

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 10:44 a.m.
Elizabeth A. Brown
Dist. Ct. Case No: A-18-781084-B
Clerk of Supreme Court

CHRONOLOGICAL INDEX

VOLUME I

PAGES

Complaint (09/14/2018)	00001-00028
Amended Complaint (10/04/2018)	00029-00057
Affidavit of Service on Robert W. Dziubla (10/17/2018)	00058
Affidavit of Service on Linda Stanwood (10/17/2018)	00059
Affidavit of Service on EB5 Impact Advisors LLC (10/17/2018)	00060
Affidavit of Service on EB5 Impact Capital Regional Center LLC (10/18/2018)	00061
Affidavit of Service on Las Vegas Development Fund LLC (10/18/2018)	00062
Affidavit of Service on Chicago Title Company (10/22/2018)	00063
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)	00064-00092
Notice of Entry of Order Admitting to Practice (11/15/2018)	00093-00097
Notice of Entry of Order on Plaintiff's Petition for Appointment of Receiver and for an Accounting (11/27/2018)	00098-00103
Notice of Entry of Order Granting Plaintiff's Motion for Protective Order (11/27/2018)	00104-00108
Notice of Entry of Protective Order (11/27/2018)	00109-00127
Notice of Entry of Order Granting Temporary Restraining Order and Expunging Notice of Default (11/27/2018)	00128-00133

1	Defendants’ Opposition to Plaintiff’s Renewed Motion for an	00134-00152
2	Accounting Related to Defendants Las Vegas Development	
3	Fund LLC and Robert Dziubla and for Release of Funds	
4	(12/03/2018)	
5	Supplemental Declaration of Defendant Robert Dziubla in	00153-00176
6	Support of Defendants’ Opposition to Plaintiff’s Renewed	
7	Motion for an Accounting Related to Defendants Las Vegas	
8	Development Fund LLC and Robert Dziubla and for Release of	
	Funds (12/03/2018)	
9	Order Setting Settlement Conference (12/06/2018)	00177-00178
10		
11	<u>VOLUME II</u>	<u>PAGES</u>
12	Second Amended Complaint (01/04/2019)	00179-00394
13	Notice of Entry of Order on Plaintiff’s Motion for Preliminary	00395-00399
14	Injunction (01/17/2019)	
15	Notice of Entry of Order on Plaintiff’s Renewed Motion for an	00400-00404
16	Accounting Related to Defendants Las Vegas Development	
17	Fund LLC and Robert Dziubla and for Release of Funds	
18	(01/17/2019)	
19	Notice of Entry of Order on Defendants’ Motion to Dismiss	00405-00409
20	Plaintiff’s First Amended Complaint (01/17/2019)	
21	Notice of Entry of Order on Plaintiff’s Motion to Disqualify C.	00410-00415
22	Keith Greer as Attorney of Record for Defendants (01/25/2019)	
23	Notice of Entry of Disclaimer of Interest of Chicago Title	00416-00422
24	Company and Stipulation and Order for Dismissal (02/05/2019)	
25	<u>VOLUME III</u>	<u>PAGES</u>
26		
27	Plaintiff’s Second Motion for Temporary Restraining Order and	00423-00489
28	Preliminary Injunction, Motion for Order Shortening Time, and	
	Order Shortening Time (03/01/19)	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendant Las Vegas Development Fund, LLC’s Opposition to Plaintiff’s Second Motion for Temporary Restraining Order and Preliminary Injunction (03/19/2019) 00490-00513

Declaration of Robert Dziubla in Support of Defendants’ Opposition to Plaintiff’s Second Motion for Temporary Restraining Order and Preliminary Injunction (03/19/2019) 00514-00528

Notice of Entry of Order Granting in Part and Denying in Part Plaintiff’s Motion to Seal and or Redact Pleadings and Exhibits to Protect Confidential Information and Motion to Amend Paragraph 2.3 of Protective Order (03/19/2019) 00529-00534

Errata to Supplemental Declaration of Robert Dziubla in Support of Defendants’ Opposition to Plaintiff’s Second Motion for Temporary Restraining Order and Preliminary Injunction (03/20/2019) 00535-00545

