous and Defendants’ Motions each fail to link that specific objection to the particular command stated in the subpoena being challenged. This is a failure to comply with NRCPC 45(a)(4)(B)(iii). Further, Defendants have provided no basis for assertion of a privilege.

The following table shows the actual specific objections to Plaintiff’s specific commands to produce:

<b>MOTION</b>	<b>SPECIFIC OBJECTIONS TO SUBPOENA’S COMMANDS</b>
Defendants’ Motion to Quash Subpoena to Signature Bank	None.
Defendants’ Motion to Quash Subpoena to Bank of Hope	None.
Defendants’ Motion to Quash Subpoena to Open Bank	None.
Defendants’ Motion to Quash Subpoena to Empyrean West	None.
Defendants’ Motion to Quash Subpoena to Wells Fargo Bank	None.
Defendants’ Motion to Quash Subpoena to Jay Carter	None.
Defendants’ Motion to Quash Subpoena to David C. Keller	None.
Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn	None.

The Court should deny, with prejudice, Defendants’ Motions to Quash Plaintiff’s Subpoenas, because the Motions are untimely and materially non-compliant with Rule 45’s procedural requirements for objections to be made with specificity as to a subpoena’s individual commands for production.

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1 **D. NONE OF PLAINTIFF’S SUBPOENAS SEEK THE DISCLOSURE OF “TRADE**  
2 **SECRETS” SUBJECT TO PROTECTION UNDER NEVADA’S UNIFORM**  
3 **TRADE SECRETS ACT (UTSA)**

4 None of Plaintiff’s subpoenas seek documents that are privileged, confidential, or a trade  
5 secret; even if such privilege or protection were available to Defendants, they have not  
6 specifically demonstrated that each and every command (or any command) in Plaintiff’s  
7 subpoenas requires disclosure of privileged or protected materials. Defendants have not met *their*  
8 *burden* under Rule 45(a)(4)(B)(iii) to “establish that no exception or waiver applies and that the  
9 objecting party is entitled to assert the claim of privilege and other protection against disclosure.”  
10 The bank records, communications with fundraising agents, and other documents sought are not  
11 protectable from disclosure pursuant to the Nevada Rules of Civil Procedure or the Uniform  
12 Trade Secrets Act (UTSA). Defendants are apparently seeking UTSA protection for these  
13 documents and communications, but the plain language of the Act directly contradicts  
14 Defendants’ assertion that these records sought are protected under Nevada’s UTSA.

15 Nevada’s definition of “trade secret” under the UTSA demonstrates this very point:

16 “Trade secret”:

17 (a) Means information, including, without limitation, a formula, pattern,  
18 compilation, program, device, method, technique, product, system, process,  
19 design, prototype, procedure, computer programming instruction or code that:

20 (1) Derives independent economic value, actual or potential, from not  
21 being generally known to, and not being readily ascertainable by proper  
22 means by the public or any other persons who can obtain commercial or  
23 economic value from its disclosure or use; and

24 (2) Is the subject of efforts that are reasonable under the circumstances to  
25 maintain its secrecy.

26 NRS 600A.030(5).

27 A review of the Nevada UTSA’s definition of “trade secret” shows that the parties are  
28 clearly operating with something fundamentally different than the source code for Apple’s iOS  
operating-system software, the Coca-Cola secret formula, or the Colonel’s secret recipe for  
Kentucky Fried Chicken. Defendants are, instead, trying to hide behind Nevada’s UTSA in order  
to prevent Plaintiff from proving its fraud claims and legitimately exploring what efforts  
Defendants actually took, collectively or individually, to perform under the Engagement Letter



1 and/or CLA. The amalgamation of communications and financial arrangements with overseas  
2 consultants, contractors, and/or investors does *not* qualify as a protectable trade secret. None of  
3 Defendants’ Motions even specify what category such information is supposed to fall under, be it  
4 a “formula,” “pattern,” “program,” “device,” “technique,” or other category.

5 Defendants’ Motions imply that the EB-5 investor information that is or may be scattered  
6 about the records described in Plaintiff’s subpoenas constitutes a “book of business” that qualifies  
7 as a legitimate trade secret. But the EB-5 investors are unlikely to be “repeat customers,” instead  
8 of what they actually are, which is one-time investors. Also, to find that the investors’ names  
9 constitute a “trade secret” under Nevada’s UTSA, the Court must necessarily find that the  
10 investors’ names are “the subject of efforts that are reasonable under the circumstances to  
11 maintain its secrecy.” Defendants have failed to establish that. Moreover, Defendants have  
12 already disclosed some of these names to Plaintiff via email, and some of the investors and  
13 marketing agents have actually visited Front Sight’s property. *See* FS 05300-05306, a copy of  
14 which is attached hereto as **Exhibit 1**.

15 The records sought in Plaintiff’s subpoenas could hardly be construed as being a  
16 “compilation” of EB-5 investor names or other information similar to a book of business; they are  
17 financial records and communications with agents which may or may not incidentally include  
18 investor-related demographic information or Defendants’ insights into EB-5 fundraising. Even if  
19 that proves to be the case, such information or thinking does not qualify as a “trade secret” under  
20 Nevada’s UTSA.

21 Defendants also fail to identify what, if any, actual efforts they have made or currently  
22 make to keep this information a *bona fide* secret. There is simply no mention of this necessary  
23 finding in Defendants’ Motions to Quash Plaintiff’s Subpoenas. Instead, they simply quote part  
24 of the law, gloss right over the portion of the motions where the analysis should be, and skip right  
25 to the part about the UTSA’s remedies for misappropriation of trade secrets, somehow including  
26 the Third Circuit Court of Appeals’s apparent (and irrelevant) standard for what constitutes a  
27 protected trade secret. What is conspicuously absent is any analysis showing that Defendants have  
28 made legitimate effort to keep the information sought (and alleged to be a trade secret) in a

1 manner that supports their unconvincing theory that the information is subject to protection under  
2 Nevada’s UTSA.

3 The UTSA is not a basis for quashing the subpoenas or imposing a protective order.  
4 Defendants’ Motions should be denied.

5 **E. SERVING DEONENTS IN OTHER STATES**

6 Defendants’ argument that Plaintiff’s subpoenas cannot be directed to an out-of-state  
7 deponent is a non-starter, as well. For example, Defendants ignore California’s Interstate and  
8 International Depositions and Discovery Act (Cal. Code Civ. Proc. § 2029.100 – .900). §  
9 2029.300’s title is “Issuance of subpoena by clerk of court.” Its text quite literally spells out how  
10 to domesticate a Nevada subpoena in California. *See generally* Cal. Code. Civ. Proc. § 2029.300.  
11 For example, § 2029.300(a) states:

12 To request issuance of a subpoena under this section, a party shall submit the  
13 original or a true and correct copy of a foreign subpoena to the clerk of the  
14 superior court in the county in which discovery is sought to be conducted in this  
15 state. A request for the issuance of a subpoena under this section does not  
16 constitute making an appearance in the courts of this state.

15 Plaintiff has complied with the procedural requirements for domesticating Plaintiff’s Nevada  
16 subpoenas, as evidenced by the California subpoenas attached hereto as **Exhibits 2 and 3**.

17 Plaintiff did not serve a Nevada subpoena directly upon Defendants; Plaintiff obtained  
18 duly issued subpoenas from the California court’s clerk and served those subpoenas. Plaintiff will  
19 follow the Arizona and New York versions of the Interstate and International Depositions and  
20 Discovery Act, as well. The very existence of such statutes weighs heavily against, and totally  
21 eviscerates, Defendants’ arguments that Plaintiff’s subpoenas were improperly directed to out-of-  
22 state persons not located or residing in Nevada. *See generally* Ariz. R. Civ. Pr. 45.1 (Arizona’s  
23 procedural version of the Interstate Depositions and Discovery Act); New York C.P.L.R. § 3119  
24 (New York’s codified version of the Interstate Depositions and Discovery Act).

25 What Defendants are getting at is that Nevada clerks and attorneys cannot effectively issue  
26 a direct subpoena to an out-of-state deponent without first domesticating them in the particular  
27 foreign jurisdiction where the deponent is. Plaintiff has domesticated the subpoenas, however.  
28 *See Exhibits 2 and 3*.

1 **F. NONE OF THE SUBPOENAS IS PREMATURE**

2 Puzzlingly, some of Defendants’ Motions to Quash or Modify assert (incorrectly) that the  
3 subpoena is premature, specifically the Motions to Quash the subpoenas to Empyrean West, LLC,  
4 Jay Carter, Dave Keller, and Sean Flynn. But the Joint Case Conference Report in this action was  
5 filed on July 19, 2019, and Plaintiff’s subpoenas were all noticed and issued afterwards.

6 Rule 26 plainly provides that “[a]t any time after the filing of a joint case conference  
7 report, . . . any party who has complied with Rule 16.1(a)(1) . . . may obtain discovery by any  
8 means permitted by these rules.” *See* NRCp 26(a). The JCCR was filed on July 19, 2019, and  
9 Plaintiff provided its first batch of initial disclosures on June 25, 2019, provided a supplemental  
10 batch of 16.1(a)(1) disclosures on July 18, 2019, and a second supplemental batch of 16.1(a)(1)  
11 disclosures on July 29, 2019. This constitutes compliance with Rule 16.1(a)(1) sufficient to  
12 enable Plaintiff to obtain discovery “by any means permitted by these rules,” NRCp 26(a), which  
13 necessarily includes issuing subpoenas under Rule 45. Discovery is under way. The subpoenas  
14 are not premature, and that is no basis to quash or modify the subpoenas.

15 **G. THE OUT-OF-STATE BANK SUBPOENAS**

16 The subpoenas seeking banking records from Open Bank, Bank of Hope, and Signature  
17 Bank are seeking such records in order to track the money that Front Sight and the EB-5 investors  
18 wired, transferred, and/or deposited into these accounts. Specifically, Plaintiff is seeking the  
19 account statements for the accounts described in the subpoenas, whether they be monthly,  
20 quarterly, biweekly, etc., and/or any other document(s) showing the funds transferred into and out  
21 of those accounts, the date of those transfers, and the recipient/source of the funds.

22 Even if Defendants did have standing to quash these subpoenas, which they do not  
23 because they have no personal rights to the subpoenas’ commanded documents, these subpoenaed  
24 records are relevant to Plaintiff’s claims for fraud and breach of contract. More specifically,  
25 Plaintiff believes these records will show that Defendants improperly commingled funds, used or  
26 withheld funds in a manner inconsistent with the Engagement Letter and/or CLA, and used the  
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1 funds for their own personal gain and purposes<sup>3</sup>. During his testimony, Dziubla said the Regional  
2 Center put money into EB5IA, and Front Sight and EB5IA each have records showing that  
3 Defendants commingled funds. Plaintiff is entitled to these records to validate its claims and keep  
4 Defendants honest or, if they have acted improperly, to hold them accountable and liable.

5 The Court's authority to quash subpoenas derives from NRC 45(c)(3), which does not  
6 expressly empower this Court to quash a subpoena on the basis of irrelevance or overbreadth. *See*  
7 NRC 45(c)(3)(A)-(B) (describing when a district court is required or granted discretion to quash  
8 a subpoena). And the bank subpoenas are not overbroad because they are very specifically  
9 limited to accounts for which any party Defendant (or related entity) is a beneficiary. LVDF,  
10 EB5IA, and EB5IC were each created specifically for the purpose of financing and/or performing  
11 duties related to the Project – these entities did not exist before the parties began their discussions  
12 regarding the financing efforts in 2012. Any financial activity to and from the accounts for these  
13 entities necessarily pertain to the Project and its financing, meaning the records for those accounts  
14 are relevant. Many of the accounts sought were specifically earmarked for deposits from Front  
15 Sight or the EB-5 investors by Defendants themselves. In other words, Defendants specified  
16 which accounts Front Sight and the EB-5 investors should use. They should not be allowed at  
17 this juncture to do an about-face and describe these accounts as irrelevant or the banking records  
18 sought as overbroad – Plaintiff is entitled to track the funds it paid to Defendants and determine  
19 how they were used or disbursed.

20 The subpoenas are not overbroad as to the individuals named in the bank subpoenas  
21 because these individuals are officers of the very entities that were created to finance the Project  
22 and the Complaint specifically alleges that each individual named in the bank subpoenas  
23 individually benefited from Defendants' unlawful conduct. *See* Second Am. Comp., ¶¶ 76-77.  
24 The UTSA does not change this. *See supra*.

25 California procedure does not apply in any way to the merits of Defendants' motions to  
26 quash. California procedure pertains solely to issuing serving the respective deponents in

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28 <sup>3</sup> On November 13, 2018, Front Sight provided evidence of Defendants' commingling of funds. *See*, Declaration of Ignatius Piazza in Support of Renewed Motion for an Accounting, previously filed with the Court.

1 California. See NRCP 45(b) (regarding the different methods for serving a subpoena, including  
2 “Service in Another State or Territory”). Plaintiff has duly and timely served the § 1985.3(e)  
3 notices pertaining to the Open Bank and Bank of Hope subpoenas, and § 1985.3’s requirements  
4 do not apply to the Signature Bank subpoena. A copy of the § 1985.3(e) notices are attached  
5 hereto as **Exhibits 4 through 9**.

6 **H. THE EMPYREAN WEST SUBPOENAS**

7 Plaintiff seeks to serve subpoenas on Empyrean West, LLC, Jay Carter, and David Keller  
8 (collectively “Empyrean West Subpoenas”) in Arizona because Dziubla represented early on that  
9 Carter and Keller worked for Empyrean West, LLC and that Dziubla was their “partner.”  
10 Specifically, Dziubla stated, “Our partners, Empyrean West (David Keller and Jay Carter), are the  
11 owners and managers of a USCIS-approved regional center, Liberty West Regional Center,  
12 through which we will invest the \$65m of EB-5 funding,” FS 00006, a copy of which is attached  
13 hereto as **Exhibit 10**. It is Dziubla who put his partnership with Empyrean West, LLC, Keller,  
14 and Carter at issue, not Plaintiff.

15 Naturally, Plaintiff seeks documents showing communications between Empyrean West,  
16 LLC, Keller, and Carter, from the time Plaintiff began discussions with Dziubla and others  
17 regarding financing for the Project and regarding the San Diego Hyatt Project that Dziubla  
18 apparently worked on with Empyrean West, LLC. Plaintiff also seeks any documents regarding  
19 the Front Sight Project specifically.

20 These documents and communications are relevant, at a minimum to Plaintiff’s fraudulent  
21 inducement claim and to impeaching Dziubla’s credibility as a witness. Plaintiff also seeks these  
22 documents and communications because they will reveal the nature and extent of Dziubla’s actual  
23 experience with EB-5 lending (or lack thereof).

24 Defendants also lack standing to assert that the information sought in the Empyrean West  
25 Subpoenas is “duplicative,” a standard that is not even relevant to a motion to quash a subpoena  
26 duces tecum anyhow. A party may have a duty to avoid *producing* duplicative disclosures and  
27 may be excused from making duplicative disclosures under Rule 26(b)(2)(C), but Defendants lack  
28 standing to make such an assertion. The standing, if any, would be the deponent’s on the basis of

1 undue burden or expense under Rule 45(c)(1).

2 **I. THE SUBPOENA TO SEAN FLYNN**

3 Most of the general objections are so general that this opposition has already addressed  
4 them substantively, except the argument that “[t]he subpoena seeks, *inter alia*, information  
5 regarding certain non-party entities which such non parties [sic] may have entrusted to Mr. Flynn  
6 and/or certain Defendants under assurances of confidentiality,” Defendants’ Motion to Quash  
7 Subpoena to Sean Wasaki Flynn, p. 12, ls. 17-20. Defendants have provided zero evidence, not  
8 even an unsworn declaration or affidavit, to support this insinuation. Defendants have not stated  
9 directly that these non-party entities *did* entrust Mr. Flynn with certain information under  
10 assurances of confidentiality, or what type of information was provided, nor have they even  
11 attempted to establish prejudice to Defendants.

12 Defendants also lack standing to argue that, “[a]s such, the subpoena implicates the  
13 privacy rights of said non-parties without providing them any notice or opportunity to object,”  
14 Defendants’ Motion to Quash Subpoena to Sean Wasaki Flynn, p. 12, ls. 21-23. Defendants do  
15 not have standing to argue that “those non-parties must be given notice and opportunity to  
16 object,” *id.* at p. 13, l. 5. The subpoena to Flynn actually explains that he has an opportunity to  
17 object anyway, and nothing has deprived Flynn of his due process rights anyway. Flynn can  
18 object for himself, if necessary.

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IV.

**CONCLUSION**

Based on all of the above, Plaintiff respectfully requests that this Court deny Defendants' Motions to Quash Subpoena and/or Motions For Protective Order Regarding Subpoenas.

DATED this 26<sup>th</sup> day of August, 2019.

**ALDRICH LAW FIRM, LTD.**

/s/ John P. Aldrich  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, NV 89117  
Tel (702) 853-5490  
Fax (702) 226-1975  
*Attorneys for Plaintiff/Counterdefendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26<sup>th</sup> day of August, 2019, I caused the foregoing **PLAINTIFF’S OMNIBUS OPPOSITION TO DEFENDANTS’ MOTIONS TO QUASH SUBPOENA AND/OR MOTIONS FOR PROTECTIVE ORDER REGARDING SUBPOENAS** to be electronically filed and 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:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON FLEMING and LINDA STANWOOD*

Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON FLEMING and LINDA STANWOOD*

/s/ T. Bixenmann  
An employee of ALDRICH LAW FIRM, LTD.