Notice of Entry of Order Denying Defendant Las Vegas Development Fund LLC’s Motion for Appointment of a Receiver (04/10/2019) 00546-00550

Notice of Entry of Order Granting in Part and Denying in Part Plaintiff’s Second Motion for Temporary Restraining Order and Setting Preliminary Injunction Hearing (04/10/2019) 00551-00556

Notice of Entry of Order Granting in Part and Denying in Part Plaintiff’s Motion to Compel and for Sanctions (04/10/2019) 00557-00562

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) 00563-00569

VOLUME IV **PAGES**

Defendants’ Answer to Plaintiff’s Second Amended Complaint and Counterclaim (04/23/2019) 00570-00736

1 Notice of Entry of Stipulation and Order Resetting Evidentiary 00737-00742
2 Hearing and Extending Temporary Restraining Order
3 (05/16/2019)

4 **VOLUME V**

PAGES

5
6 Reporter's Transcript of Motion (Preliminary Injunction 00743-00966
7 Hearing) (06/03/2019)

8 Order Setting Settlement Conference (06/04/2019) 00967-00968

9 Acceptance of Service of Counterclaim on Counterdefendants 00969-00970
10 Front Sight Management, LLC, Ignatius Piazza, Jennifer Piazza,
11 VNV Dynasty Trust I and VNV Dynasty Trust II (06/14/2019)

12 Notice of Entry of Stipulation and Order Setting Briefing 00971-00977
13 Schedule on Defendant Las Vegas Development Fund, LLC's
14 Motion for Appointment of a Special Master (06/25/2019)

15 Notice of Entry of Stipulation and Order Regarding Defendants' 00978-00983
16 Judicial Foreclosure Cause of Action (06/25/2019)

17 **VOLUME VI**

PAGES

18 Reporter's Transcript of Preliminary Injunction Hearing 00984-01166
19 (07/22/2019)

20 Reporter's Transcript of Preliminary Injunction (07/23/2019) 01167-01218
21

22 Business Court Order (07/23/2019) 01219-01225

23 **VOLUME VII**

PAGES

24 Plaintiff's Notice of Intent to Issue Amended Subpoena Duces 01226-01241
25 Tecum to Signature Bank (08/06/2019)

26 Plaintiff's Notice of Intent to Issue Amended Subpoena Duces 01242-01257
27 Tecum to Open Bank (08/06/2019)
28

1	Plaintiff's Notice of Intent to Issue Amended Subpoena Duces	01258-01273
2	Tecum to Wells Fargo Bank (08/06/2019)	
3		
4	Plaintiff's Notice of Intent to Issue Amended Subpoena Duces	01274-01289
5	Tecum to Bank of Hope (08/06/2019)	
6		
7	Defendants' Motion to Quash Subpoena for Deposition and	01290-01316
8	Documents to Wells Fargo Bank and/or Motion for Protective	
9	Order Regarding Subpoena for Deposition and Documents to	
10	Wells Fargo Bank (08/15/2019)	
11		
12	Defendants' Motion to Quash Subpoena for Deposition and	01317-01345
13	Documents to Open Bank and/or Motion for Protective Order	
14	Regarding Subpoena for Deposition and Documents	
15	(08/15/2019)	
16		
17	Defendants' Motion to Quash Subpoena for Deposition and	01346-01374
18	Documents to Bank of Hope and/or Motion for Protective Order	
19	Regarding Subpoena for Deposition and Documents to Bank of	
20	Hope (08/15/2019)	
21		
22	Defendants' Motion to Quash Subpoena for Deposition and	01375-01401
23	Documents to Signature Bank and/or Motion for Protective	
24	Order Regarding Subpoena for Deposition and Documents to	
25	Signature Bank (08/15/2019)	
26		
27	Order Re Rule 16 Conference, Setting Civil Jury Trial, Pre-	01402-01406
28	Trial/Calendar Call and Deadlines for Motions; Discovery	
	Scheduling Order (08/20/2019)	
	Affidavit of Service of Subpoena Duces Tecum to Bank of	01407
	Hope (08/22/2019)	
	<u>VOLUME VIII</u>	<u>PAGES</u>
	Plaintiff's Omnibus Opposition to Defendants' Motions to	01408-01591
	Quash Subpoena and/or Motions for Protective Order Regarding	
	Subpoenas (08/26/2019)	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Affidavit of Service of Subpoena Duces Tecum to Open Bank (08/28/2019)	01592
Affidavit of Service of Subpoena Duces Tecum to Wells Fargo Bank (08/30/2019)	01593
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 (08/30/2019)	01594-01604
Notice of Entry of Order Granting in Part and Denying in Part Counterdefendants' Motions to Dismiss Counter Claim (09/13/2019)	01605-01611
Notice of Entry of Order Denying Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction related to Investor Funds and Interest Payments (09/13/2019)	01612-01618
Notice of Entry of Order Staying All Subpoenas For Documents and Depositions which were Served on Non-Parties by Plaintiff (09/13/2019)	01619-01626
<u>VOLUME IX</u>	<u>PAGES</u>
Plaintiff's Motion for Sanctions (09/17/2019)	01627-01670
Motion to Compel and for Sanctions (09/19/2019)	01671-01876
<u>VOLUME X</u>	<u>PAGES</u>
Motion to Compel and for Sanctions (09/19/2019) (continued)	01877-02084
Reporter's Transcript of Hearing (Preliminary Injunction Hearing) (09/20/2019)	02085-02126

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VOLUME XI

PAGES

Reporter’s Transcript of Hearing (Preliminary Injunction Hearing) (09/20/2019) *(continued)* 02127-02371

Order Scheduling Hearing, to discuss NRCP 65(a)(2) Notice (09/27/2019) 02372-02373

VOLUME XII

PAGES

Defendant EB5 Impact Advisors LLC’s Opposition to Plaintiff’s Motion for Sanctions (09/30/2019) 02374-02384

Declaration of Robert Dziubla in Opposition to Plaintiff’s Motion for Sanctions (09/30/2019) 02385-02388

Counterdefendants VNV Dynasty Trust I and VNV Dynasty Trust II’s Answer to Counterclaim (09/30/2019) 02389-02413

Counterdefendant Dr. Ignatius Piazza’s Answer to Counterclaim (09/30/2019) 02414-02437

Counterdefendant Front Sight Management LLC’s Answer to Counterclaim (09/30/2019) 02438-02461

Counterdefendant Jennifer Piazza’s Answer to Counterclaim (09/30/2019) 02462-02485

Defendant’s Opposition to Plaintiff’s Motion to Compel Further Responses to Request for Production of Documents and for Sanctions (09/30/2019) 02486-02497

Declaration of Attorney Keith Greer in Opposition to Plaintiff’s Motion to Compel Further Responses to Requests for Production of Documents (09/30/2019) 02498-02508

1 Plaintiff's Motion to Extinguish LVDF's Deed of Trust, or 02509-02601
2 Alternatively to Grant Senior Debt Lender Romspen a First Lien
3 Position, and Motion to Deposit Funds Pursuant to NRCP 67
4 (10/04/2019)

5 **VOLUME XIII**

PAGES

6 Reporter's Transcript of Motions (Defendants' Motions to 02602-02789
7 Quash Subpoena to Wells Fargo Bank, Signature Bank, Open
8 Bank and Bank of Hope) (10/09/2019)

9 Minutes regarding Defendant Las Vegas Development Fund 02790-02792
10 LLC's Motion to Bifurcate Pursuant to NRCP 42(b)
11 (10/09/2019)

12 Defendant Las Vegas Development Fund LLC's Opposition to 02793-02809
13 Plaintiff's Motion to Extinguish LVDF's Deed of Trust
14 (10/14/2019)

15 Declaration of C. Keith Greer, Esq. in Support of Defendant Las 02810-02842
16 Vegas Development Fund LLC's Opposition to Plaintiff's
17 Motion to Extinguish LVDF's Deed of Trust (10/15/2019)