# **EXHIBIT 1**

# **EXHIBIT 1**

Sr.No.	Date	Name & Address	Telephone	Purpose	Email	Reference
1	13-02-2017	Hema Mehta 403 Sharvil Court, AdaishDngdhalaya, Malad (w), Mumbai-64 9833767985,,/9029015211	9833767985, 9029015211	Immigrant visa	<a href="mailto:Ketanmehta18475@gmail.com">Ketanmehta18475@gmail.com</a>	Mumbai Samachar
2	13-02-2017	Naresh Vora 306/17, B Girnar society, ApnaGhs Unit No.4, S.s. nagar X Rd., No.1, Lokhanwala complex, Andheri (w), Mumbai-56 Mob. No.92233365485	92233365485	EB-5		
3	14-02--2017	Mr. Ashok Das 1104 Ganesh Nagar, Powai Mumbai-76 25720113	25720113	EB-5		Time of India
4	14.02.2017	Mr. Suketu Mody 69, Walkeshwar Road, 5 <sup>th</sup> Floor, Flat No.56, Mumbai-6	9819331440	EB-5	<a href="mailto:Sr_mody@yahoo.com">Sr_mody@yahoo.com</a>	News Paper
5	15-02-2017	Dr. HimmatGovindMangutya Maheshwar Complex II Varachha Road surat Mob. No.9825956879	9825956879	EB-5	<a href="mailto:ngmangu@gmail.com">ngmangu@gmail.com</a>	

6	16-02-2017	Mr. Sharad Shah Ghatkoper (e), Mumbai-77	9833616370	EB-5	<a href="mailto:shahkalas@gmail.com">shahkalas@gmail.com</a>	Time of India
7	14-03-2017	Mr. Amit K. Trivedi B-401 Angelina C.H. S. Ltd., Nr., Santoshi Mata Temple Sarajini Road, Vile Parle (w), Mumbai- Mob. No.9820045965	9820045965	EB-5	<a href="mailto:kiritinsurance@gmail.com">kiritinsurance@gmail.com</a>	New Paper
8	15-03-2017	IshanGokhale Gokhale Group 465 Sidh Society Aundh, Pune	9822212975	EB-5		
9	15-03-2017	Mr. Amit Shah 77/2 <sup>nd</sup> Marin Drive, F Road, Patan Jain Madal-2 Mumbai-400020 Mob. No. 8655922902	8655922902	EB-5	<a href="mailto:Smatsah1992@gmail.com">Smatsah1992@gmail.com</a>	
10	15-03-2017	Mr. AnupDalwani	9820190706	EB-5	<a href="mailto:ankurdalwani@gmail.com">ankurdalwani@gmail.com</a>	News paper
11	16-03-2017	Hamik Gandhi 107/109 S. B. Road, 6 Darul Khalil, 1 <sup>st</sup> floor, Colaba Mumbai-400001 Mob. No. 9819216106	9819216106	EB-5	<a href="mailto:Hssabdhi786@yahoo.com">Hssabdhi786@yahoo.com</a>	New Paper
12	16-03--2017	Vijay Jajal Kandivali (w), Mumbai-400064	9833913277	EB-5	<a href="mailto:Khatrivijay30@gmail.com">Khatrivijay30@gmail.com</a>	News paper
13	16-03-2017	VimalBagaria Kandivali (W),Mumbai-400067	9820880448	Immigrant visa	<a href="mailto:Vimbagaria@gmail.com">Vimbagaria@gmail.com</a>	News paper

14	16-03-2017	Mr. KetanVyas 101 Ketan Apts. 1 <sup>st</sup> floor, Mehta Marg, Ghatkopar (E), Mumbai- Mob. No. 9821087591	9821087591	EB-5	<a href="mailto:ketanvyas@gmail.com">ketanvyas@gmail.com</a>	seminar
15	17-03-2017	Mr. Vinod K. A. B-3 Prashad Apt. Powai Mumbai-76 Mob. No.8879172818	8879172818	EB-5	<a href="mailto:Jughead69@rediffmail.com">Jughead69@rediffmail.com</a>	News Paper
16	17-03-2017	Hasmukh P. Shah E/104,Kamla vilarsoc., Mahavir Nagar, Kandivali (w), Mumbai-400067 Mob. No. 9930954799	9930954799	EB-5	<a href="mailto:hasmukhpshah@yahoo.com">hasmukhpshah@yahoo.com</a>	New paper
17	14.10.2016	Mr. Rajeev Sharma 544, Chandhary Girdharilal Marg, Mitterpur, Ranipokhri, Dehradun, Uttarakhand-248145	8126443583	EB-5	<a href="mailto:Rajeev.sharma7160@gmail.com">Rajeev.sharma7160@gmail.com</a>	

18		Mr. Prashant Tripathy Max Life Insurance Co.Ltd 11 <sup>th</sup> Floor dif square, Jacaranda Marg, DLF City, Phase II Gurgaon- 122002 Haryana (India)	91-124-2561717 Ext.1185	EB-5	<a href="mailto:Prashant.tripathy@maxlifeinsurance.com">Prashant.tripathy@maxlifeinsurance.com</a>	
19	10.08.2015	Rabindu Shah 1301 Aditya Towers Chandawarkar Road, Borivali (w), Mumbai-92 Mob. No.	98321154561	EB-5	<a href="mailto:rabindushah@gmail.com">rabindushah@gmail.com</a>	
20		Mr.Chetan Patel 1 <sup>st</sup> Floor, Kismat Building, Opp, Mahavir Petrol Pump, Rushabh Char Rasta, Rander Rd, Surat-395009	9824191923	EB-5		
21	14.12.2015	Mr. Dhaval Somaiya 182 Lohar Chawl Gopal Niwas, Ground Floor, Bycullam Mumbai-400008	9820818084	EB-5	<a href="mailto:dhavalsomaiya@gmail.com">dhavalsomaiya@gmail.com</a>	
22		Rakesh Patel	9879859595	EB-5		

# CONFIDENTIAL

Sr No.	EB-5 Clients Name	Phone Numbers	City
1	Amin	917927475069	Ahmedabad
2	Ramani	912225128937	Mumbai
3	Chetan	919824191923	Surat
4	Chirag	919820285401	Vashi
5	Deepak Shah	919408522571	Bhavnagar
6			
7	Dr. Kamdar Mahesh	919867500100 / 09322209478	
8	Aashis Noorani	971505531325	Dubai
9	Anand	912692241401	
10	Narendrabhai	(803)854-8232	South Carolina
11	Narayan Panchal	919974090494	Surat
12	Shyamal Soni	919925446089	
13	Chitra	(425)894-1302	USA EB-2
14	EB-5	919819927464	
15	EB-5	919016509862	
16	EB-5	919909011124	
17	Aashit	919825303660	Ahmedabad
18	Abhi	919913958488	Surat
19	EB-5	919909959189	Ahmedabad
20	EB-5	917600406462	Ahmedabad
21	EB-5	919879572336	Ahmedabad
22	EB-5	919824038795	Ahmedabad
23	EB-5 10/09/2016	919925208814	Ahmedabad
24	Doctor	919825035791	Ahmedabad
25	Anand	919099508088	
26	Ankur Patel	919824149992	
27	Avanti Thakker	919825098944	Ahmedabad
28	EB-5	919898561373	Baroda
29	EB-5	919825732231	Bharuch
30	Bhavin Sarkar	919825163570	Ahmedabad
31	Chinubhai Patel	919879536499	
32	EB-5	917009957489	Delhi
33	Devang	919920145144	
34	Dilip Patel	09824230660	
35	Dilip Bhai	919898034605	Rajkot
36	Dinesh Patel	09825161505	
37			
38	Gandhi	919924686098	
39	Hardik Vyas	09913899899	
40	EB-5	919825222118	Junagadh
41			
42	Kunal	919920796896	Mumbai
43	Kunal	919925160678	Surat
44			
45	EB-5	919664825404	Malad

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# CONFIDENTIAL

46	Mayank Trivedi	919930369567	
47	Megha	917232244134	
48	Minaxi Kaushik	917710085033	
49	Mr. Hetal Patel	09892617617	Mumbai
50	Ms. Viral	917926426428	Ahmedabad
51	EB-5	919821023550	Mumbai
52	Nadiad	919427855278	
53	Nilesh Gami Patel	919426808423	
54	Paresh	919825055022	Ahmedabad
55	Priyam	919173816022	Ahmedabad
56	Rahul Asodariya	919825127008	
57	Raj Vakharia	(732)713-6708	
58	Rakesh	919825110440	Surat
59	Rakeshbhai	919825022382	Surat
60	Rashmi Kamdar	(908)209-5374	Regional Center
61	Ref by Jitu Zaveri	919820090525	
62	Sanjay	919727722501	Ahmedabad
63	Sanjay PAtel	919898127782	Kalol
64	Sarvang	919879353930 / 919879572336	Ahmedabad
65	Sharad Lalwala	919824150155	Surat
66			
67			
68	EB-5	919825730351 / 919825623692	Surat
69	EB-5	919898203363	Surat
70	Surat Agent	919825770556	
71	Dipali Chauhan	917567873049	Surat
72	Sureshbhai	919825033062	Ahmedabad
73	Umesh	447440564149	UK / Surat
74	Vikas	919825623692 / 919825730351	Surat
75	Vikram Patel	919825608832 / 919879572336	Ahmedabad
76	Vinod Pandya	256712344372	Kampala Uganda
77	Vinubhai Amipura	09825222118	Junagadh
78	Vipul Rabari	919537442900	Baroda
79	Vyas	917922131444	Ahmedabad
80	Ashokbhai	919879520675	Ahmedabad
81	Mitesh Patel	919909286424 / 919879572336	Ahmedabad
82	EB-5	919913857429	Ahmedabad
83	Goradia	919820753024	
84	Hareesh Parekh	919880014540	Banglore
85	Harshnandan Trivedi	9820000573	
86			
87			
88	Kalpesh Patel	919925501369	Ahmedabad
89	EB-5	(786)546-4448	Las Vegas
90	Mafat Bhai	919426822483	
91	Mahesh Adak	919881143416	Pune
92	Manek Gambhir	911244363889	Delhi

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# CONFIDENTIAL

93	Manish Mehta	919322368761	
94	Mariya	3472-167441 / 7183958288	
95	Mehra	40-85949981	
96	Mody	919925194526	Ahmedabad
97	Mr. Anand	919620482264	Banglore
98	Narendra Shah	919727756793	
99			
100	Nitin Patel	09825729999	
101	Paresh joisher	09824014343	
102	Pranav C.A.	919898079060	
103	Prasad	0113196106083	Pune
104	Pravin Patel	09925144417	Ahmedabad
105	Prity Jariwala	09820064505	
106	Prraful Patel	(310)601-7665	
107			
108			
109	Rajesh	919898129201	
110	Rajesh	919029307415	
111	Rajubhai	919825113672	Surat
112			
113	Ravindra	919321154561	
114	Rishi Bali	919930450780	
115	Shewatlal Patel	919824114554	Surat
116	Shipra Desai	918460334854	Surat
117	Sunil Verma	919004294297	
118	Vibhuti Trivedi	912222714165	
119	Vijay Lal	08411966911	Mumabi
120	Ashok Patel	919426001564	
121	Bhavesh	919969065838	
122	Rahul Asodariya	919825127008	
123	Hemal Mehta	917016071352	
124	Bharat (H1-B & EB-5)	(575)446-4745	USA
125	Harrison Jariwala	09099229760	Surat
126	Hiren Patel	919737756343	Bardoli
127	Kalpesh Jain	919967062085	
128	Ramani (L-1 & EB-5)	919833797933	Mulund



# **EXHIBIT 2**

# **EXHIBIT 2**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: <b>702-853-0490</b> FAX NO.: <b>702-227-1975</b> E-MAIL ADDRESS: <b>jaldrich@johnaldrichlawfirm.com</b> ATTORNEY FOR (Name): <b>Front Sight Management LLC</b>	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
Court in which action is pending: <b>Name of Court: Eighth Judicial District Court, Dept. 16</b> STREET ADDRESS: <b>200 Lewis Avenue</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Las Vegas, NV 89101</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court)
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California) <b>A-18-781084-B</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Open Bank

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Aldrich Law Firm, Ltd.

On (date): September 10, 2019

At (time): 9:00 a.m.

Location (address): 7866 W. Sahara Ave, Las Vegas, NV 89117

**Do not release the requested records to the deposition officer prior to the date and time stated above.**

- a.  by delivering a true, legible and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
**See Attachment 3**
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):  
**See Attachment 4**

Continued on Attachment 4 (use form MC-025).

Page 1 of 2

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER (of action pending outside California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: **AUG 07 2019**

**G. ROBINSON**  
(TYPE OR PRINT NAME)



*Glorietta Robinson*  
(SIGNATURE OF PERSON ISSUING SUBPOENA)  
**CSA III**  
(TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees and mileage both ways (check one):
  - (1)  were paid. Amount: ..... \$ \_\_\_\_\_
  - (2)  were not paid.
  - (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_
- f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a.  Not a registered California process server
- b.  California sheriff or marshal
- c.  Registered California process server
- d.  Employee or independent contractor of a registered California process server
- e.  Exempt from registration under Business and Professions Code section 22350(b)
- f.  Registered professional photocopier
- g.  Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

**ATTACHMENT** (Number): 3

*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 1226364, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
ALDRICH LAW FIRM, LTD.  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Counsel for 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:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this  
Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

1 **SDT**

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168

**ALDRICH LAW FIRM, LTD.**

7866 West Sahara Avenue  
Las Vegas, NV 89117  
Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
*Attorneys for Plaintiff*

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

10 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,  
11  
12 Plaintiff,

CASE NO.: A-18-781084-B  
DEPT NO.: 16

12 vs.

**AMENDED SUBPOENA DUCES**  
**TECUM**

13 LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; et al.,  
14  
15 Defendants.

16 AND ALL RELATED COUNTERCLAIMS,  
17  
18 Counterdefendants.

19 **THE STATE OF NEVADA SENDS GREETINGS TO:**

20 **Open Bank**  
21 **Attn: Min Kim**  
22 **1000 Wilshire Blvd., Suite 500**  
23 **Los Angeles, CA 90017**  
24 **Phone: (213) 892-9999**  
**Fax: (213) 892-1199**

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                           **John P. Aldrich, Esq.**  
8                           **Catherine Hernandez, Esq.**  
9                           **Matthew B. Beckstead, Esq.**  
10                          **ALDRICH LAW FIRM, LTD.**  
11                          **7866 West Sahara Avenue**  
12                          **Las Vegas, Nevada 89117**

13           All documents shall be produced as they are kept in the usual course of business or shall  
14 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

15           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

16           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
17 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
18 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

19           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
20 upon that person may be deemed in contempt of the court, N.R.C.P. 45(c), punishable by a fine  
21 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
22 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
23 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
24 N.R.S. 50.195, 50.205, and 22.100(3).

          Please see the attached **Exhibit C** for information regarding your rights and  
responsibilities relating to this Subpoena.

          A list of all parties to this action and their respective counsel is attached as **Exhibit D**.

1                   **INSTRUCTIONS FOR THE SUBPOENA TO PRODUCE DOCUMENTS,**  
2   **INFORMATION, OR OBJECTS**

3    A.    The following definitions apply to this discovery request:

- 4           1.    Concerning. The term “concerning” means relating to, referring to, describing,  
5                    evidencing, or constituting.
- 6           2.    You, Your, and Yours. The terms “You,” “Your,” and “Yours” refer to the  
7                    responsible party in receipt of service and responding to this Subpoena, and,  
8                    additionally, its agents, employees, members, owners, partners, shareholders,  
9                    directors, or anyone acting on its behalf.
- 10          3.    Document. The terms “Document” or “Writing” is defined to be synonymous in  
11                    meaning and equal in scope to the use of the terms “document” and  
12                    “electronically stored information” in Nevada Rules of Civil Procedure 26 and 34.  
13                    A draft or non-identical copy is a separate document within the meaning of this  
14                    term. “Document” shall also include any data compilation from which  
15                    information can be obtained or translated if necessary by YOU through detection  
16                    devices into reasonably usable form. Where the Document or Writing makes use  
17                    of, or refers to, codes or keys for particular categories of information, then the  
18                    definition of a Writing or Document includes the full description of the key  
19                    necessary for a person unfamiliar with the parlance to understand the meaning of  
20                    the code or key. A draft or non-identical copy is a separate Document within the  
21                    meaning of this term.
- 22          4.    Any term, word or phrase that has not been defined in this discovery request but  
23                    appears in the live pleadings in this action (including without limitation the  
24                    Complaint) shall be given the definition or meaning given to the term, word or  
                  phrase as used in the live pleadings. Any term, word, or phrase that has been  
                  defined in these definitions that also appears in the live pleadings shall be given



1 the definition or meaning given to the term, word or phrase as used in the  
2 pleadings in addition to the definition(s) given in this discovery request.

3 B. The following rules of construction apply to this Subpoena to Produce Documents,  
4 Information, or Objects:

- 5 1. All/Each. The terms "all" and "each" shall be construed as all and each.
- 6 2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or  
7 conjunctively as necessary to bring within the scope of the discovery request all  
8 responses that might otherwise be construed to be outside of its scope.
- 9 3. Number. The use of the singular form of any word includes the plural and vice  
10 versa.

11 C. The following instructions apply to this discovery request:

12 Electronic or Magnetic Data. In those instances when requested information exists in  
13 electronic or magnetic form, the responding party should state so. In responding to a  
14 discovery request, the responding party should, in addition to stating that the information  
15 exists in electronic/magnetic form, sufficiently identify the form in which the information  
16 exists.

- 17 1. E-MAILS: With respect to any and all responsive e-mail messages, produce them  
18 in their native, electronic format, including without limitation ".pst" files for  
19 Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail  
20 messages.
- 21 2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce  
22 them in their native, electronic format, including without limitation ".xls" files for  
23 Microsoft Excel spreadsheets.

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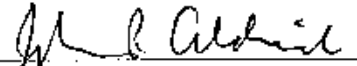
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3. OTHER. Where applicable, any responsible information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat (\*.pdf) compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

**ALDRICH LAW FIRM, LTD.**

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiffs*

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**EXHIBIT A**

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 1226364, for the time period beginning in March 2012 to the present date.

2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.

3. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.

4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

1 8. Please provide any and all documents for any and all financial accounts pertaining to  
2 Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account  
3 holder, for the time period beginning March 2012 to the present date.  
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1 **EXHIBIT B**

2 **CERTIFICATE OF CUSTODIAN OF RECORDS**

3 STATE OF NEVADA )  
4 ) ss.  
5 COUNTY OF CLARK )

6 NOW COMES \_\_\_\_\_ (name of custodian of records), who after  
7 first being duly sworn deposes and says:

8 1. That the deponent is the \_\_\_\_\_ (position or title) of  
9 \_\_\_\_\_ (name of employer) and in his or her capacity as  
10 \_\_\_\_\_ (position or title) is a custodian of the records of  
11 \_\_\_\_\_ (name of employer).

12 2. That \_\_\_\_\_ (name of employer) is licensed to do  
13 business as a in the State of \_\_\_\_\_.

14 3. That on the day of the month of \_\_\_\_\_ day of \_\_\_\_\_, 2019, the  
15 deponent was served with a subpoena in connection with the above-entitled cause, calling for the  
16 production of records pertaining to  
17 \_\_\_\_\_

18 4. That the deponent has examined the original of those records and has made or  
19 caused to be made a true and exact copy of them and that the reproduction of them attached  
20 hereto is true and complete.

21 5. That the original of those records was made at or near the time of the act, event,  
22 condition, opinion or diagnosis recited therein by or from information transmitted by a person  
23 with knowledge, in the course of a regularly conducted activity of the deponent or  
24 \_\_\_\_\_ (name of employer).

Executed on: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
County of \_\_\_\_\_, State of \_\_\_\_\_

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  
19 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or  
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  
21 resolved.



**EXHIBIT D**

Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenuc  
Las Vegas, Nevada 89117

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 3**

# **EXHIBIT 3**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: <b>702-853-5490</b> FAX NO.: <b>702-227-1975</b> E-MAIL ADDRESS: <b>jaldrich@johnaldrichlawfirm.com</b> ATTORNEY FOR (Name): <b>Front Sight Management LLC</b>	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
Court in which action is pending: <b>Name of Court: Eighth Judicial District Court, Dept. 16</b> STREET ADDRESS: <b>200 Lewis Avenue</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Las Vegas, NV 89101</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court):
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): <b>A-18-781084-B</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
**Bank of Hope**

**1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To (name of deposition officer): <b>Aldrich Law Firm, Ltd.</b> On (date): <b>September 10, 2019</b> At (time): <b>9:00 a.m.</b> Location (address): <b>7866 W. Sahara Ave, Las Vegas, NV 89117</b>
<b>Do not release the requested records to the deposition officer prior to the date and time stated above.</b>

- a.  by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
**See Attachment 3**  
 Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):  
**See Attachment 4**  
 Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER (if action pending outside California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.
6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: **AUG 07 2019**  
**G. ROBINSON**  
 (TYPE OR PRINT NAME)



*[Signature]*  
**Glorietta Robinson**  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
**CSA III**  
 (TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

- I served this *Subpoena for Production of Business Records in Action Pending Outside California* by personally delivering a copy to the person served as follows:
  - Person served (name):
  - Address where served:
  - Date of delivery:
  - Time of delivery:
- Witness fees and mileage both ways (check one).
  - were paid. Amount: ..... \$ \_\_\_\_\_
  - were not paid.
  - were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_
- Fee for service: ..... \$ \_\_\_\_\_
- I received this subpoena for service on (date):
- I also served a completed *Proof of Service of Notice to Consumer or Employee and Objection* (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.
- Person serving:
  - Not a registered California process server
  - California sheriff or marshal
  - Registered California process server
  - Employee or independent contractor of a registered California process server
  - Exempt from registration under Business and Professions Code section 22350(b)
  - Registered professional photocopier
  - Exempt from registration under Business and Professions Code section 22451
  - Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date:

(For California sheriff or marshal use only)  
 I certify that the foregoing is true and correct  
 Date:

\_\_\_\_\_  
 (SIGNATURE)

\_\_\_\_\_  
 (SIGNATURE)

SHORT TITLE:

Front Sight Management LLC v. Las Vegas Development Fund LLC

CASE NUMBER:

A-18-781084-B

**ATTACHMENT** (Number): 3*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 6400371502, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

<b>SHORT TITLE:</b> Front Sight Management LLC v. Las Vegas Development Fund LLC	<b>CASE NUMBER:</b> A-18-781084-B
---	--------------------------------------

**ATTACHMENT** (Number): 4

*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
 Nevada Bar No. 6877  
 Catherine Hernandez, Esq.  
 Nevada Bar No. 8410  
 Matthew B. Beckstead, Esq.  
 Nevada Bar No. 14168  
 ALDRICH LAW FIRM, LTD.  
 7866 West Sahara Avenue  
 Las Vegas, Nevada 89117

Counsel 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:

Anthony T. Case, Esq.  
 Kathryn Holbert, Esq.  
 FARMER CASE & FEDOR  
 2190 E. Pebble Rd., Suite #205  
 Las Vegas, NV 89123

C. Keith Greer, Esq.  
 16855 West Bernardo Drive, Suite 255  
 San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

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*(Add pages as required)*

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**SDT**  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
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Las Vegas, NV 89117  
Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
*Attorneys for Plaintiff*

**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,  
  
\_\_\_\_\_  
Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES  
TECUM**

**THE STATE OF NEVADA SENDS GREETINGS TO:**

**Bank of Hope  
Attn: Adam Karasik  
3200 Wilshire Blvd., Suite 1400  
Los Angeles, CA 90010  
Phone: (213) 639-1700  
Fax: (213) 637-9539**

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                           **John P. Aldrich, Esq.**  
8                           **Catherine Hernandez, Esq.**  
9                           **Matthew B. Beckstead, Esq.**  
                          **ALDRICH LAW FIRM, LTD.**  
                          **7866 West Sahara Avenue**  
                          **Las Vegas, Nevada 89117**

10           All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

12           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

13           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
14 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
15 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

16           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
17 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
18 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
19 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
20 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
N.R.S. 50.195, 50.205, and 22.100(3).

21           Please see the attached **Exhibit C** for information regarding your rights and  
22 responsibilities relating to this Subpoena.

23           A list of all parties to this action and their respective counsel is attached as **Exhibit D**.





1 the definition or meaning given to the term, word or phrase as used in the  
2 pleadings in addition to the definition(s) given in this discovery request.

3 B. The following rules of construction apply to this Subpoena to Produce Documents,  
4 Information, or Objects:

- 5 1. All/Each. The terms "all" and "each" shall be construed as all and each.
- 6 2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or  
7 conjunctively as necessary to bring within the scope of the discovery request all  
8 responses that might otherwise be construed to be outside of its scope.
- 9 3. Number. The use of the singular form of any word includes the plural and vice  
10 versa.

11 C. The following instructions apply to this discovery request:

12 Electronic or Magnetic Data. In those instances when requested information exists in  
13 electronic or magnetic form, the responding party should state so. In responding to a  
14 discovery request, the responding party should, in addition to stating that the information  
15 exists in electronic/magnetic form, sufficiently identify the form in which the information  
16 exists.

- 17 1. E-MAILS: With respect to any and all responsible e-mail messages, produce them  
18 in their native, electronic format, including without limitation ".pst" files for  
19 Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail  
20 messages.
- 21 2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce  
22 them in their native, electronic format, including without limitation ".xls" files for  
23 Microsoft Excel spreadsheets.

24 ///

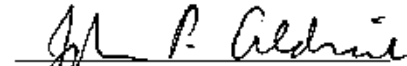
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1 3. OTHER. Where applicable, any responsible information that exists in electronic  
2 or magnetic form must be produced in the following formats: CD Rom in an  
3 Acrobat (".pdf") compatible application, in a Microsoft Word or WordPerfect  
4 compatible application, or in ASCII.

5 DATED this 6<sup>th</sup> day of August, 2019.

6 **ALDRICH LAW FIRM, LTD.**

7   
8 John P. Aldrich, Esq.  
9 Nevada Bar No. 6877  
10 Catherine Hernandez, Esq.  
11 Nevada Bar No. 8410  
12 Matthew B. Beckstead, Esq.  
13 Nevada Bar No. 14168  
14 7866 West Sahara Avenue  
15 Las Vegas, Nevada 89117  
16 Tel: (702) 853-5490  
17 Fax: (702) 227-1975  
18 *Attorneys for Plaintiff*

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**EXHIBIT A**

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 6400371502, for the time period beginning in March 2012 to the present date.

2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.

3. Please provide any and all documents for any and all financial accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

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8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

1 **EXHIBIT B**

2 **CERTIFICATE OF CUSTODIAN OF RECORDS**

3 STATE OF NEVADA )  
4 ) ss.  
5 COUNTY OF CLARK )

6 NOW COMES \_\_\_\_\_ (name of custodian of records), who after  
7 first being duly sworn deposes and says:

8 1. That the deponent is the \_\_\_\_\_ (position or title) of  
9 \_\_\_\_\_ (name of employer) and in his or her capacity as  
10 \_\_\_\_\_ (position or title) is a custodian of the records of  
11 \_\_\_\_\_ (name of employer).

12 2. That \_\_\_\_\_ (name of employer) is licensed to do  
13 business as a \_\_\_\_\_ in the State of \_\_\_\_\_.

14 3. That on the day of the month of \_\_\_\_\_ day of \_\_\_\_\_, 2019, the  
15 deponent was served with a subpoena in connection with the above-entitled cause, calling for the  
16 production of records pertaining to  
17 \_\_\_\_\_

18 4. That the deponent has examined the original of those records and has made or  
19 caused to be made a true and exact copy of them and that the reproduction of them attached  
20 hereto is true and complete.

21 5. That the original of those records was made at or near the time of the act, event,  
22 condition, opinion or diagnosis recited therein by or from information transmitted by a person  
23 with knowledge, in the course of a regularly conducted activity of the deponent or  
24 \_\_\_\_\_ (name of employer).

Executed on: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY PUBLIC in and for the  
County of \_\_\_\_\_, State of \_\_\_\_\_

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  
7 or modify the subpoena if it:

8 (i) fails to allow reasonable time for compliance;

9 (ii) requires a person to travel to a place more than 100 miles from the place  
10 where that person resides, is employed, or regularly transacts business in person, unless the  
person is commanded to attend trial within Nevada;

11 (iii) requires disclosure of privileged or other protected matter and no exception  
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  
14 or modify the subpoena if it requires disclosing:

15 (i) a trade secret or other confidential research, development, or commercial  
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  
19 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or  
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**

Plaintiff FRONT SIGIIT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 4**

# **EXHIBIT 4**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew B. Beckstead, Esq. (NV Bar # 14168), Aldrich Law Firm, Ltd. 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO: (702) 853-5490 FAX NO. (Optional): (702) 227-1975 E-MAIL ADDRESS (Optional): mbeckstead@aldrichlawfirm.com	FOR COURT USE ONLY
ATTORNEY FOR (Name): Front Sight Management, LLC SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/ PETITIONER: Front Sight Management, LLC DEFENDANT/ RESPONDENT: Las Vegas Development Fund, LLC, et al.	CASE NUMBER: A-18-781084-B
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name):

- PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Front Sight Management, LLC SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): September 10, 2019. The records are described in the subpoenas directed to witness (specify name and address of person or entity from whom records are sought): Open Bank, 1000 Wilshire Blvd., Ste. 500, Los Angeles, CA 90017. A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:
  - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
  - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

Matthew B. Beckstead, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
- a.  **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
- (1) Name of person served: \_\_\_\_\_ (3) Date served: \_\_\_\_\_
- (2) Address where served: \_\_\_\_\_ (4) Time served: \_\_\_\_\_
- b.  **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (1) Name of person served: Robert W. Dziubla (3) Date of mailing: 8/20/19
- (2) Address: c/o Green and Associates, P.C. (4) Place of mailing (city and state): Aldrich Law Firm  
16855 W. Bernardo Dr., Ste. 255, San Diego, CA 92127 7866 W. Sahara Ave., Las Vegas, NV 89117
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
- d. My phone number is (specify): (702) 853-5490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Massiel Garcia  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

Mark Garcia  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
- a. **ON THE REQUESTING PARTY**
- (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: \_\_\_\_\_ (ii) Date served: \_\_\_\_\_
- (iii) Address where served: \_\_\_\_\_ (iv) Time served: \_\_\_\_\_
- (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: \_\_\_\_\_ (ii) Date of mailing: \_\_\_\_\_
- (iii) Address: \_\_\_\_\_ (iv) Place of mailing (city and state): \_\_\_\_\_
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
- b. **ON THE WITNESS**
- (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: \_\_\_\_\_ (ii) Date served: \_\_\_\_\_
- (iii) Address where served: \_\_\_\_\_ (iv) Time served: \_\_\_\_\_
- (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: \_\_\_\_\_ (ii) Date of mailing: \_\_\_\_\_
- (iii) Address: \_\_\_\_\_ (iv) Place of mailing (city and state): \_\_\_\_\_
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify): \_\_\_\_\_
4. My phone number is (specify): \_\_\_\_\_
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd. 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO.: 702-227-3430 FAX NO.: 702-227-1975 EMAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): Front Sight Management LLC		FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
Court in which action is pending: Name of Court: Eighth Judicial District Court, Dept. 16 STREET ADDRESS: 200 Lewis Avenue MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Las Vegas, NV 89101 COUNTRY: USA		
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund LLC, et al.		CALIFORNIA CASE NUMBER (if any assigned by court):
SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA		CASE NUMBER (if action pending outside California): A-18-781084-B

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Open Bank

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Aldrich Law Firm, Ltd.	At (time): 9:00 a.m.
On (date): September 10, 2019	
Location (address): 7866 W. Sahara Ave, Las Vegas, NV 89117	

Do not release the requested records to the deposition officer prior to the date and time stated above.

- by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
 See Attachment 3  
 Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):  
 See Attachment 4  
 Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <u>Front Sight Management, LLC</u>	CASE NUMBER (if action pending outside California):
DEFENDANT/RESPONDENT: <u>Las Vegas Development Fund LLC, et al.</u>	

5. If you have been served with this subpoena as a custodian of nonconsumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment B (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS A CRIME BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: AUG 07 2019

G. ROBINSON  
(TYPE OR PRINT NAME)



Glorietta Robinson  
(SIGNATURE OF PERSON ISSUING SUBPOENA)

CSA III

(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1)  were paid. Amount: ..... \$ \_\_\_\_\_

(2)  were not paid.

(3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a.  Not a registered California process server
- b.  California sheriff or marshal
- c.  Registered California process server
- d.  Employee or independent contractor of a registered California process server
- e.  Exempt from registration under Business and Professions Code section 22350(b)
- f.  Registered professional photocopier
- g.  Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 3

*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 1226364, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Form Approved for Optional Use  
Judicial Council of California  
MC-025 (rev. July 1, 2009)

ATTACHMENT  
to Judicial Council Form



SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
 Nevada Bar No. 6877  
 Catherine Hernandez, Esq.  
 Nevada Bar No. 8410  
 Matthew B. Beckstead, Esq.  
 Nevada Bar No. 14168  
 ALDRICH LAW FIRM, LTD.  
 7866 West Sahara Avenue  
 Las Vegas, Nevada 89117

Counsel for Defendants Las Vegas Development Fund LLC, EB5 Impact Capital Regional Center LLC,  
 RB5 Impact Advisors, LLC, Robert W. Dziabla, Jon Fleming, and Linda Stanwood:

Anthony T. Case, Esq.  
 Kathryn Holbert, Esq.  
 FARMER CASE & FEDOR  
 2190 E. Pebble Rd., Suite #205  
 Las Vegas, NV 89123

C. Keith Greer, Esq.  
 16855 West Bernardo Drive, Suite 255  
 San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this  
 Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Form Approved for Optional Use  
 Judicial Council of California  
 MC-025 (Rev. July 1, 2008)

ATTACHMENT  
 to Judicial Council Form

1 SDT  
John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
3 Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
4 Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
5 7866 West Sahara Avenue  
Las Vegas, NV 89117  
6 Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
7 *Attorneys for Plaintiff*

8 **EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

9 FRONT SIGHT MANAGEMENT LLC, a  
10 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 AND ALL RELATED COUNTERCLAIMS,  
17 Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES**  
**TECUM**

18 **THE STATE OF NEVADA SENDS GREETINGS TO:**

19  
20 Open Bank  
Attn: Min Kim  
21 1800 Wilshire Blvd., Suite 500  
Los Angeles, CA 90017  
22 Phone: (213) 892-9999  
Fax: (213) 892-1199  
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24

1  
2 **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
3 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
4 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
5 legible, and durable copy of the business records described below to the requesting attorney, by  
6 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
7 following address:

8 **John P. Aldrich, Esq.**  
9 **Catherine Hernandez, Esq.**  
10 **Matthew B. Beckstead, Esq.**  
11 **ALDRICH LAW FIRM, L.L.P.**  
12 **7866 West Sahara Avenue**  
13 **Las Vegas, Nevada 89117**

14 All documents shall be produced as they are kept in the usual course of business or shall  
15 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

16 **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

17 **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
18 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
19 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

20 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
21 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
22 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
23 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
24 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
N.R.S. 50.195, 50.205, and 22.100(3).

Please see the attached **Exhibit C** for information regarding your rights and  
responsibilities relating to this Subpoena.

A list of all parties to this action and their respective counsel is attached as **Exhibit D**.

1 INSTRUCTIONS FOR THE SUBPOENA TO PRODUCE DOCUMENTS,

2 INFORMATION, OR OBJECTS

3 A. The following definitions apply to this discovery request:

- 4 1. Concerning. The term "concerning" means relating to, referring to, describing,  
5 evidencing, or constituting.
- 6 2. You, Your, and Yours. The terms "You," "Your," and "Yours" refer to the  
7 responsible party in receipt of service and responding to this Subpoena, and,  
8 additionally, its agents, employees, members, owners, partners, shareholders,  
9 directors, or anyone acting on its behalf.
- 10 3. Document. The terms "Document" or "Writing" is defined to be synonymous in  
11 meaning and equal in scope to the use of the terms "document" and  
12 "electronically stored information" in Nevada Rules of Civil Procedure 26 and 34.  
13 A draft or non-identical copy is a separate document within the meaning of this  
14 term. "Document" shall also include any data compilation from which  
15 information can be obtained or translated if necessary by YOU through detection  
16 devices into reasonably usable form. Where the Document or Writing makes use  
17 of, or refers to, codes or keys for particular categories of information, then the  
18 definition of a Writing or Document includes the full description of the key  
19 necessary for a person unfamiliar with the parlance to understand the meaning of  
20 the code or key. A draft or non-identical copy is a separate Document within the  
21 meaning of this term.
- 22 4. Any term, word or phrase that has not been defined in this discovery request but  
23 appears in the live pleadings in this action (including without limitation the  
24 Complaint) shall be given the definition or meaning given to the term, word or  
phrase as used in the live pleadings. Any term, word, or phrase that has been  
defined in these definitions that also appears in the live pleadings shall be given

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the definition or meaning given to the term, word or phrase as used in the pleadings in addition to the definition(s) given in this discovery request.

B. The following rules of construction apply to this Subpoena to Produce Documents, Information, or Objects:

1. All/Each. The terms "all" and "each" shall be construed as all and each.
2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

C. The following instructions apply to this discovery request:

Electronic or Magnetic Data. In those instances when requested information exists in electronic or magnetic form, the responding party should state so. In responding to a discovery request, the responding party should, in addition to stating that the information exists in electronic/magnetic form, sufficiently identify the form in which the information exists.

1. B-MAILS: With respect to any and all responsive e-mail messages, produce them in their native, electronic format, including without limitation ".pst" files for Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail messages.
2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce them in their native, electronic format, including without limitation ".xls" files for Microsoft Excel spreadsheets.

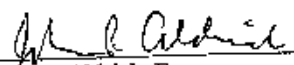
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3. OTHER. Where applicable, any responsible information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat (".pdf") compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

ALDRICH LAW FIRM, LTD.

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiffs*



1 8. Please provide any and all documents for any and all financial accounts pertaining to  
2 Linda Starwood and/or for which Linda Starwood is the beneficiary, signatory, and/or account  
3 holder, for the time period beginning March 2012 to the present date.  
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EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

NOW COMES \_\_\_\_\_ (name of custodian of records), who after first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (position or title) of \_\_\_\_\_ (name of employer) and in his or her capacity as \_\_\_\_\_ (position or title) is a custodian of the records of \_\_\_\_\_ (name of employer).

2. That \_\_\_\_\_ (name of employer) is licensed to do business as a \_\_\_\_\_ in the State of \_\_\_\_\_.

3. That on the day of the month of \_\_\_\_\_ day of \_\_\_\_\_, 2019, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of \_\_\_\_\_ records pertaining to \_\_\_\_\_.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or \_\_\_\_\_ (name of employer).

Executed on: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY PUBLIC in and for the County of \_\_\_\_\_, State of \_\_\_\_\_

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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
a manner that, without revealing information itself privileged or protected, will enable the parties  
16 to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
subject to a claim of privilege or of protection as trial-preparation material, the person making  
18 the claim may notify any party that received the information of the claim and the basis for it.  
After being notified, a party must promptly return, sequester, or destroy the specified information  
19 and any copies it has; must not use or disclose the information until the claim is resolved; must  
take reasonable steps to retrieve the information if the party disclosed it before being notified;  
20 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  
21 resolved.

EXHIBIT D

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117,

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123  
  
C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 5**

# **EXHIBIT 5**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Matthew B. Beckstead, Esq. (NV Bar # 14168), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: (702) 853-5490 FAX NO. (PHONE): (702) 227-1975 E-MAIL ADDRESS (OPTIONAL): mbeckstead@aldrichlawfirm.com		FOR COURT USE ONLY
ATTORNEY FOR (Name): <b>Front Sight Management, LLC</b>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>		
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund, LLC, et al.</b>		CASE NUMBER:  <b>A-18-781084-B</b>
<b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)		

## NOTICE TO CONSUMER OR EMPLOYEE

TO (name):

1. PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): **Front Sight Management, LLC** SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): **September 10, 2019**
- The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): **Open Bank, 1000 Wilshire Blvd., Ste. 500, Los Angeles, CA 90017**
- A copy of the subpoena is attached.
2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:
- If you are a party in the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
  - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 2, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

Matthew B. Beckstead, Esq.

(TYPE OR PRINT NAME)


  
 (SIGNATURE OF) REQUESTING PARTY  ATTORNEY

## OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1.  I object to the production of all of my records specified in the subpoena.
2.  I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

Page 1 of 2

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service  Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
- a.  **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
- (1) Name of person served: (3) Date served:
- (2) Address where served: (4) Time served:

- b.  **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (1) Name of person served: Jon D. Fleming (3) Date of mailing: 8/20/19
- (2) Address: c/o Greer and Associates, P.C. (4) Place of mailing (city and state): Aldrich Law Firm  
16855 W. Bernardo Dr., Ste. 255, San Diego, CA 92127 7866 W. Sahara Ave., Las Vegas, NV 89117
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
- d. My phone number is (specify): (702) 855-5490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Massiel Garcia

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

Walter Quince

(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service  Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
- a. ON THE REQUESTING PARTY

- (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: (ii) Date served:
- (ii) Address where served: (iv) Time served:

- (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: (iii) Date of mailing:
- (ii) Address: (iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.

b. ON THE WITNESS

- (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: (ii) Date served:
- (ii) Address where served: (iv) Time served:

- (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: (iii) Date of mailing:
- (ii) Address: (iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.