18 **VOLUME XIV**

PAGES

19 Reply to Opposition to Plaintiff's Motion for Sanctions 02843-02907
20 (10/18/2019)

21 Reply to Opposition to Motion to Compel and for Sanctions 02908-02938
22 (10/18/2019)

23 Reply to Opposition to Motion to Extinguish LVDF's Deed of 02939-02949
24 Trust, or Alternatively to Grant Senior Debt Lender Romspen a
25 First Lien Position, and Motion to Deposit Funds Pursuant to
26 NRCP 67 (10/18/2019)

27 Minutes regarding Motion to Compel and for Sanctions 02950-02951
28 (10/23/2019)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff's Motion to Quash Subpoenas (10/29/2019) 02952-02970

VOLUME XV **PAGES**

Defendants' Opposition to Plaintiff's Motion to Quash Subpoenas to Third Parties Bank of America and Lucas Horsfall, Murphy & Pindroh, LLP (11/06/2019) 02971-03147

Notice of Entry of Order Granting Defendants' Motion to Advance Hearing regarding Plaintiff's Motion to Quash Subpoenas (11/08/2019) 03148-03152

VOLUME XVI **PAGES**

Plaintiff's Reply to Opposition to Motion to Quash Subpoenas (11/15/2019) 03153-03268

Supplement to Motion to Compel and for Sanctions (11/15/2019) 03269-03402

VOLUME XVII **PAGES**

Supplement to Motion to Compel and for Sanctions (11/15/2019) *(continued)* 03403-03549

Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Compel and for Sanctions and Order Shortening Time (11/15/2019) 03550-03556

Notice of Entry of Order Shortening Time (11/15/2019) 03557-03565

Second Supplement to Motion to Compel and for Sanctions (11/18/2019) 03566-03640

Minutes regarding Motion for Sanctions and Motion to Compel and for Sanctions (11/21/2019) 03641-03642

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Minutes regarding Motion to Compel and for Sanctions (11/26/2019) 03643-03644

Minute Order regarding Defendant Las Vegas Development Fund LLC's Motion to Dissolve Temporary Restraining Order and to Appoint a Receiver (11/27/2019) 03645-03646

Minute Order regarding Plaintiff's Motion to Quash Subpoenas to Third Parties (11/27/2019) 03647

Minutes regarding Motion to Compel and for Sanctions (12/05/2019) 03648-03649

VOLUME XVIII **PAGES**

Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motions to Quash Plaintiff's Subpoenas to Non-Parties Empyrean West, Jay Carter and David Keller (12/6/2019) 03650-03657

Notice of Entry of Order Granting Defendant's Motions to Quash Plaintiff's Subpoenas to Non-Party Banks (12/6/2019) 03658-03664

Notice of Entry of Stipulation and Order Regarding Exhibit (12/6/2019) 03665-03680

Notice of Entry of Order Denying Plaintiff's Motion to Quash Subpoenas to Plaintiff's Bank and Accountant (12/6/2019) 03681-03686

ALPHABETICAL INDEX

	<u>Volumes</u>	<u>Pages</u>
Acceptance of Service of Counterclaim on Counterdefendants Front Sight Management, LLC, Ignatius Piazza, Jennifer Piazza, VNV Dynasty Trust I and VNV Dynasty Trust II (06/14/2019)	V	00969-00970
Affidavit of Service of Subpoena Duces Tecum to Bank of Hope (08/22/2019)	VII	01407
Affidavit of Service of Subpoena Duces Tecum to Open Bank (08/28/2019)	VIII	01592
Affidavit of Service of Subpoena Duces Tecum to Wells Fargo Bank (08/30/2019)	VIII	01593
Affidavit of Service on Chicago Title Company (10/22/2018)	I	00063
Affidavit of Service on EB5 Impact Advisors LLC (10/17/2018)	I	00060
Affidavit of Service on EB5 Impact Capital Regional Center LLC (10/18/2018)	I	00061
Affidavit of Service on Las Vegas Development Fund LLC (10/18/2018)	I	00062
Affidavit of Service on Linda Stanwood (10/17/2018)	I	00059
Affidavit of Service on Robert W. Dziubla (10/17/2018)	I	00058
Amended Complaint (10/04/2018)	I	00029-00057
Business Court Order (07/23/2019)	VI	01219-01225