3. My residence or business address is (specify):

4. My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd. 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO.: 702-853-5490 FAX NO.: 702-227-1975 E-MAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): Front Sight Management LLC	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY, STATE AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
Court in which action is pending: Name of Court: Eighth Judicial District Court, Dept. 16 STREET ADDRESS: 200 Lewis Avenue MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Las Vegas, NV 89101 COUNTRY: USA	
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund LLC, et al.	CALIFORNIA CASE NUMBER (if any assigned by court):
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (if action pending outside California): A-18-781084-B

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Open Bank

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in Item 3, as follows:

To (name of deposition officer): Aldrich Law Firm, Ltd.

At (time): 9:00 a.m.

On (date): September 10, 2019

Location (address): 7866 W. Sahara Ave, Las Vegas, NV 89117

Do not release the requested records to the deposition officer prior to the date and time stated above.

- by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena; or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(f). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
 See Attachment 3
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): See Attachment 4

Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER (if action pending outside California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.
6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS A CRIME AND YOU WILL ALSO BE LIABLE FOR THE SUM OF \$600 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **AUG 07 2019**

**G. ROBINSON**  
(TYPE OR PRINT NAME)



**Glorietta Robinson**  
(SIGNATURE OF PERSON ISSUING SUBPOENA)  
CSA #1  
(TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records In Action Pending Outside California by personally delivering a copy to the person served as follows:
- a. Person served (name):
  - b. Address where served:
  - c. Date of delivery:
  - d. Time of delivery:
  - e. Witness fees and mileage both ways (check one):
    - (1)  were paid. Amount: \$ \_\_\_\_\_
    - (2)  were not paid.
    - (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_
  - f. Fee for service: \$ \_\_\_\_\_
2. I received this subpoena for service on (date):
3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.
4. Person serving:
- a.  Not a registered California process server
  - b.  California sheriff or marshal
  - c.  Registered California process server
  - d.  Employee or independent contractor of a registered California process server
  - e.  Exempt from registration under Business and Professions Code section 22350(b)
  - f.  Registered professional photocopier
  - g.  Exempt from registration under Business and Professions Code section 22451
  - h. Name, address, telephone number, and, if applicable, county of registration and number.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

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

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 1226364, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page \_\_\_\_\_ of \_\_\_\_\_

(Add pages as required)

www.courtinfo.ca.gov

Form Approved for Optional Use  
 Judicial Council of California  
 MC-025 (Rev. July 1, 2009)

ATTACHMENT  
 to Judicial Council Form

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 4

*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
ALDRICH LAW FIRM, LTD.  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Counsel for Defendants Las Vegas Development Fund LLC, EBS Impact Capital Regional Center LLC,  
EBS Impact Advisors, LLC, Robert W. Dziubla, Jon Fleming, and Linda Stanwood:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required.)*

Form Approved for Optional Use  
Judicial Council of California  
MC-025 (Rev. July 1, 2008)

ATTACHMENT  
to Judicial Council Form

www.courtinfo.ca.gov

1 SDT  
2 John P. Aldrich, Esq.  
3 Nevada Bar No. 6877  
4 Catherine Hernandez, Esq.  
5 Nevada Bar No. 8410  
6 Matthew B. Beckstead, Esq.  
7 Nevada Bar No. 14168  
8 **ALDRICH LAW FIRM, LTD.**  
9 7866 West Sahara Avenue  
10 Las Vegas, NV 89117  
11 Telephone: (702) 853-5490  
12 Facsimile: (702) 227-1975  
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 LAS VEGAS DEVELOPMENT FUND LLC, a  
21 Nevada Limited Liability Company; et al.,

22 Defendants.

23 AND ALL RELATED COUNTERCLAIMS,

24 Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES**  
**TECUM**

THE STATE OF NEVADA SENDS GREETINGS TO:

Open Bank  
Attn: Min Kim  
1000 Wilshire Blvd., Suite 500  
Los Angeles, CA 90017  
Phone: (213) 892-9999  
Fax: (213) 892-1199

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than September 10, 2019, at the  
6 following address:

7                                 John P. Aldrich, Esq.  
8                                 Catherine Hernandez, Esq.  
9                                 Matthew B. Beckstead, Esq.  
10                                ALDRICH LAW FIRM, LTD.  
11                                7866 West Sahara Avenue  
12                                Las Vegas, Nevada 89117

13           All documents shall be produced as they are kept in the usual course of business or shall  
14 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

15           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

16           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
17 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
18 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

19           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
20 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
21 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
22 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
23 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
24 N.R.S. 50.195, 50.205, and 22.100(3).

          Please see the attached **Exhibit C** for information regarding your rights and  
responsibilities relating to this Subpoena.

          A list of all parties to this action and their respective counsel is attached as **Exhibit D**.

1 INSTRUCTIONS FOR THE SUBPOENA TO PRODUCE DOCUMENTS,

2 INFORMATION, OR OBJECTS

3 A. The following definitions apply to this discovery request:

- 4 1. Concerning. The term "concerning" means relating to, referring to, describing,  
5 evidencing, or constituting.
- 6 2. You, Your, and Yours. The terms "You," "Your," and "Yours" refer to the  
7 responsible party in receipt of service and responding to this Subpoena, and,  
8 additionally, its agents, employees, members, owners, partners, shareholders,  
9 directors, or anyone acting on its behalf.
- 10 3. Document. The terms "Document" or "Writing" is defined to be synonymous in  
11 meaning and equal in scope to the use of the terms "document" and  
12 "electronically stored information" in Nevada Rules of Civil Procedure 26 and 34.  
13 A draft or non-identical copy is a separate document within the meaning of this  
14 term. "Document" shall also include any data compilation from which  
15 information can be obtained or translated if necessary by YOU through detection  
16 devices into reasonably usable form. Where the Document or Writing makes use  
17 of, or refers to, codes or keys for particular categories of information, then the  
18 definition of a Writing or Document includes the full description of the key  
19 necessary for a person unfamiliar with the parlance to understand the meaning of  
20 the code or key. A draft or non-identical copy is a separate Document within the  
21 meaning of this term.
- 22 4. Any term, word or phrase that has not been defined in this discovery request but  
23 appears in the live pleadings in this action (including without limitation the  
24 Complaint) shall be given the definition or meaning given to the term, word or  
phrase as used in the live pleadings. Any term, word, or phrase that has been  
defined in these definitions that also appears in the live pleadings shall be given

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the definition or meaning given to the term, word or phrase as used in the pleadings in addition to the definition(s) given in this discovery request.

B. The following rules of construction apply to this Subpoena to Produce Documents, Information, or Objects:

1. All/Each. The terms "all" and "each" shall be construed as all and each.
2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

C. The following instructions apply to this discovery request:

Electronic or Magnetic Data. In those instances when requested information exists in electronic or magnetic form, the responding party should state so. In responding to a discovery request, the responding party should, in addition to stating that the information exists in electronic/magnetic form, sufficiently identify the form in which the information exists.

1. E-MAILS: With respect to any and all responsive e-mail messages, produce them in their native, electronic format, including without limitation ".pst" files for Microsoft Outlook e-mail messages and ".nsf" files for Lotus Outlook e-mail messages.
2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce them in their native, electronic format, including without limitation ".xls" files for Microsoft Excel spreadsheets.

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3. OTHER. Where applicable, any responsible information, that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat (.pdf) compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

ALDRICH LAW FIRM, LTD.


  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiffs*

EXHIBIT A

1  
2 1. Please provide any and all bank statements and other documents for Las Vegas  
3 Development Fund LLC's financial account # 1226364, for the time period beginning in March  
4 2012 to the present date.

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

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

13 4. Please provide any and all documents for any and all financial accounts pertaining  
14 to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary,  
15 signatory, and/or account holder, for the time period beginning March 2012 to the present date.

16 5. Please provide any and all documents for any and all financial accounts pertaining  
17 to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional  
18 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning  
19 March 2012 to the present date.

20 6. Please provide any and all documents for any and all financial accounts pertaining  
21 to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the  
22 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
23 present date.

24 7. Please provide any and all documents for any and all financial accounts pertaining  
to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account  
holder, for the time period beginning March 2012 to the present date.

1 8. Please provide any and all documents for any and all financial accounts pertaining to  
2 Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account  
3 holder, for the time period beginning March 2012 to the present date.  
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EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

NOW COMES \_\_\_\_\_ (name of custodian of records), who after first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (position or title) of \_\_\_\_\_ (name of employer) and in his or her capacity as \_\_\_\_\_ (position or title) is a custodian of the records of \_\_\_\_\_ (name of employer).

2. That \_\_\_\_\_ (name of employer) is licensed to do business as a \_\_\_\_\_ in the State of \_\_\_\_\_.

3. That on the day of the month of \_\_\_\_\_ day of \_\_\_\_\_, 2019, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of \_\_\_\_\_ records pertaining to \_\_\_\_\_.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or \_\_\_\_\_ (name of employer).

Executed on: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY PUBLIC in and for the  
County of \_\_\_\_\_, State of \_\_\_\_\_

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.

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

10 (A) **Appearance Not Required.**

11 (i) A person commanded to produce documents, electronically stored  
12 information, or tangible things, or to permit the inspection of premises, need not appear in person  
13 at the place of production or inspection unless also commanded to appear for a deposition,  
14 hearing, or trial.

15 (ii) If documents, electronically stored information, or tangible things are  
16 produced to the party that issued the subpoena without an appearance at the place of production,  
17 that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy  
18 or electronically reproduce the documents or information, photograph any tangible items not  
19 subject to copying, and serve these items on every other party. The party that issued the  
20 subpoena may also serve a statement of the reasonable cost of copying, reproducing, or  
21 photographing, which a party receiving the copies, reproductions, or photographs must promptly  
22 pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of  
23 copying the documents or information, or photographing the tangible items.

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

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample  
the materials or tangible things or to inspect the premises except by order of the court that issued  
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  
19 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or  
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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
a manner that, without revealing information itself privileged or protected, will enable the parties  
16 to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
subject to a claim of privilege or of protection as trial-preparation material, the person making  
18 the claim may notify any party that received the information of the claim and the basis for it.  
After being notified, a party must promptly return, sequester, or destroy the specified information  
19 and any copies it has; must not use or disclose the information until the claim is resolved; must  
take reasonable steps to retrieve the information if the party disclosed it before being notified;  
20 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  
21 resolved.

EXHIBIT D

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117,

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL  
REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127



# **EXHIBIT 6**

# **EXHIBIT 6**



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the Notice to Consumer or Employee and Objection as follows (check either a or b):
  - a.  Personal service. I personally delivered the Notice to Consumer or Employee and Objection as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:

- b.  Mail. I deposited the Notice to Consumer or Employee and Objection in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: Linda Stanwood	(3) Date of mailing: 8/20/19
(2) Address: c/o Greer and Associates, P.C. 16855 W. Bernardo Dr., Ste 255, San Diego, CA 92127	(4) Place of mailing (city and state): Aldrich Law Firm 7866 W. Sahara Ave., Las Vegas, NV 89117

(5) I am a resident of or employed in the county where the Notice to Consumer or Employee and Objection was mailed.
- c. My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
- d. My phone number is (specify): (702) 853-3490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Massiel Garcia  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

Markus Garcia  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
  2. I served a copy of the Objection to Production of Records as follows (complete either a or b):
    - a. ON THE REQUESTING PARTY
      - (1)  Personal service. I personally delivered the Objection to Production of Records as follows:
 

(i) Name of person served:	(ii) Date served:
(ii) Address where served:	(iv) Time served:
      - (2)  Mail. I deposited the Objection to Production of Records in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the Objection to Production of Records was mailed.
    - b. ON THE WITNESS
      - (1)  Personal service. I personally delivered the Objection to Production of Records as follows:
 

(i) Name of person served:	(ii) Date served:
(ii) Address where served:	(iv) Time served:
      - (2)  Mail. I deposited the Objection to Production of Records in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the Objection to Production of Records was mailed.
  3. My residence or business address is (specify):
  4. My phone number is (specify):
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: 702-853-0450 FAX NO.: 702-227-1975 EMAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): <b>Front Sight Management LLC</b>	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
Court in which action is pending: Name of Court: <b>Eighth Judicial District Court, Dept. 16</b> STREET ADDRESS: <b>200 Lewis Avenue</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Las Vegas, NV 89101</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court):  CASE NUMBER (of action pending outside California): <b>A-18-781084-B</b>
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
**Open Bank**

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): **Aldrich Law Firm, Ltd.**

At (time): **9:00 a.m.**

On (date): **September 10, 2019**

Location (address): **7866 W. Sahara Ave, Las Vegas, NV 89117**

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a.  by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the file and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena; or 15 days after service, whichever date is later). Reasonable costs of locating records, making item available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(d). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1581.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
**See Attachment 3**
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): **See Attachment 4**

Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <u>Front Sight Management, LLC</u>	CASE NUMBER (or action pending outside California):
DEFENDANT/RESPONDENT: <u>Las Vegas Development Fund LLC, et al.</u>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment B (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS A CRIME BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$600 AND ALL DAMAGES FROM YOUR FAILURE TO OBEY.

Date issued: AUG 07 2019

G. Robinson  
(TYPE OR PRINT NAME)



Glorieta Robinson  
(SIGNATURE OF PERSON ISSUING SUBPOENA)

CSA III

(TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1)  were paid. Amount \$ \_\_\_\_\_

(2)  were not paid.

(3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_

f. Fee for service: \$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

a.  Not a registered California process server

b.  California sheriff or marshal

c.  Registered California process server

d.  Employee or independent contractor of a registered California process server

e.  Exempt from registration under Business and Professions Code section 22350(b)

f.  Registered professional photocopier

g.  Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)

I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

SHORT TITLE Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER A-18-781084-B
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ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 1226364, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page \_\_\_\_\_ of \_\_\_\_\_  
(Add pages as required)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
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ATTACHMENT (Number): 4

*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
ALDRICH LAW FIRM, LTD.  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Counsel 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:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
FARMER CASE & FREDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

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**SDT**  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, NV 89117  
Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
*Attorneys for Plaintiff*

**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,

Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES  
TECUM**

**THE STATE OF NEVADA SENDS GREETINGS TO:**

Open Bank  
Attn: Min Kim  
1000 Wilshire Blvd., Suite 500  
Los Angeles, CA 90017  
Phone: (213) 892-9999  
Fax: (213) 892-1199



1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                                 **John P. Aldrich, Esq.**  
8                                 **Catherine Hernandez, Esq.**  
9                                 **Matthew B. Beckstead, Esq.**  
                                  **ALDRICH LAW FIRM, LTD.**  
                                  **7866 West Sahara Avenue**  
                                  **Las Vegas, Nevada 89117**

10           All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

12           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

13           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
14 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
15 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

16           **CONTEMPT:** failure by any person without adequate excuse to obey a subpoena served  
17 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
18 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
19 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
20 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
21 N.R.S. 50.195, 50.205, and 22.100(3).

22           Please see the attached **Exhibit C** for information regarding your rights and  
23 responsibilities relating to this Subpoena.

24           A list of all parties to this action and their respective counsel is attached as **Exhibit D**.



1 the definition or meaning given to the term, word or phrase as used in the  
2 pleadings in addition to the definition(s) given in this discovery request.

3 B. The following rules of construction apply to this Subpoena to Produce Documents,  
4 Information, or Objects:

- 5 1. All/Each. The terms "all" and "each" shall be construed as all and each.
- 6 2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or  
7 conjunctively as necessary to bring within the scope of the discovery request all  
8 responses that might otherwise be construed to be outside of its scope.
- 9 3. Number. The use of the singular form of any word includes the plural and vice  
10 versa.

11 C. The following instructions apply to this discovery request:

12 **Electronic or Magnetic Data.** In those instances when requested information exists in  
13 electronic or magnetic form, the responding party should state so. In responding to a  
14 discovery request, the responding party should, in addition to stating that the information  
15 exists in electronic/magnetic form, sufficiently identify the form in which the information  
16 exists.

- 17 1. **E-MAILS:** With respect to any and all responsive e-mail messages, produce them  
18 in their native, electronic format, including without limitation ".pst" files for  
19 Microsoft Outlook e-mail messages and ".nse" files for Lotus Outlook e-mail  
20 messages.
- 21 2. **SPREADSHEETS:** With respect to any and all responsive spreadsheets, produce  
22 them in their native, electronic format, including without limitation ".xls" files for  
23 Microsoft Excel spreadsheets.

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3. OTHER. Where applicable, any responsible information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat (\*.pdf) compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII

DATED this 6<sup>th</sup> day of August, 2019.

**ALDRICH LAW FIRM, LTD.**

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiffs*

EXHIBIT A

1  
2 1. Please provide any and all bank statements and other documents for Las Vegas  
3 Development Fund LLC's financial account # 1226364, for the time period beginning in March  
4 2012 to the present date.

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

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

13 4. Please provide any and all documents for any and all financial accounts pertaining  
14 to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary,  
15 signatory, and/or account holder, for the time period beginning March 2012 to the present date.

16 5. Please provide any and all documents for any and all financial accounts pertaining  
17 to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional  
18 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning  
19 March 2012 to the present date.

20 6. Please provide any and all documents for any and all financial accounts pertaining  
21 to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the  
22 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
23 present date.

24 7. Please provide any and all documents for any and all financial accounts pertaining  
to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account  
holder, for the time period beginning March 2012 to the present date.

1 8. Please provide any and all documents for any and all financial accounts pertaining to  
2 Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account  
3 holder, for the time period beginning March 2012 to the present date.

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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.

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

10 (A) **Appearance Not Required.**

11 (i) A person commanded to produce documents, electronically stored  
12 information, or tangible things, or to permit the inspection of premises, need not appear in person  
13 at the place of production or inspection unless also commanded to appear for a deposition,  
14 hearing, or trial.

15 (ii) If documents, electronically stored information, or tangible things are  
16 produced to the party that issued the subpoena without an appearance at the place of production,  
17 that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy  
18 or electronically reproduce the documents or information, photograph any tangible items not  
19 subject to copying, and serve these items on every other party. The party that issued the  
20 subpoena may also serve a statement of the reasonable cost of copying, reproducing, or  
21 photographing, which a party receiving the copies, reproductions, or photographs must promptly  
22 pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of  
23 copying the documents or information, or photographing the tangible items.

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

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample  
the materials or tangible things or to inspect the premises except by order of the court that issued  
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  
occurrences in dispute and results from the expert's study that was not requested by a party.

17 **(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule  
18 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or  
production under specified conditions if the party serving the subpoena:

19 (i) shows a substantial need for the testimony or material that cannot be otherwise  
20 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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
a manner that, without revealing information itself privileged or protected, will enable the parties  
16 to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
subject to a claim of privilege or of protection as trial-preparation material, the person making  
18 the claim may notify any party that received the information of the claim and the basis for it.  
After being notified, a party must promptly return, sequester, or destroy the specified information  
19 and any copies it has; must not use or disclose the information until the claim is resolved; must  
take reasonable steps to retrieve the information if the party disclosed it before being notified;  
20 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

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, L.P.D.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117,

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EBS IMPACT CAPITAL  
REGIONAL CENTER LLC, EBS IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 7**

# **EXHIBIT 7**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Matthew B. Beckstead, Esq. (NV Bar # 14168), Aldrich Law Firm, Ltd.</b> 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO: (702) 853-5490 FAX NO. (Optional): (702) 227-1975 E-MAIL ADDRESS (Optional): mbeckstead@aldrichlawfirm.com ATTORNEY FOR (Name): Front Sight Management, LLC		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund, LLC, et al.	CASE NUMBER: A-18-781084-B	
<b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)		

**NOTICE TO CONSUMER OR EMPLOYEE**

**TO (name):**

- PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** Front Sight Management, LLC **SEEKS YOUR RECORDS FOR EXAMINATION** by the parties to this action on **(specify date):** September 10, 2019  
 The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought):** Bank of Hope, 3200 Wilshire Blvd., Ste. 1400, Los Angeles, CA 90010  
 A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
  - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
  - If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

Matthew B. Beckstead, Esq.

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

**OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS**

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:
- The specific grounds for my objection are as follows:

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE)

(Proof of service on reverse)

Page 1 of 2

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
  - a.  **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
  - b.  **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: Jon D. Fleming	(3) Date of mailing: 8/20/19
(2) Address: c/o Greer and Associates, P.C. 16855 W. Bernardo Dr., Ste. 255, San Diego, CA 92127	(4) Place of mailing (city and state): Aldrich Law Firm 7866 W. Sahara Ave., Las Vegas, NV 89117
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
- d. My phone number is (specify): (702) 853-5490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Massiel Garcia  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

[Signature]  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
  - a. **ON THE REQUESTING PARTY**
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(ii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
    - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
  - b. **ON THE WITNESS**
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(ii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
    - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify):
4. My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

[Signature]  
(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: 702-227-1975 FAX NO.: 702-227-1975 E-MAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): <b>Front Sight Management LLC</b>	FOR COURT USE ONLY
Court (or county) in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
Court in which action is pending: Name of Court: <b>Eighth Judicial District Court, Dept. 16</b> STREET ADDRESS: <b>200 Lewis Avenue</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Las Vegas, NV 89101</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court):
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (of action pending outside California): <b>A-18-781084-B</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
**Bank of Hope**

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): <b>Aldrich Law Firm, Ltd.</b> On (date): <b>September 10, 2019</b> Location (address): <b>7866 W. Sahara Ave, Las Vegas, NV 89117</b>	At (time): <b>9:00 a.m.</b>
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a.  by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1583(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
**See Attachment 3**
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): **See Attachment 4**
- Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER (production pending outside California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1085.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.
6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: **AUG 07 2019**  
**G. ROBINSON**  
 (TYPE OR PRINT NAME)



**Glorietta Robinson**  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
**CSA III**  
 (TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:
- a. Person served (name):
  - b. Address where served:
  - c. Date of delivery:
  - d. Time of delivery:
  - e. Witness fees and mileage both ways (check one):
    - (1)  were paid. Amount: \$ \_\_\_\_\_
    - (2)  were not paid.
    - (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_
  - f. Fee for service: \$ \_\_\_\_\_
2. I received this subpoena for service on (date):
3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.
4. Person serving:
- a.  Not a registered California process server
  - b.  California sheriff or marshal
  - c.  Registered California process server
  - d.  Employee or independent contractor of a registered California process server
  - e.  Exempt from registration under Business and Professions Code section 22350(b)
  - f.  Registered professional photocopier
  - g.  Exempt from registration under Business and Professions Code section 22451
  - h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date:

(For California sheriff or marshal use only)  
 I certify that the foregoing is true and correct.  
 Date:

\_\_\_\_\_  
 (SIGNATURE) \_\_\_\_\_ (SIGNATURE)



SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
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ATTACHMENT (Number): 3*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 6400371502, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
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ATTACHMENT (Number): 4

*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
 Nevada Bar No. 6877  
 Catherine Hernandez, Esq.  
 Nevada Bar No. 8410  
 Matthew B. Beckstead, Esq.  
 Nevada Bar No. 14168  
 ALDRICH LAW FIRM, LTD.  
 7866 West Sahara Avenue  
 Las Vegas, Nevada 89117

Counsel 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:

Anthony T. Case, Esq.  
 Kathryn Holbert, Esq.  
 FARMER CASE & FEDOR  
 2190 E. Pebble Rd., Suite #205  
 Las Vegas, NV 89123

C. Keith Greer, Esq.  
 16855 West Bernardo Drive, Suite 255  
 San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this  
 Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_  
*(Add pages as required)*

1 SDT  
John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
3 Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
4 Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
5 7866 West Sahara Avenue  
Las Vegas, NV 89117  
6 Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
7 Attorneys for Plaintiff

8 **EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

9 FRONT SIGHT MANAGEMENT LLC, a  
10 Nevada Limited Liability Company,

11 Plaintiff,

12 vs.

13 LAS VEGAS DEVELOPMENT FUND LLC, a  
14 Nevada Limited Liability Company, et al.,

15 Defendants.

16 AND ALL RELATED COUNTERCLAIMS,

17 Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES**  
**TECUM**

18 **THE STATE OF NEVADA SENDS GREETINGS TO:**

19  
20 Bank of Hope  
Attn: Adam Karasik  
3200 Wilshire Blvd., Suite 1400  
21 Los Angeles, CA 90010  
22 Phone: (213) 639-1700  
23 Fax: (213) 637-9539  
24

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                                 **John P. Aldrich, Esq.**  
8                                 **Catherine Hernandez, Esq.**  
9                                 **Matthew B. Beckstead, Esq.**  
                                  **ALDRICH LAW FIRM, LTD.**  
                                  **7566 West Sahara Avenue**  
                                  **Las Vegas, Nevada 89117**

10           All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

12           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

13           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
14 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
15 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

16           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
17 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
18 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
19 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
20 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
21 N.R.S. 50.195, 50.205, and 22.100(3).

22           Please see the attached **Exhibit C** for information regarding your rights and  
23 responsibilities relating to this Subpoena.

24           A list of all parties to this action and their respective counsel is attached as **Exhibit D**.



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the definition or meaning given to the term, word or phrase as used in the pleadings in addition to the definition(s) given in this discovery request.

B. The following rules of construction apply to this Subpoena to Produce Documents, Information, or Objects:

1. All/Each. The terms "all" and "each" shall be construed as all and each.
2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

C. The following instructions apply to this discovery request:

Electronic or Magnetic Data. In those instances when requested information exists in electronic or magnetic form, the responding party should state so. In responding to a discovery request, the responding party should, in addition to stating that the information exists in electronic/magnetic form, sufficiently identify the form in which the information exists.

1. E-MAILS: With respect to any and all responsive e-mail messages, produce them in their native, electronic format, including without limitation ".pst" files for Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail messages.
2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce them in their native, electronic format, including without limitation ".xls" files for Microsoft Excel spreadsheets.

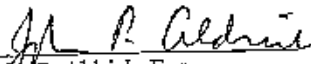
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3. OTHER. Where applicable, any responsible information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat ("pdf") compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

ALDRICH LAW FIRM, LTD.

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiff*





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8. Please provide any and all documents for any and all financial accounts pertaining to Linda Starwood and/or for which Linda Starwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.



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(e)(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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
claim that it is privileged or subject to protection as trial-preparation material must:

13 (i) expressly make the claim; and

14 (ii) describe the nature of the withheld documents, communications, or tangible things in  
15 a manner that, without revealing information itself privileged or protected, will enable the parties  
to assess the claim.

16 (B) **Information Produced.** If information produced in response to a subpoena is  
17 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.  
18 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  
19 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  
20 claim. The person who produced the information must preserve the information until the claim is  
resolved.

EXHIBIT D

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL  
REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 8**

# **EXHIBIT 8**

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, State Bar number, and address): Matthew B. Beckstead, Esq. (NV Bar # 14168), Aldrich Law Firm, Ltd. 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO.: (702) 853-5490 FAX NO. (Optional): (702) 227-1975 E-MAIL ADDRESS (Optional): mbeckstead@aldrichlawfirm.com ATTORNEY FOR (name): Front Sight Management, LLC	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund, LLC, et al.	CASE NUMBER:  A-18-781084-B
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name):

- PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Front Sight Management, LLC SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): September 10, 2019. The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): Bank of Hope, 3200 Wilshire Blvd., Ste. 1400, Los Angeles, CA 90010. A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:
  - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
  - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

Matthew B. Beckstead, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of Service on reverse)



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

- At the time of service I was at least 18 years of age and not a party to this legal action.
- I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
  - Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
  - Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: Linda Stanwood	(3) Date of mailing: 8/20/19
(2) Address: c/o Greer and Associates, P.C. 16855 W. Bernardo Dr., Ste. 255, San Diego, CA 92127	(4) Place of mailing (city and state): Aldrich Law Firm 7866 W. Sahara Ave., Las Vegas, NV 89117

(5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
- My phone number is (specify): (702) 853-5490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Massiel Garcia  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

Massiel Garcia  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

- At the time of service I was at least 18 years of age and not a party to this legal action.
- I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
  - ON THE REQUESTING PARTY**
    - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
  - ON THE WITNESS**
    - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
- My residence or business address is (specify):
- My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd.</b> <b>7866 West Sahara Avenue</b> <b>Las Vegas, NV 89117</b> TELEPHONE NO.: 702-333-0490 FAX NO.: 702-227-1975 E-MAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): <b>Front Sight Management LLC</b>	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
Court in which action is pending: Name of Court: <b>Eighth Judicial District Court, Dept. 16</b> STREET ADDRESS: <b>200 Lewis Avenue</b> MAILING ADDRESS: CITY, STATE, AND ZIP CODE: <b>Las Vegas, NV 89101</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b> DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court):
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (if action pending outside California): <b>A-18-781084-B</b>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
**Bank of Hope**

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): **Aldrich Law Firm, Ltd.**  
 Or (date): **September 10, 2019** At (time): **9:00 a.m.**  
 Location (address): **7866 W. Sahara Ave., Las Vegas, NV 89117**

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a.  by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 15E3(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
**See Attachment 3**
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): **See Attachment 4**
- Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER or action pending (unless California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: **AUG 07 2019**  
**G. ROBINSON**  
 (TYPE OR PRINT NAME)



**Glorietta Robinson**  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
**CSA III**  
 (TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1)  were paid. Amount: \$ \_\_\_\_\_

(2)  were not paid.

(3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ \_\_\_\_\_

f. Fee for service: \$ \_\_\_\_\_

2. I received this subpoena for service on (date):

3.  I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a.  Not a registered California process server
- b.  California sheriff or marshal
- c.  Registered California process server
- d.  Employee or independent contractor of a registered California process server
- e.  Exempt from registration under Business and Professions Code section 22350(b)
- f.  Registered professional photocopier
- g.  Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury Under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)  
 I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (SIGNATURE)

\_\_\_\_\_  
 (SIGNATURE)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 3

*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 6400371502, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Form Approved for Optional Use  
Judicial Council of California  
MC-025 Rev. July 1, 2005

ATTACHMENT  
to Judicial Council Form

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
 Nevada Bar No. 6877  
 Catherine Hernandez, Esq.  
 Nevada Bar No. 8410  
 Matthew B. Beckstead, Esq.  
 Nevada Bar No. 14168  
 ALDRICH LAW FIRM, LTD.  
 7866 West Sahara Avenue  
 Las Vegas, Nevada 89117

Counsel 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:

Anthony T. Case, Esq.  
 Kathryn Holbert, Esq.  
 FARMER CASE & FEDOR  
 2190 E. Pebble Rd., Suite #205  
 Las Vegas, NV 89123

C. Keith Greer, Esq.  
 16855 West Bernardo Drive, Suite 255  
 San Diego, CA 92127

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this  
 Attachment are made under penalty of perjury.)

Page \_\_\_\_\_ of \_\_\_\_\_  
 (Add pages as required)

Form Approved for Optional Use  
 Judicial Council of California  
 MC-025 (Rev. July 7, 2009)

ATTACHMENT  
 to Judicial Council Form

[www.courtinfirma.gov](http://www.courtinfirma.gov)

1 SDT  
John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
3 Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
4 Nevada Bar No. 14168  
ALDRICH LAW FIRM, LTD.  
5 7866 West Sahara Avenue  
Las Vegas, NV 89117  
6 Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
7 Attorneys for Plaintiff

8 EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

9 FRONT SIGHT MANAGEMENT LLC, a  
10 Nevada Limited Liability Company,  
11 Plaintiff,

CASE NO.: A-18-781084-B  
DEPT NO.: 16

12 vs.

AMENDED SUBPOENA DUCES  
TECUM

13 LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company, et al.,  
14 Defendants.

15  
16 AND ALL RELATED COUNTERCLAIMS,  
17 Counterdefendants.

18 THE STATE OF NEVADA SENDS GREETINGS TO:

19  
20 Bank of Hope  
Attn: Adam Karasik  
3200 Wilshire Blvd., Suite 1400  
21 Los Angeles, CA 90010  
22 Phone: (213) 639-1700  
23 Fax: (213) 637-9539  
24

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                                 **John P. Aldrich, Esq.**  
8                                 **Catherine Hernandez, Esq.**  
9                                 **Matthew B. Beckstead, Esq.**  
                                  **ALDRICH LAW FIRM, LTD.**  
                                  **7866 West Sahara Avenue**  
                                  **Las Vegas, Nevada 89117**

10           All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed. N.R.C.P. 45(d)(1).

12           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

13           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
14 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
15 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

16           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
17 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
18 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
19 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
20 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
21 N.R.S. 50.195, 50.205, and 22.100(3).

22           Please see the attached **Exhibit C** for information regarding your rights and  
23 responsibilities relating to this Subpoena.

24           A list of all parties to this action and their respective counsel is attached as **Exhibit D**.





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the definition or meaning given to the term, word or phrase as used in the pleadings in addition to the definition(s) given in this discovery request.

B. The following rules of construction apply to this Subpoena to Produce Documents, Information, or Objects:

1. All/Each. The terms "all" and "each" shall be construed as all and each.
2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

C. The following instructions apply to this discovery request:

Electronic or Magnetic Data. In those instances when requested information exists in electronic or magnetic form, the responding party should state so. In responding to a discovery request, the responding party should, in addition to stating that the information exists in electronic/magnetic form, sufficiently identify the form in which the information exists.

1. E-MAILS: With respect to any and all responsive e-mail messages, produce them in their native, electronic format, including without limitation ".pst" files for Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail messages.
2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce them in their native, electronic format, including without limitation ".xls" files for Microsoft Excel spreadsheets.

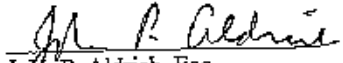
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3. OTHER. Where applicable, any responsive information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat ("pdf") compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

**ALDRICH LAW FIRM, LTD.**



John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiff*

1 **EXHIBIT A**

2 1. Please provide any and all bank statements and other documents for Las Vegas  
3 Development Fund LLC's financial account # 6400371502, for the time period beginning in  
4 March 2012 to the present date.

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

9 3. Please provide any and all documents for any and all financial accounts pertaining  
10 to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory,  
11 and/or account holder, for the time period beginning March 2012 to the present date.

12 4. Please provide any and all documents for any and all financial accounts pertaining  
13 to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary,  
14 signatory, and/or account holder, for the time period beginning March 2012 to the present date.

15 5. Please provide any and all documents for any and all financial accounts pertaining  
16 to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional  
17 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning  
18 March 2012 to the present date.

19 6. Please provide any and all documents for any and all financial accounts pertaining  
20 to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the  
21 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the  
22 present date.

23 7. Please provide any and all documents for any and all financial accounts pertaining  
24 to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account  
holder, for the time period beginning March 2012 to the present date.

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8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

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EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

NOW COMES \_\_\_\_\_ (name of custodian of records), who after first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (position or title) of \_\_\_\_\_ (name of employer) and in his or her capacity as \_\_\_\_\_ (position or title) is a custodian of the records of \_\_\_\_\_ (name of employer).

2. That \_\_\_\_\_ (name of employer) is licensed to do business as a \_\_\_\_\_ in the State of \_\_\_\_\_.

3. That on the day of the month of \_\_\_\_\_ day of \_\_\_\_\_, 2019, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of \_\_\_\_\_ records pertaining to \_\_\_\_\_.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or \_\_\_\_\_ (name of employer).

Executed on: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY PUBLIC in and for the County of \_\_\_\_\_, State of \_\_\_\_\_

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EXHIBIT C

NEVADA RULES OF CIVIL PROCEDURE

**Rule 45 (c) Protection of Persons Subject to Subpoena.**

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

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

(A) **Appearance Not Required.**

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

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of copying the documents or information, or photographing the tangible items.

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

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued 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  
occurrences in dispute and results from the expert's study that was not requested by a party.

17 **(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule  
18 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or  
production under specified conditions if the party serving the subpoena:

19 (i) shows a substantial need for the testimony or material that cannot be otherwise  
20 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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
a manner that, without revealing information itself privileged or protected, will enable the parties  
16 to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
subject to a claim of privilege or of protection as trial-preparation material, the person making  
18 the claim may notify any party that received the information of the claim and the basis for it.  
After being notified, a party must promptly return, sequester, or destroy the specified information  
19 and any copies it has; must not use or disclose the information until the claim is resolved; must  
take reasonable steps to retrieve the information if the party disclosed it before being notified;  
20 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  
21 resolved.



EXHIBIT D

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. J4168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL  
REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 9**

# **EXHIBIT 9**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Matthew B. Beckstead, Esq. (NV Bar # 14168), Aldrich Law Firm, Ltd.</b> 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO.: (702) 853-5490 FAX NO. (Optional): (702) 227-1975 E-MAIL ADDRESS (Optional): mbeckstead@aldrichlawfirm.com ATTORNEY FOR (Name): Front Sight Management, LLC	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund, LLC, et al.	CASE NUMBER A-18-781084-B
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name):

- PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Front Sight Management, LLC SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): September 10, 2019  
 The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): Bank of Hope, 3200 Wilshire Blvd., Ste. 1400, Los Angeles, CA 90010  
 A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
  - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
  - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

Matthew B. Beckstead, Esq.

(TYPE OR PRINT NAME)

  
 (SIGNATURE)  REQUESTING PARTY  ATTORNEY

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

- At the time of service I was at least 18 years of age and not a party to this legal action.
  - I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
    - Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
    - Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: Robert W. Dziubla	(3) Date of mailing: 8/20/19
(2) Address: c/o Greer and Associates, P.C. 16855 W. Bernardo Dr., Ste. 255, San Diego, CA 92127	(4) Place of mailing (city and state): Aldrich Law Firm 7866 W. Sahara Ave., Las Vegas, NV 89117
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- My residence or business address is (specify): Aldrich Law Firm, Ltd., Las Vegas, NV 89117
  - My phone number is (specify): (702) 853-5490

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Massiel Garcia  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

Masiel Garcia  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

- At the time of service I was at least 18 years of age and not a party to this legal action.
  - I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
    - ON THE REQUESTING PARTY**
      - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
      - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
    - ON THE WITNESS**
      - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
      - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
- My residence or business address is (specify):
  - My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John P. Aldrich, Esq. (NV Bar No. 6877), Aldrich Law Firm, Ltd. 7866 West Sahara Avenue Las Vegas, NV 89117 TELEPHONE NO.: 702-853-0490 FAX NO.: 702-227-1975 E-MAIL ADDRESS: jaldrich@johnaldrichlawfirm.com ATTORNEY FOR (Name): Front Sight Management LLC	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
Court in which action is pending: Name of Court: Eighth Judicial District Court, Dept. 16 STREET ADDRESS: 200 Lewis Avenue MAILING ADDRESS: CITY, STATE, AND ZIP CODE: Las Vegas, NV 89101 COUNTRY: USA	
PLAINTIFF/PETITIONER: Front Sight Management, LLC DEFENDANT/RESPONDENT: Las Vegas Development Fund LLC, et al.	CALIFORNIA CASE NUMBER (if any assigned by court):
<b>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS          IN ACTION PENDING OUTSIDE CALIFORNIA</b>	CASE NUMBER (if action pending outside California): A-18-781084-B

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Bank of Hope

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Aldrich Law Firm, Ltd.	At (time): 9:00 a.m.
On (date): September 10, 2019	
Location (address): 7866 W. Sahara Ave, Las Vegas, NV 89117	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a.  by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b.  by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c.  by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):  
 See Attachment 3
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): See Attachment 4

Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: <b>Front Sight Management, LLC</b>	CASE NUMBER (if action pending outside California):
DEFENDANT/RESPONDENT: <b>Las Vegas Development Fund LLC, et al.</b>	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.

6.  Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment B (use form MC-025)

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS AN ATTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: **AUG 07 2019** **G. ROBINSON**  
 (TYPE OR PRINT NAME)



**Glorieta Robinson**  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
**CSA III**  
 (TITLE)

**PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

- I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:
  - Person served (name):
  - Address where served:
  - Date of delivery:
  - Time of delivery:
  - Witness fees and mileage both ways (check one):
    - were paid. Amount: \$ \_\_\_\_\_
    - were not paid.
    - were tendered to the witness's public entity employer as required by Government Code section 86057.2. The amount tendered was (specify): \$ \_\_\_\_\_
  - Fee for service: \$ \_\_\_\_\_
- I received this subpoena for service on (date):
- I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.
- Person serving:
  - Not a registered California process server
  - California sheriff or marshal
  - Registered California process server
  - Employee or independent contractor of a registered California process server
  - Exempt from registration under Business and Professions Code section 22360(b)
  - Registered professional photocopyier
  - Exempt from registration under Business and Professions Code section 22451
  - Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date:

(For California sheriff or marshal use only)  
 I certify that the foregoing is true and correct.  
 Date:

\_\_\_\_\_  
 (SIGNATURE) \_\_\_\_\_ (SIGNATURE)

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 3*(This Attachment may be used with any Judicial Council form.)*

1. Please provide any and all bank statements and other documents for Las Vegas Development Fund LLC's financial account # 6400371502, for the time period beginning in March 2012 to the present date.
2. Please provide any and all documents for any and all financial accounts pertaining to Las Vegas Development Fund LLC 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.
3. Please provide any and all documents for any and all financial accounts pertaining to Kenworth Capital, Inc. and/or for which Kenworth Capital, Inc. is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
4. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
5. Please provide any and all documents for any and all financial accounts pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
6. Please provide any and all documents for any and all financial accounts pertaining to Robert W. Dziubla (Date of Birth: July 18, 1952) and/or for which Robert W. Dziubla is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
7. Please provide any and all documents for any and all financial accounts pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.
8. Please provide any and all documents for any and all financial accounts pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the present date.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

SHORT TITLE: Front Sight Management LLC v. Las Vegas Development Fund LLC	CASE NUMBER: A-18-781084-B
--	-------------------------------

ATTACHMENT (Number): 4

*(This Attachment may be used with any Judicial Council form.)*

Counsel for Plaintiff Front Sight Management LLC:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
ALDRICH LAW FIRM, LTD.  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Counsel 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:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_  
*(Add pages as required)*

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Form prepared by Optional Uses  
Judicial Council of California  
MC-025 (Rev. July 7, 2005)

ATTACHMENT  
to Judicial Council Form



1 SDT  
2 John P. Aldrich, Esq.  
3 Nevada Bar No. 6877  
4 Catherine Hernandez, Esq.  
5 Nevada Bar No. 8410  
6 Matthew B. Beckstead, Esq.  
7 Nevada Bar No. 14168  
8 **ALDRICH LAW FIRM, LTD.**  
9 7866 West Sahara Avenue  
10 Las Vegas, NV 89117  
11 Telephone: (702) 853-5490  
12 Facsimile: (702) 227-1975  
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 **LAS VEGAS DEVELOPMENT FUND LLC, a**  
21 Nevada Limited Liability Company; et al.,

22 Defendants.

23 **AND ALL RELATED COUNTERCLAIMS,**

24 Counterdefendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**AMENDED SUBPOENA DUCES**  
**TECUM**

**THE STATE OF NEVADA SENDS GREETINGS TO:**

**Bank of Hope**  
**Attn: Adam Karasik**  
**3200 Wilshire Blvd., Suite 1400**  
**Los Angeles, CA 90010**  
**Phone: (213) 639-1700**  
**Fax: (213) 637-9539**

1           **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set  
2 aside, pursuant to N.R.C.P. 45, to produce the designated documents, electronically stored  
3 information, and/or tangible things in your possession, custody, or control, by delivering a true,  
4 legible, and durable copy of the business records described below to the requesting attorney, by  
5 United States mail or similar delivery service, no later than **September 10, 2019**, at the  
6 following address:

7                           **John F. Aldrich, Esq.**  
8                           **Catherine Hernandez, Esq.**  
9                           **Matthew B. Beckstead, Esq.**  
10                          **ALDRICH LAW FIRM, LTD.**  
11                          **7866 West Sahara Avenue**  
12                          **Las Vegas, Nevada 89117**

13           All documents shall be produced as they are kept in the usual course of business or shall  
14 be organized and labeled to correspond with the categories listed N.R.C.P. 45(d)(1).

15           **A LIST OF THE ITEMS TO BE PRODUCED** is attached as **Exhibit A**.

16           **YOU ARE FURTHER ORDERED** to authenticate the business records produced,  
17 pursuant to N.R.S. 52.260, and to provide with your production a completed Certificate of  
18 Custodian of Records in substantially the same form as **Exhibit B** attached hereto the subpoena.

19           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served  
20 upon that person may be deemed in contempt of the court, N.R.C.P. 45(e), punishable by a fine  
21 not exceeding \$500 and imprisonment not exceeding 25 days, N.R.S. 22.100. Additionally a  
22 witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
23 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest.  
24 N.R.S. 50.195, 50.205, and 22.100(3).

          Please see the attached **Exhibit C** for information regarding your rights and  
responsibilities relating to this Subpoena.

          A list of all parties to this action and their respective counsel is attached as **Exhibit D**.

1 INSTRUCTIONS FOR THE SUBPOENA TO PRODUCE DOCUMENTS.

2 INFORMATION, OR OBJECTS

3 A. The following definitions apply to this discovery request:

- 4 1. Concerning. The term "concerning" means relating to, referring to, describing,  
5 evidencing, or constituting.
- 6 2. You, Your, and Yours. The terms "You," "Your," and "Yours" refer to the  
7 responsible party in receipt of service and responding to this Subpoena, and,  
8 additionally, its agents, employees, members, owners, partners, shareholders,  
9 directors, or anyone acting on its behalf.
- 10 3. Document. The terms "Document" or "Writing" is defined to be synonymous in  
11 meaning and equal in scope to the use of the terms "document" and  
12 "electronically stored information" in Nevada Rules of Civil Procedure 26 and 34.  
13 A draft or non-identical copy is a separate document within the meaning of this  
14 term. "Document" shall also include any data compilation from which  
15 information can be obtained or translated if necessary by YOU through detection  
16 devices into reasonably usable form. Where the Document or Writing makes use  
17 of, or refers to, codes or keys for particular categories of information, then the  
18 definition of a Writing or Document includes the full description of the key  
19 necessary for a person unfamiliar with the parlance to understand the meaning of  
20 the code or key. A draft or non-identical copy is a separate Document within the  
21 meaning of this term.
- 22 4. Any term, word or phrase that has not been defined in this discovery request but  
23 appears in the live pleadings in this action (including without limitation the  
24 Complaint) shall be given the definition or meaning given to the term, word or  
phrase as used in the live pleadings. Any term, word, or phrase that has been  
defined in these definitions that also appears in the live pleadings shall be given

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the definition or meaning given to the term, word or phrase as used in the pleadings in addition to the definition(s) given in this discovery request.

B. The following rules of construction apply to this Subpoena to Produce Documents, Information, or Objects:

1. All/Each. The terms "all" and "each" shall be construed as all and each.
2. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

C. The following instructions apply to this discovery request:

Electronic or Magnetic Data. In those instances when requested information exists in electronic or magnetic form, the responding party should state so. In responding to a discovery request, the responding party should, in addition to stating that the information exists in electronic/magnetic form, sufficiently identify the form in which the information exists.

1. E-MAILS: With respect to any and all responsive e-mail messages, produce them in their native, electronic format, including without limitation ".pst" files for Microsoft Outlook e-mail messages and ".nst" files for Lotus Outlook e-mail messages.
2. SPREADSHEETS: With respect to any and all responsive spreadsheets, produce them in their native, electronic format, including without limitation ".xls" files for Microsoft Excel spreadsheets.

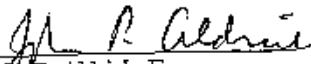
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3. OTHER. Where applicable, any responsible information that exists in electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat (".pdf") compatible application, in a Microsoft Word or WordPerfect compatible application, or in ASCII.

DATED this 6<sup>th</sup> day of August, 2019.

ALDRICH LAW FIRM, LTD.

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiff*



1           8.     Please provide any and all documents for any and all financial accounts pertaining  
2 to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or  
3 account holder, for the time period beginning March 2012 to the present date.

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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  
responding must produce it in a form or forms in which it is ordinarily maintained or in a  
reasonably usable form or forms.

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

7 (D) **Inaccessible Electronically Stored Information.** The person responding need not  
8 provide discovery of electronically stored information from sources that the person identifies as  
not reasonably accessible because of undue burden or cost. On motion to compel discovery or for  
9 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  
10 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  
a manner that, without revealing information itself privileged or protected, will enable the parties  
16 to assess the claim.

17 (B) **Information Produced.** If information produced in response to a subpoena is  
subject to a claim of privilege or of protection as trial-preparation material, the person making  
18 the claim may notify any party that received the information of the claim and the basis for it.  
After being notified, a party must promptly return, sequester, or destroy the specified information  
19 and any copies it has; must not use or disclose the information until the claim is resolved; must  
take reasonable steps to retrieve the information if the party disclosed it before being notified;  
20 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

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Plaintiff FRONT SIGHT MANAGEMENT LLC is represented by:

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
**ALDRICH LAW FIRM, LTD.**  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117

Defendants LAS VEGAS DEVELOPMENT FUND LLC, EBS IMPACT CAPITAL  
REGIONAL CENTER LLC, EBS IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD are represented by:

Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
**FARMER CASE & FEDOR**  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
16855 West Bernardo Drive, Suite 255  
San Diego, CA 92127

# **EXHIBIT 10**

# **EXHIBIT 10**

investment level.

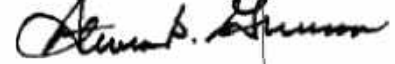
2. Job Creation / Approved Regional Center. Each \$500k investment must support 10 full-time jobs for a period of two years. If Front Sight were to attempt a traditional direct EB-5 investment model, then the \$65m raise would require 130 investors and the resultant generation of 1,300 direct jobs ( $\$65m / \$500k = 130$  investors;  $130$  investors  $\times$   $10$  jobs each =  $1,300$  jobs). The deployment of the \$65m raise, however, will not generate anywhere close to 1,300 direct jobs for two years. Therefore, the only feasible approach is to do the \$65m raise through a USCIS-approved "Regional Center" that, according to applicable laws and regulations, can then count all of the direct, indirect and induced jobs generated by the \$65m investment. Our Chief Economist, Professor Sean Flynn of Scripps College and the co-author of the #1 economics textbook in the world, will provide a USCIS-compliant economic impact statement confirming that the \$65m will generate the requisite number of 1,300 direct, indirect and induced jobs. Our partners, Empyrean 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.
3. Chinese / Asian EB-5 Funding. As noted above, 70% of all EB-5 investment is coming from China. We expect that trend to continue, and perhaps even accelerate, given China's continuing economic growth and its political instability, which is impelling ever more wealthy Chinese to seek an alternative domicile for themselves, their family and their assets.

I personally have been conversant with and involved in EB-5 financing since the program was first established in 1990, as one of my oldest friends and a fellow partner of mine at Baker & McKenzie, the world's largest law firm, ran the Firm's global immigration practice out of the Hong Kong office. During my career, I have spent much of my life living and working in China / Asia and have worked with many Chinese clients and institutions investing abroad. This experience has provided me with an expansive network of relationships throughout China for sourcing EB-5 investors; and this personal network is coupled with our collective relationships with the leading visa advisory firms operating in China.

In addition to the Chinese EB-5 funding, Empyrean West has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam and has been exempted from the \$5,000 limit on international money transfers.

On a separate note, we also think the Front Sight project will be especially attractive to Chinese / Asian investors because it has "sizzle" since firearms are forbidden to our Chinese investors. Thus any who do invest will be able to tell all of their friends and family that they have invested into Front Sight and been granted a preferred membership that gives them the right to receive Front Sight training in handguns, shotguns, rifles, and machine guns anytime they want.

4. Compatible Timing. EB-5 funding initiatives typically take 5 – 8 months before first funds are placed into escrow with the balance of the funds being deposited during the next 6 – 8 months. This sort of extended timing seems to be compatible with Front Sight's development timeline given our discussions.
5. Front Sight Credibility. Front Sight is the premier firearms training institution in the United States with a long and profitable history of more than fifteen years. This excellent record coupled with an experienced and powerful management team provides both us and our EB-5 investors with the confidence that the project will be developed as planned so that the requisite jobs are created (thus ensuring that the investors will not be forced by USCIS to return home after two years) and so that the investment can be repaid.



AFFIDAVIT OF SERVICE

EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
CLARK COUNTY, STATE OF NEVADA

FRONT SIGHT MANAGEMENT LLC, a Nevada Limited Liability Company,	} Plaintiff(s)
v.	
LAS VEGAS DEVELOPMENT FUND LLC, a Nevada Limited Liability Company; et al.,	} Defendant(s)

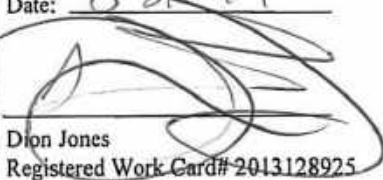
Case No.:A-18-781084-B  
John P. Adrich, Esq., Bar No. 6877  
ALDRICH LAW FIRM, LTD  
7866 West Sahara Ave.  
Las Vegas, NV 89117  
(702) 853-5490  
*Attorneys for the Plaintiff(s)*  
Client File# 921-001

I, Dion Jones, being sworn, states: That I am a licensed process server registered in California. I received a copy of the Amended Subpoena Duces Tecum; Subpoena For Production Of Business Records In Action Pending Outside California; Witness Fee of \$15.00 - Check No. 5040214, from ALDRICH LAW FIRM, LTD

That on 8/15/2019 at 1:10 PM at 1000 Wilshire Blvd., Suite 500, Los Angeles, CA 90017 I served Open Bank - Attn: Min Kim, by personally delivering and leaving a copy of the above-listed document(s) with Ggoch Nae Zim - Receptionist, a person of suitable age and discretion authorized to accept service of process.

That the description of the person actually served is as follows:  
Gender: Female, Race: Asian, Age: 31-35 yrs., Height: 5'1 - 5'6, Weight: 121-140 lbs., Hair: Black, Eyes:Brown

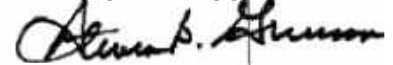
I being duly sworn, states: that all times herein, Affiant was and is over 18 years of age, not a party to or interested in the proceedings in which this Affidavit is made. I declare under penalty of perjury that the foregoing is true and correct.

Date: 8-27-19  
  
Dion Jones  
Registered Work Card# 2013128925  
State of California

(No Notary Per NRS 53.045)  
Service Provided for:  
Nationwide Legal Nevada, LLC  
626 S. 7th Street  
Las Vegas, NV 89101  
(702) 385-5444  
Nevada Lic # 1656



Control #:NV195212  
Reference: 921-001



AFFIDAVIT OF SERVICE

EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
CLARK COUNTY, STATE OF NEVADA

FRONT SIGHT MANAGEMENT LLC, a Nevada Limited Liability Company,

Plaintiff(s)

v.

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

Defendant(s)

Case No.:A-18-781084-B  
John P. Adrich, Esq., Bar No. 6877  
ALDRICH LAW FIRM, LTD  
7866 West Sahara Ave.  
Las Vegas, NV 89117  
(702) 853-5490  
*Attorneys for the Plaintiff(s)*  
Client File# 921-001

I, Dustin Gross, being sworn, states: That I am a licensed process server registered in Nevada. I received a copy of the Amended Subpoena Duces Tecum, from ALDRICH LAW FIRM, LTD

That on 8/20/2019 at 3:29 PM at 776 Tahoe Blvd., Incline Village, NV 89451 I served Wells Fargo Bank, N.A., by personally delivering and leaving a copy of the above-listed document(s) with Rayn Petrirsch - Lead Teller, a person of suitable age and discretion authorized to accept service of process.

That the description of the person actually served is as follows:

Gender: Female, Race: Caucasian, Age: 30's, Height: 5'8", Weight: 150 lbs., Hair: Blonde, Eyes:N/A

I being duly sworn, states: that all times herein, Affiant was and is over 18 years of age, not a party to or interested in the proceedings in which this Affidavit is made. I declare under penalty of perjury that the foregoing is true and correct.

Date: August 28th, 2019



Dustin Gross  
Registered Work Card# R-081118  
State of Nevada

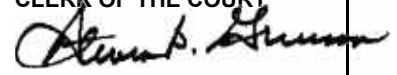
(No Notary Per NRS 53.045)

Service Provided for:  
Nationwide Legal Nevada, LLC  
626 S. 7th Street  
Las Vegas, NV 89101  
(702) 385-5444  
Nevada Lic # 1656



Control #:NV195203  
Reference: 921-001





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15 [keith.greer@greerlaw.biz](mailto:keith.greer@greerlaw.biz)  
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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 Limited Liability Company, )  
30 Plaintiff, )  
31 vs. )  
32 LAS VEGAS DEVELOPMENT FUND LLC, )  
et al., )  
33 Defendants. )

) CASE NO.: A-18-781084-B  
) DEPT NO.: 16  
)  
) **DEFENDANTS' OMNIBUS REPLY**  
) **MEMORANDUM IN SUPPORT OF**  
) **MOTIONS TO QUASH SUBPOENAS FOR**  
) **DEPOSITION AND DOCUMENTS TO**  
) **FINANCIAL INSTITUTIONS AND/OR**  
) **MOTION FOR PROTECTIVE ORDER**  
) **REGARDING SUBPOENA FOR**  
) **DEPOSITION AND DOCUMENTS TO**  
) **BANK OF HOPE**  
)  
) Date: September 5, 2019  
) Time: 9:30 a.m.  
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)  
)

1 **I. INTRODUCTION**

2 Defendants, LAS VEGAS DEVELOPMENT FUND LLC, EB5 IMPACT CAPITAL  
3 REGIONAL CENTER LLC, EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA, JON  
4 FLEMING, and LINDA STANWOOD,(sometimes collectively referred to herein as  
5 “Defendants”) hereby submit this Reply Memorandum of Points and Authorities In Support of  
6 the Motions to Quash Subpoenas to Multiple Individuals, Entities and Banking Institutions,  
7 including: (1) Jay Carter; (2) David C. Keller; (3) Empyrean West, LLC,; (4) Sean Wasaki Flynn;  
8 (5) Signature Bank; (6) Open Bank; (7) Wells Fargo Bank; and (8) Bank of Hope.

9 Plaintiff Front Sight opposes the Motions to Quash on both procedural and substantive  
10 grounds. Each of those arguments is addressed herein. Plaintiff’s arguments are not well taken  
11 and the Motions to Quash should be granted.

12 **II. ARGUMENT**

13 **A. The Motions Were Timely Filed**

14 The Motions to Quash were timely filed and/or any late filing should be excused.  
15 Defendants' Motions are to quash the Subpoenas pursuant to NRCPC 45(a)(4)(B) and/or Motions  
16 for Protective Orders pursuant to NRCPC 26(c). There is no timing requirement under NRCPC  
17 26(c) regarding motions for Protective Orders and the Court could grant Defendants requested  
18 relief under that rule alone. However, the Court can and should also consider Defendants  
19 Motions under NRCPC 45(a)(B). Although the timing requirement under NRCPC 45(a)(4)(B) is  
20 seven days, the Court can, and should under these circumstances, extend the deadline pursuant to  
21 NRCPC(6)(b)(B)(ii) (b), which states, "When an act may or must be done within a specified  
22 time:... (B) the court may, for good cause, extend the time: (ii) on motion made after the time has  
23 expired if the party failed to act because of excusable neglect."

24 Here, given the fact that Defendants were required to simultaneously prepare, file and  
25 serve eight separate motions in a very short time frame (seven days) and, combined with  
26 technical issues with the e-filing system which resulted in some of the motions not being filed  
27 until shortly after midnight on August 15th, 2019, Defendants' failure to timely file the motions  
28 was excusable neglect.

1           Additionally, it should be noted that although Plaintiff filed a single opposition to all  
2 eight of Defendants motions and had ten days to do so, Plaintiff failed to meet its opposition  
3 deadline regarding the motions which were served on August 14, 2019.

4           Furthermore, as to the subpoenas directed to California witnesses it is well established  
5 that a motion to quash can be filed at any time prior to the date set for production. *See, Lee v.*  
6 *Swansboro Country Prop. Owners Assn.*, 151 Cal. App. 4th 575, 583 (2007)(“ The time period  
7 for a motion to quash is often short.”); *In re R.R.*, 187 Cal. App. 4th 1264, 1278 (2010). (“A  
8 motion to quash is typically filed before the time for production (see, e.g., Code Civ. Proc., §  
9 1985.3, subd. (g)), but the court has authority to consider the motion even if brought after the  
10 date for production.”); *Slagle v. Superior Court*, 211 Cal. App. 3d 1309, 1312 (1989).

11           As to the subpoenas directed to personal financial records, pursuant to CCP §1985.3  
12 “[a]ny consumer whose personal records are sought by a subpoena duces tecum and who is a  
13 party to the civil action in which this subpoena duces tecum is served may, **prior to the date for**  
14 **production**, bring a motion under Section 1987.1 to quash or modify the subpoena duces  
15 tecum.” Cal. Civ. Proc. Code § 1985.3 (emphasis added). The Motions are brought prior to the  
16 date specified for production and are therefore timely.

17           **B. Defendants Have Standing to Bring the Motions**

18           Plaintiff Front Sight argues that Defendants do not have standing to bring the Motions as  
19 they do not have a personal right or privilege in the information sought. Because the subpoenas  
20 expressly request production of the personal financial banking records of each of the individual  
21 Defendants this argument is frivolous. “Personal financial information comes within the zone of  
22 privacy protected by article I, section 1 of the California Constitution.” *Harris v. Superior Court*  
23 (1992) 3 Cal.App.4th 661, 664 (1992); *see In re Marriage of Burkle* (2006) 135 Cal.App.4th  
24 1045, 1063, 37 Cal.Rptr.3d 805 (“The right to privacy extends to one’s personal financial  
25 information.”) Moreover, California generally recognizes that the right of privacy protects  
26 against intrusion into matters normally regarded as confidential and applies to business entities as  
27 well as individuals. *H & M Assocs. v. City of El Centro*, 109 Cal. App. 3d 399, 410 (1980). (“In  
28 the commercial world, businesses, regardless of their legal form, have zones of privacy which

1 may not be legitimately invaded.”)

2 Front Sight also incorrectly argues that Defendants bear the burden of proof with regard  
3 to the subpoena for personal financial information. However, the party seeking the  
4 constitutionally protected information has the burden of establishing that the information sought  
5 is directly relevant to the claims.” *Tylo v. Superior Court*, 55 Cal. App. 4th 1379, 1387 (1997);  
6 *Schlatter v. Eighth Jud Dist. Ct.*, 99 Nev. 189, 561 P.2d 1342 (1977) (“carte blanche discovery of  
7 financial information is an excessive invasion of privacy interest”). *Hetter v. Dist. Ct.*, 110  
8 Nev. 513, 520, 874 P.2d 762, 766 (1994). (“public policy suggests that tax returns or financial  
9 status not be had for the mere asking.”).

10 Front Sight’s citation to *Singletary v. Sterling Transp. Co.*, 289 F.R.D. 237, 241 (E.D.  
11 Va. 2012) is curious because that case actually supports Defendants Motions. In that case, the  
12 court explicitly found that the objecting party had standing to object to a subpoena which sought  
13 confidential employment records. *Singletary v. Sterling Transp. Co.*, 289 F.R.D. 237, 239 (E.D.  
14 Va. 2012 (“numerous courts from within a wide variety of circuits have approved the existence of  
15 such a right and have held that such parties have standing to challenge subpoenas directed to  
16 their former employers”). Moreover, as set forth below, *Singletary* supports Defendants  
17 overbreadth and burdensome arguments.

18 **C. Defendants’ Objections Are Stated With Sufficient Particularity**

19 The *Singletary* case cited by Front Sight also makes clear that the undue burden objection  
20 is well taken “This undue burden category ‘encompasses situations where the subpoena seeks  
21 information irrelevant to the case.’ Cook, 2012 WL 3634451, at \*6 n. 7. Moreover, ‘[a] subpoena  
22 imposes an undue burden on a party when [it] is overbroad.’ In re Subpoena Duces Tecum., 550  
23 F.Supp.2d at 612.” *Singletary v. Sterling Transp. Co.*, 289 F.R.D. 237, 241 (E.D. Va. 2012).

24 Defendants have asserted their personal and business rights of privacy and trade secret  
25 protection with great particularity. The subpoenas attempt to invade and intrude upon these  
26 protected interests is an undue burden and clearly intended to harass and annoy Defendants. This  
27 is particularly true where, as set forth below, Plaintiff has other alternative and less intrusive  
28 means available to obtain the requested information.

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**D. Plaintiff Did Not Properly “Domesticate” The Nevada Subpoenas In California**

Plaintiff Front Sight argues that it has properly “domesticated” the subpoena’s in California. This, however, is simply not true. Using Front Sight’s timeline, Front Sight served it’s Notice of Intent to Issue Subpoenas on August 6, 2019. Pursuant to NRCP 45 the parties must be given an opportunity to object prior to service of a subpoena. However, the Plaintiff took the Nevada Subpoena dated August 6, 2019 to the clerk of the California Court on August 7, 2019 and therefore deprived Defendants of the required opportunity to object prior to issuance and service of the California subpoena. Thus, the Plaintiff effectively took a subpoena which was not eligible for service in Nevada because the opportunity to object had not expired and used that to obtain a subpoena from the California court prior to the time the subpoena was valid in Nevada. In essence, the Plaintiff tricked the California Clerk into issuing a subpoena prior to the date on which it was valid. Moreover, the California subpoenas were NOT served on counsel for Defendants.

**E. Plaintiff Did Not Serve The Required Notice to Consumer Until After The Motion to Quash Was Filed**

A subpoena to a bank in California which requests financial information concerning an individual requires a statutory notice and opportunity to object. CCP §1985.3. Plaintiff Front Sight implicitly admits this requirement applies by attaching defective Notices to Consumers under CCP §1985.3 to its Opposition. However, those Notices are defective in at least two significant respects: (1) they leave the name of the consumer being notified blank and (2) they were not served until August 20, nearly two weeks after the subpoenas were issued and **after** Defendants had already filed the motions to quash. Those notices are required “[a]t least five days prior to service upon the custodian of the records, plus the additional time provided by Section 1013 if service is by mail.” Cal. Civ. Proc. Code § 1985.3. This provision was not followed.

**F. The Subpoenas Seek Information Protected From Disclosure by The UTSA**

Nevada has adopted the Uniform Trade Secrets Act (hereafter “UTSA”). Nev. Rev. Stat. Ann. § 600A.010. The UTSA provides protection for trade secrets, which are defined as

1 information which “[d]erives independent economic value, actual or potential, from not being  
2 generally known to, and not being readily ascertainable by proper means by the public or any  
3 other persons who can obtain commercial or economic value from its disclosure or use.” Nev.  
4 Rev. Stat. Ann. § 600A.

5 The information sought to be protected herein - **Defendants’ financial arrangements**  
6 **with overseas consultants/contractors and investors qualifies as a protectable trade secret.**<sup>1</sup>

7 Disclosure of LVD Fund’s or EB5IA’s bank records would result in disclosure of the financial  
8 affairs of numerous third parties who had dealings with those entities. *See, Hooser v. Sup.Ct.*  
9 *(Ray)* 84 CA4th 997, 1007 (2000).

10 Here the information regarding financial arrangements and identities of third party  
11 consultants is a protected trade secret. It is information which: (1) has been developed over time;  
12 (2) is not generally known or otherwise available to the public; (3) has been the subject of  
13 reasonable efforts to maintain as confidential; and (4) has independent economic value to  
14 Defendants and potential competitors. *See, SI Handling Sys., Inc. v. Heisley*, 753 F.2d 1244,  
15 1260 (3d Cir. 1985)(“subsumed under “costing” and “pricing” information is a whole range of  
16 data relating to materials, labor, overhead, and profit margin, among other things. . . . [T]his is  
17 not information that is readily obtainable by anyone in the industry. We believe such information  
18 qualifies for trade secret protection.”).<sup>2</sup>

19 “Nevada law also protects against the public disclosure of trade secrets during litigation.”  
20 *David Copperfield's Disappearing, Inc. v. Eighth Judicial Dist. Court in & for Cty. of Clark, No.*

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22 <sup>1</sup> Front Sight misconstrues the Trade Secret sought to be protected. It is not - as Front Sight  
23 urges - a customer list or “book of business” of EB-5 Investors. Rather, it is the consultants and the  
24 financial arrangements with them which Defendants seek to protect. That is information which has  
independent economic value.

25 <sup>2</sup>Front Sight argues that because Defendants previously disclosed information about some  
26 of its EB-5 investors and agents, privilege has been waived as to all such information. However, as  
27 has been previously presented to this court, it was Front Sight's abuse of this information and efforts  
28 to deal directly with LVD Fund's investors and interfere with the business relationship between LVD  
Fund and its EB-5 investors and agents that alerted LVD Fund of the need to protect this very  
proprietary information.

1 75609, 2018 WL 2045939, at \*1 (Nev. App. Apr. 20, 2018). The UTSA provides for the  
2 protection of trade secrets in any action pending in Nevada courts Nev. Rev. Stat. Ann. §  
3 600A.070.

4 **G. The Subpoenas Are Premature Because They Seek Protected Private**  
5 **Information Without Demonstrating That Other Discovery Methods Are**  
6 **Unavailable**

7 Front Sight argues that the discovery is not premature essentially because the Rule 16.1  
8 Conference has occurred and discovery has commenced. This misconstrues the premature  
9 argument.

10 The discovery is “premature” because it seeks to invade personal financial information  
11 protected by the right of privacy without first pursuing alternative less intrusive means of  
12 obtaining the same information. To use an analogy, Front Sight seeks to perform open heart  
13 surgery without first running non-invasive diagnostic tests. “The court must consider the  
14 purpose of the information sought, the effect that disclosure will have on the affected persons and  
15 parties, the nature of the objections urged by the party resisting disclosure and **availability of**  
16 **alternative, less intrusive means for obtaining the requested information.**) Based on an  
17 application of these factors, the more sensitive the nature of the personal information that is  
18 sought to be discovered, the more substantial the showing of the need for the discovery that will  
19 be required before disclosure will be permitted.” *Hooser v. Superior Court*, 84 Cal. App. 4th 997,  
20 1004 (2000); *LL B Sheet 1, LLC v. Loskutoff*, No. 16CV02349BLFHRL, 2016 WL 7451632, at  
21 \*3 (N.D. Cal. Dec. 28, 2016) (discovery of tax returns denied where requesting party is “likely to  
22 obtain the information contained in a tax return through other less intrusive methods”);  
23 *Montgomery v. Wal-Mart Stores, Inc.*, No. 12CV3057-JLS (DHB), 2015 WL 11233391, at \*2  
24 (S.D. Cal. Sept. 9, 2015) (Discovery denied where information already obtained through less  
25 intrusive request. “Home Depot has already produced the 2001 incident’s claim file which  
26 provides the information of which Home Depot had notice.”); *Buchholtz v. Rogers Ben. Grp.,*  
27 *Inc.*, No. 12-CV-2167-BEN DHB, 2013 WL 1694830, at \*6 (S.D. Cal. Apr. 18, 2013) (“Plaintiff  
28 is not left without alternative, less intrusive means to inquire” into financial condition).

///

1 Here the subpoenas requesting protected personal financial information is premature  
2 because Front Sight has not explored alternative less intrusive methods of obtaining the same  
3 information. In fact, Defendant EB5 Impact Advisors has already given a full accounting of funds  
4 received from Front Sight, which included the cancelled checks and bank statements from Wells  
5 Fargo, one of the subpoenaed banks. Any additional records held by Wells Fargo would  
6 necessarily be irrelevant and subject to the right to privacy.

7 **H. The Empyrean West Subpoena Improperly Seeks Information Regarding A**  
8 **Completely Different Project Irrelevant To This Litigation**

9 The first identified category of information and testimony requested from Empyrean West  
10 is “Any and all facts, documents, and/or other evidence that pertains to Empyrean West, LLC’s  
11 participation in the San Diego Hyatt EB5 project through the Liberty West Regional Center.”  
12 (Opp at p. 5). This is a completely separate project that has absolutely no relationship  
13 whatsoever to the Front Sight Project. **As such, the request is wholly irrelevant to this action**  
14 **and is not contemplated to lead to the discovery of relevant evidence.**

15 “Parties may obtain discovery regarding any nonprivileged matter that is **relevant** to any  
16 party's claims or defenses and **proportional to the needs of the case**, considering the importance  
17 of the issues at stake in the action, the amount in controversy, the parties' relative access to  
18 relevant information, the parties' resources, the importance of the discovery in resolving the  
19 issues, and whether the burden or expense of the proposed discovery outweighs its likely  
20 benefit.” Nev. R. Civ. P. 26; *See*, (“Discovery denied where “discovery requests seek  
21 confidential documents, which . . . [were] irrelevant” to the issues in the proceeding.) *In re*  
22 *Adoption of a Minor Child*, 118 Nev. 962, 969, 60 P.3d 485, 490 (2002).

23 Here, discovery as to a completely different project is manifestly irrelevant to the issues  
24 in this case.

25 **I. The Subpoena to Sean Flynn Improperly Seeks to Obtain Confidential**  
26 **Material**

27 The subpoena to Sean Flynn would require disclosure of confidential information  
28 protected by the UTSA, including information regarding relationships between Defendants and



1 their marketing consultants (*see supra*) and information regarding individual investors. All such  
2 information is confidential, proprietary and irrelevant to this action and should be protected from  
3 disclosure. Any information which Mr. Flynn may possess regarding the Defendants' fund-  
4 raising efforts is an improper attempt to obtain Defendants trade secrets or other private  
5 information.

6 Moreover, such information regarding immigrant investors implicates the privacy rights  
7 of those non-party immigrant investors and Defendants and the witness are obligated to: (1)  
8 protect such privacy rights; and (2) take reasonable steps to provide notice and an opportunity to  
9 be heard for those individuals to protect their own privacy rights. *See, e.g., Valley Bank of*  
10 *Nevada v. Superior Court*, 15 Cal. 3d 652, 658 (1975)(discussed *infra*).

11 **J. The Subpoenas Seek Personal Information of Numerous Individuals Who**  
12 **Have Not Been Given Notice And Opportunity to Object**

13 Apparently in support of its UTSA argument Plaintiff Front Sight provides a List of over  
14 100 individuals regarding whom it seeks financial records from the banks as Exhibit 1.  
15 Importantly, none of those individuals has been given notice of the subpoena or the request for  
16 their financial records. Such notice is statutorily required for the subpoenas direct to the  
17 California Banks. CCP §1985.3. Independent of the statute those individuals have a recognized  
18 right of privacy which requires notice and opportunity to object prior to production of their  
19 personal financial information. *Valley Bank of Nevada v. Superior Court*, 15 Cal. 3d 652, 658  
20 (1975)(“before confidential customer information may be disclosed in the course of civil  
21 discovery proceedings, the bank must take reasonable steps to notify its customer of the  
22 pendency and nature of the proceedings and to afford the customer a fair opportunity to assert his  
23 interests by objecting to disclosure, by seeking an appropriate protective order, or by instituting  
24 other legal proceedings to limit the scope or nature of the matters sought to be discovered.”)

25 The subpoenaing party “must first take reasonable steps to locate the customer, inform  
26 him of the discovery proceedings, and provide him a reasonable opportunity to interpose  
27

28 ///

1 objections and seek appropriate protective orders.” *Valley Bank of Nevada v. Superior Court*, 15  
2 Cal. 3d 652, 654 (1975).

3 **III. CONCLUSION**

4 For the reasons stated in the original moving papers and also those reasons set forth  
5 above Defendants request that this Court grant the pending Motions.  
6

7 DATED: August 30, 2019

FARMER CASE & FEDOR

8 /s/ Kathryn Holbert  
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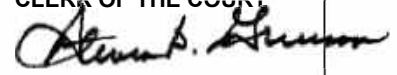
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22 IMPACT ADVISORS, LLC, ROBERT W.  
23 DZIUBLA, JON FLEMING and LINDA  
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15 **EIGHTH JUDICIAL DISTRICT COURT**  
16 **CLARK COUNTY, STATE OF NEVADA**

17 FRONT SIGHT MANAGEMENT, LLC., a )  
18 Nevada Limited Liability Company, )  
19 Plaintiff, )  
20 v. )  
21 LAS VEGAS DEVELOPMENT FUND LLC, )  
a Nevada Limited Liability Company, EB5 )  
22 IMPACT CAPITAL REGIONAL CENTER )  
LLC, a Nevada Limited 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 )  
25 FUND LLC and EB5 IMPACT ADVISORS )  
LLC; JON FLEMING, individually and as an )  
26 agent of LAS VEGAS DEVELOPMENT )  
FUND LLC and EB5 IMPACT ADVISORS )

CASE NO.: A-18-781084-B  
DEPT NO.: XVI

**NOTICE OF ENTRY OF ORDER**  
**GRANTING IN PART AND**  
**DENYING IN PART COUNTER**  
**DEFENDANTS' MOTIONS TO**  
**DISMISS COUNTER CLAIM**

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*  
28 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART**  
**COUNTER DEFENDANTS' MOTIONS TO DISMISS COUNTER CLAIM**

1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation; )  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )

8 Defendants. )

9 \_\_\_\_\_ )  
10 and related Cross-Claims. )  
11 \_\_\_\_\_ )

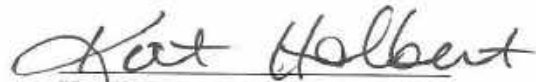
12 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND**  
13 **DENYING IN PART COUNTER DEFENDANTS'**  
14 **MOTIONS TO DISMISS COUNTER CLAIM**

15 PLEASE TAKE NOTICE THAT on the 13th day of September, 2019, an Order Granting  
16 in Party and Denying in Party Counter Defendants Motion to Dismiss Counter Claim was entered  
17 on the Court docket regarding the above referenced case.

18 A copy of said Order is attached hereto as Exhibit A.

19 DATED this 13<sup>th</sup> day of September, 2019.

FARMER CASE & FEDOR



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FLEMING and LINDA STANWOOD

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27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

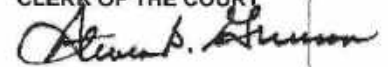
**NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART  
COUNTER DEFENDANTS' MOTIONS TO DISMISS COUNTER CLAIM**

28 Page 2 of 3



# EXHIBIT A

# EXHIBIT A



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25 JON FLEMING and LINDA STANWOOD

26  
27 **EIGHTH JUDICIAL DISTRICT COURT**  
28 **CLARK COUNTY, STATE OF NEVADA**

17 FRONT SIGHT MANAGEMENT, LLC., a )  
18 Nevada Limited Liability Company, )  
19 Plaintiff, )  
20 v. )  
21 LAS VEGAS DEVELOPMENT FUND LLC, )  
22 a Nevada Limited Liability Company, EB5 )  
23 IMPACT CAPITAL REGIONAL CENTER )  
24 LLC, a Nevada Limited Company, EB5 )  
25 IMPACT ADVISORS LLC, a Nevada )  
26 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 )

CASE NO.: A-18-781084-B  
DEPT NO.: XVI

**ORDER GRANTING IN PART**  
**AND DENYING IN PART**  
**COUNTER DEFENDANTS'**  
**MOTIONS TO DISMISS**  
**COUNTER CLAIM**

Hearing Date: August 20, 2019  
Hearing Time: 10:30 a.m.

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*  
28 **ORDER GRANTING IN PART AND DENYING IN PART COUNTER DEFENDANTS**  
**MOTIONS TO DISMISS COUNTER CLAIM**



1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation; )  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )  
8 Defendants. )

9 and related Cross-Claims.

10 **ORDER GRANTING IN PART AND DENYING IN PART COUNTER**  
11 **DEFENDANTS' MOTIONS TO DISMISS COUNTER CLAIM**

12 This matter having come before the Court on August 20, 2019 at 10:30 a.m. on Counter  
13 Defendants' Front Sight Management, LLC; Ignatius Piazza, individually and as Trustee of  
14 and/or beneficiary of the VNV Dynasty Trusts I and II; Jennifer Piazza, individually and as  
15 Trustee of and/or beneficiary of the VNV Dynasty Trusts I and II and the VNV Dynasty Trusts I  
16 and II's Motions to Dismiss Defendants' Counter Claim; John Aldrich, Esq. with Aldrich Law  
17 Firm, Ltd., appearing in person on behalf of Plaintiff and Counter Defendants; Keith Greer, Esq.  
18 with Greer and Associates and Kathryn Holbert, Esq. with Farmer Case and Fedor appearing in  
19 person on behalf of Defendants and Counter Claimants and Mr. Robert Dziubla also personally  
20 appearing for himself and on behalf the entity Defendants and Counter Claimants; the Court  
21 having reviewed the pleading and having heard argument and stipulations by counsel and good  
22 cause appearing therefore, hereby finds as follows:

23 1. Counter Claimants have agreed to voluntarily dismiss their First Cause of  
24 Action, Breach of Contract and their Second Cause of Action, Breach of the Covenant of Good  
25 Faith and Fair Dealing as against all Counter Defendants.

26 ///

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

28 **ORDER GRANTING IN PART AND DENYING IN PART COUNTER DEFENDANTS**  
**MOTIONS TO DISMISS COUNTER CLAIM**

1                   2.     That as Counter Claimants have not alleged that Counter Defendant  
2 Jennifer Piazza has any ownership interest in the subject real property, Counter Claimants claim  
3 for waste as against Jennifer Piazza fails as a matter of law.

4                   Based upon the above findings of fact and for good cause appearing therefore,


5                   **IT IS HEREBY ORDERED** that Cross Claimants First Cause of Action, Breach of  
6 Contract and Counter Claimants Second Cause of Action, Breach of the Covenant of Good Faith  
7 and Fair Dealing shall be and is hereby dismissed as against all Counter Defendants.

8                   **IT IS FURTHER ORDERED** that Counter Claimants' Seventh Cause of Action for  
9 Waste shall be and is hereby dismissed as against Counter Defendant Jennifer Piazza only.

10                   **IT IS FURTHER ORDERED** that Counter Defendants' Motions to Dismiss are denied  
11 as to all other causes of actions against all other Counter Defendants.

12                   **IT IS SO ORDERED.**

13                   DATED this 12<sup>th</sup> day of September, 2019.

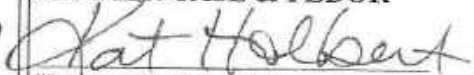
14                     
15                   **DISTRICT COURT JUDGE**  
16                   A-18-781084-B     c9  
17                   Dept 16


18                   Respectfully submitted by:

19                   Approved as to form and content:

20                   **FARMER CASE & FEDOR**

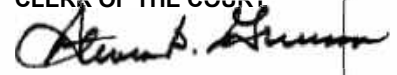
21                   **ALDRICH LAW FIRM, LTD.**

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32                   IMPACT ADVISORS LLC, ROBERT W.  
33                   DZIUBLA, JON FLEMING and LINDA  
34                   STANWOOD

35                     
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44                   Attorneys for Plaintiff FRONT SIGHT  
45                   MANAGEMENT LLC

46                   Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI

47                   **ORDER GRANTING IN PART AND DENYING IN PART COUNTER DEFENDANTS**  
48                   **MOTIONS TO DISMISS COUNTER CLAIM**



1 NTC  
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5 KATHRYN HOLBERT, ESQ.  
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22 Attorneys for Defendants  
23 LAS VEGAS DEVELOPMENT FUND LLC,  
24 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,  
25 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,  
26 JON FLEMING and LINDA STANWOOD

27 **EIGHTH JUDICIAL DISTRICT COURT**  
28 **CLARK COUNTY, STATE OF NEVADA**

FRONT SIGHT MANAGEMENT, LLC., a )  
Nevada Limited Liability Company, )  
  
Plaintiff, )  
  
v. )  
  
LAS VEGAS DEVELOPMENT FUND LLC, )  
a Nevada Limited Liability Company, EB5 )  
IMPACT CAPITAL REGIONAL CENTER )  
LLC, a Nevada Limited 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 )

CASE NO.: A-18-781084-B  
DEPT NO.: XVI

**NOTICE OF ENTRY OF ORDER**  
**DENYING PLAINTIFF'S MOTION**  
**FOR TEMPORARY**  
**RESTRAINING ODER AND**  
**PRELIMINARY INJUNCTION**  
**RELATED TO INVESTOR FUNDS**  
**AND INTEREST PAYMENTS**

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*, Case No.: A-18-781084-B Dept. No.: XVI  
28 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ODER**  
**AND PRELIMINARY INJUNCTION RELATED TO INVESTOR FUNDS AND INTEREST PAYMENTS**

1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation;  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )

8 Defendants.

9 \_\_\_\_\_ )  
10 and related Cross-Claims. )  
11 \_\_\_\_\_ )

12 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR**  
13 **TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**  
14 **RELATED TO INVESTOR FUNDS AND INTEREST PAYMENTS**

15 PLEASE TAKE NOTICE THAT on the 13th day of September, 2019, an Order  
16 regarding Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Related  
17 to Investor Funds and Interest Payments was entered on the Court docket regarding the above  
18 referenced case.

19 A copy of said Order is attached hereto as Exhibit A.

20 DATED this 13<sup>th</sup> day of September, 2019.

FARMER CASE & FEDOR

21 


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LLC., EB5 IMPACT CAPITAL REGIONAL  
CENTER, LLC, EB6 IMPACT ADVISORS,  
LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD

29 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*  
30 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**  
31 **AND PRELIMINARY INJUNCTION RELATED TO INVESTOR FUNDS AND INTEREST PAYMENTS**



# EXHIBIT A

# EXHIBIT A



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23 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,  
24 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

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

28 FRONT SIGHT MANAGEMENT, LLC., a )  
Nevada Limited Liability Company, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )

CASE NO.: A-18-781084-B

DEPT NO.: XVI

29 LAS VEGAS DEVELOPMENT FUND LLC, )  
30 a Nevada Limited Liability Company, EB5 )  
31 IMPACT CAPITAL REGIONAL CENTER )  
32 LLC, a Nevada Limited Company, EB5 )  
33 IMPACT ADVISORS LLC, a Nevada )  
34 Limited Liability Company; ROBERT W. )  
35 DZIUBLA, individually and as President and )  
36 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 )

**ORDER DENYING PLAINTIFF'S**  
**MOTION FOR TEMPORARY**  
**RESTRAINING ORDER AND**  
**PRELIMINARY INJUNCTION**  
**RELATED TO INVESTOR FUNDS**  
**AND INTEREST PAYMENTS**

Hearing Date: August 20, 2019

Hearing Time: 10:30 a.m.

37 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*, Case No.: A-18-781084-B Dept. No.: XVI  
38 **ORDER DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY**  
**INJUNCTION RELATED TO INVESTOR FUNDS AND INTEREST PAYMENTS**

SEP 19 2019

1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation; )  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )  
8  
9 Defendants. )  
10

11 and related Cross-Claims.  
12

13 **ORDER DENYING PLAINTIFF'S MOTION FOR TEMPORARY**  
14 **RESTRAINING ORDER AND PRELIMINARY INJUNCTION RELATED**  
15 **TO INVESTOR FUNDS AND INTEREST PAYMENTS**  
16

17 This matter having come before the Court on August 20, 2019 at 10:30 a.m. on Plaintiff's  
18 Motion for Temporary Restraining Order and Preliminary Injunction related to Investor Funds  
19 and Interest Payments; John Aldrich, Esq. with Aldrich Law Firm, Ltd., appearing in person on  
20 behalf of Plaintiff; Keith Greer, Esq. with Greer and Associates and Kathryn Holbert, Esq. with  
21 Farmer Case and Fedor appearing in person on behalf of Defendants and Mr. Robert Dziubla  
22 also personally appearing for himself and on behalf the entity Defendants; the Court having  
23 reviewed the pleading and having heard argument by counsel and good cause appearing  
24 therefore, and pursuant to the findings of facts as were set forth on the record;  
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1           **IT IS HEREBY ORDERED** that Plaintiff's Motion for Temporary Restraining Order  
2 and Preliminary Injunction related to Investor Funds and Interest Payments is DENIED.

3           **IT IS SO ORDERED.**

4 DATED this 12<sup>th</sup> day of September, 2019.



**DISTRICT COURT JUDGE**

A-18-781084-B

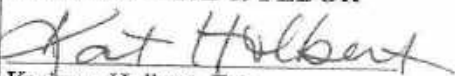
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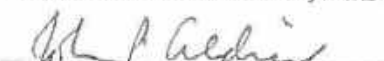
5  
6 Respectfully submitted by:

Approved as to form and content:

7  
8 **FARMER CASE & FEDOR**

**ALDRICH LAW FIRM, LTD.**

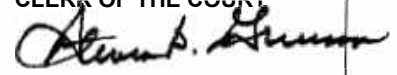
9 



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Attorneys for Plaintiff **FRONT SIGHT  
MANAGEMENT LLC**

16 *Attorneys for Defendants LAS VEGAS  
17 DEVELOPMENT FUND LLC, EB5 IMPACT  
18 CAPITAL REGIONAL CENTER LLC, EB5  
19 IMPACT ADVISORS LLC, ROBERT W.  
20 DZIUBLA, JON FLEMING and LINDA  
21 STANWOOD*



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

27 **EIGHTH JUDICIAL DISTRICT COURT**  
28 **CLARK COUNTY, STATE OF NEVADA**

FRONT SIGHT MANAGEMENT, LLC., a )  
Nevada Limited Liability Company, )  
Plaintiff, )  
v. )  
LAS VEGAS DEVELOPMENT FUND LLC, )  
a Nevada Limited Liability Company, EB5 )  
IMPACT CAPITAL REGIONAL CENTER )  
LLC, a Nevada Limited 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 )

CASE NO.: A-18-781084-B  
DEPT NO.: XVI

**NOTICE OF ENTRY OF ORDER**  
**STAYING ALL SUBPOENAS FOR**  
**DOCUMENTS AND**  
**DEPOSITIONS WHICH WERE**  
**SERVED ON NON-PARTIES**  
**BY PLAINTIFF**

*Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*  
**NOTICE OF ENTRY OF ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation;  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )

8 Defendants.

9 \_\_\_\_\_  
10 and related Cross-Claims.  
11 \_\_\_\_\_

12 **NOTICE OF ENTRY OF ORDER STAYING ALL SUBPOENAS**  
13 **FOR DOCUMENTS AND DEPOSITIONS WHICH WERE**  
14 **SERVED ON NON-PARTIES BY PLAINTIFF**

15 PLEASE TAKE NOTICE THAT on the 13th day of September, 2019, an Order Staying  
16 all Subpoenas for Documents and Depositions which were served on Non-Parties by Plaintiff was  
17 entered on the Court docket regarding the above referenced case.

18 A copy of said Order is attached hereto as Exhibit A.

19 DATED this 13<sup>th</sup> day of September, 2019.

FARMER CASE & FEDOR

20 

21 KATHRYN HOLBERT, ESQ.  
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27 Attorney for Defendants  
28 LAS VEGAS DEVELOPMENT FUND  
LLC., EB5 IMPACT CAPITAL REGIONAL  
CENTER, LLC, EB6 IMPACT ADVISORS,  
LLC, ROBERT W. DZIUBLA, JON  
FLEMING and LINDA STANWOOD

29 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

30 **NOTICE OF ENTRY OF ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS**  
31 **WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

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 **NOTICE OF ENTRY OF ORDER STAYING ALL SUBPOENAS**  
6 **FOR DOCUMENTS AND DEPOSITIONS WHICH WERE**  
7 **SERVED ON NON-PARTIES BY PLAINTIFF**

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

9 John P. Aldrich, Esq. Attorneys for Plaintiff  
10 Catherine Hernandez, Esq. FRONT SIGHT MANAGEMENT, LLC  
11 ALDRICH LAW FIRM, LTD.  
12 1601 S. Rainbow Blvd., Suite 160  
13 Las Vegas, Nevada 89146

14 By:

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

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

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

23 Dated: September 15<sup>th</sup>, 2019

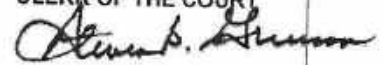
24   
25 An Employee of FARMER CASE & FEDOR

26  
27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

28 **NOTICE OF ENTRY OF ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS  
WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

# EXHIBIT A

# EXHIBIT A



1 **ORDR**  
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21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC,  
23 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,  
24 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

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

28 FRONT SIGHT MANAGEMENT, LLC., a  
Nevada Limited Liability Company,

Plaintiff,

v.

LAS VEGAS DEVELOPMENT FUND LLC,  
a Nevada Limited Liability Company, EB5  
IMPACT CAPITAL REGIONAL CENTER  
LLC, a Nevada Limited 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

CASE NO.: A-18-781084-B

DEPT NO.: XVI

**ORDER STAYING ALL**  
**SUBPOENAS FOR DOCUMENTS**  
**AND DEPOSITIONS WHICH**  
**WERE SERVED ON NON-**  
**PARTIES BY PLAINTIFF**

Hearing Date: September 3, 2019  
Hearing Time: 3:00 p.m.

*Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

**ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS  
WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

SEP 11 2019

1 LLC; LINDA STANWOOD, individually and )  
2 as Senior Vice President of LAS VEGAS )  
3 DEVELOPMENT FUND LLC and EB5 )  
4 IMPACT ADVISORS LLC; CHICAGO )  
5 TITLE COMPANY, a California corporation; )  
6 DOES 1-10, inclusive; and ROE )  
7 CORPORATIONS 1-10, inclusive, )  
8 Defendants. )

9  
10 **ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS**  
11 **AND DEPOSITIONS WHICH WERE SERVED ON**  
12 **NON-PARTIES BY PLAINTIFF**  
13

14 This matter having come before the Court on September 3, 2019 at 3:00 p.m. on  
15 Plaintiff's Motion to Reschedule the hearing set for September 5, 2019 regarding Plaintiff's  
16 Motion for Preliminary Injunction regarding foreclosure and Defendants Motions to Quash  
17 numerous subpoenas for document and deposition which Plaintiff served upon non-parties.; John  
18 Aldrich, Esq. with Aldrich Law Firm, Ltd., appearing telephonically on behalf of Plaintiff; Keith  
19 Greer, Esq. with Greer and Associates and Kathryn Holbert, Esq. with Farmer Case and Fedor,  
20 appearing telephonically on behalf of Defendants, and Mr. Robert Dziubla also appearing  
21 telephonically for himself and on behalf the entity Defendants; the Court having reviewed  
22 Plaintiff's request to continue the September 5, 2019 hearing, and the Court having considered  
23 Defendants' oral request to stay all subpoenas issued to third parties, and good cause appearing  
24 therefore, hereby finds as follows:

25 1. That Plaintiff's counsel's personal circumstances constitute good cause to  
26 continue the hearing set for September 5, 2019.

27 2. That because the new hearing date of September 20, 2019 is after the date  
28 for production regarding at least some of Plaintiff's subpoenas to non-parties, it is in the best  
interests of fairness and justice to stay production by all non-parties, specifically to include  
*Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

**ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS  
WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

1 David C. Keller, Jay Carter, Empyrean West, Sean Flynn, Wells Fargo Bank, Bank of Hope,  
2 Open Bank, and Signature Bank pursuant to the subpoenas and/or any amended subpoenas  
3 issued by Plaintiff until after the Court has an opportunity to hear and decide Defendants'  
4 motions to quash and/or motions for protective orders, the hearing on which has now been  
5 continued to September 20, 2019 at 9:15 a.m.  
6

7 Based upon the above findings of fact and for good cause appearing therefore,

8 **IT IS HEREBY ORDERED** that Defendants' Motions to Quash and/or Motions for  
9 Protective Order which were previously set for hearing on September 5, 2019 at 9:30 a.m. shall  
10 be continued to September 20, 2019 at 9:15 a.m.

11 **IT IS FURTHER ORDERED** that production of any documents by any non-party,  
12 specifically to include David C. Keller, Jay Carter, Empyrean West, Sean Flynn, Wells Fargo  
13 Bank, Bank of Hope, Open Bank, and Signature Bank to Plaintiff and/or Plaintiff's counsel is  
14 hereby prohibited and stayed until further order of this Court.  
15


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1           **IT IS FURTHER ORDERED** that any deposition of any non-party, specifically to  
2 include David C. Keller, Jay Carter, Jay Carter on behalf of Emphyrean West or Sean Flynn is  
3 hereby prohibited and stayed until further order of this Court.

4           **IT IS SO ORDERED.**

5 DATED this 12<sup>th</sup> September  
6 day of ~~August~~, 2019.

  
7 **DISTRICT COURT JUDGE** CF

A-18-781084-B

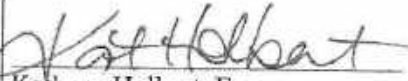
Dept 16

8 Respectfully submitted by:

Approved as to form and content:

9 **FARMER CASE & FEDOR**

**ALDRICH LAW FIRM, LTD.**

10  
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16 *DEVELOPMENT FUND LLC, EB5 IMPACT*  
17 *CAPITAL REGIONAL CENTER LLC, EB5*  
*IMPACT ADVISORS LLC, ROBERT W.*  
*DZIUBLA, JON FLEMING and LINDA*  
*STANWOOD*

10  
11 

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16 *Attorneys for Plaintiff FRONT SIGHT*  
17 *MANAGEMENT LLC*

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26  
27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

**ORDER STAYING ALL SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS  
WHICH WERE SERVED ON NON-PARTIES BY PLAINTIFF**

28 Page 4 of 4