1	Complaint (09/14/2018)	I	00001-00028
2			
3	Counterdefendant Dr. Ignatius Piazza’s Answer to	XII	02414-02437
4	Counterclaim (09/30/2019)		
5	Counterdefendant Front Sight Management LLC’s	XII	02438-02461
6	Answer to Counterclaim (09/30/2019)		
7	Counterdefendant Jennifer Piazza’s Answer to	XII	02462-02485
8	Counterclaim (09/30/2019)		
9	Counterdefendants VNV Dynasty Trust I and VNV	XII	02389-02413
10	Dynasty Trust II’s Answer to Counterclaim		
11	(09/30/2019)		
12	Declaration of Attorney Keith Greer in Opposition	XII	02498-02508
13	to Plaintiff’s Motion to Compel Further Responses		
14	to Requests for Production of Documents		
15	(09/30/2019)		
16	Declaration of C. Keith Greer, Esq. in Support of	XIII	02810-02842
17	Defendant Las Vegas Development Fund LLC’s		
18	Opposition to Plaintiff’s Motion to Extinguish		
19	LVDF’s Deed of Trust (10/15/2019)		
20	Defendant EB5 Impact Advisors LLC’s Opposition	XII	02374-02384
21	to Plaintiff’s Motion for Sanctions (09/30/2019)		
22	Declaration of Robert Dziubla in Opposition to	XII	02385-02388
23	Plaintiff’s Motion for Sanctions (09/30/2019)		
24	Declaration of Robert Dziubla in Support of	III	00514-00528
25	Defendants’ Opposition to Plaintiff’s Second		
26	Motion for Temporary Restraining Order and		
27	Preliminary Injunction (03/19/2019)		
28	Defendant EB5 Impact Advisors LLC’s Opposition	XII	02374-02384
	to Plaintiff’s Motion for Sanctions (09/30/2019)		

1	Defendant Las Vegas Development Fund LLC's	XIII	02793-02809
2	Opposition to Plaintiff's Motion to Extinguish		
3	LVDF's Deed of Trust (10/14/2019)		
4	Defendant Las Vegas Development Fund LLC's	III	00490-00513
5	Opposition to Plaintiff's Second Motion for		
6	Temporary Restraining Order and Preliminary		
7	Injunction (03/19/2019)		
8	Defendant's Opposition to Plaintiff's Motion to	XII	02486-02497
9	Compel Further Responses to Request for		
10	Production of Documents and for Sanctions		
	(09/30/2019)		
11	Defendants' Answer to Plaintiff's Second Amended	IV	00570-00736
12	Complaint and Counterclaim (04/23/2019)		
13	Defendants' Motion to Quash Subpoena for	VII	01346-01374
14	Deposition and Documents to Bank of Hope and/or		
15	Motion for Protective Order Regarding Subpoena		
16	for Deposition and Documents to Bank of Hope		
17	(08/15/2019)		
18	Defendants' Motion to Quash Subpoena for	VII	01317-01345
19	Deposition and Documents to Open Bank and/or		
20	Motion for Protective Order Regarding Subpoena		
	for Deposition and Documents (08/15/2019)		
21	Defendants' Motion to Quash Subpoena for	VII	01375-01401
22	Deposition and Documents to Signature Bank		
23	and/or Motion for Protective Order Regarding		
24	Subpoena for Deposition and Documents to		
	Signature Bank (08/15/2019)		
25	Defendants' Motion to Quash Subpoena for	VII	01290-01316
26	Deposition and Documents to Wells Fargo Bank		
27	and/or Motion for Protective Order Regarding		
28	Subpoena for Deposition and Documents to Wells		
	Fargo Bank (08/15/2019)		

1	Defendants' Omnibus Reply Memorandum in	VIII	01594-01604
2	Support of Motions to Quash Subpoenas for		
3	Deposition and Documents to Financial Institutions		
4	and/or Motion for Protective Order Regarding		
5	Subpoena for Deposition and Documents to Bank of		
6	Hope (08/30/2019)		
7	Defendants' Opposition to Plaintiff's Motion to	XV	02971-03147
8	Quash Subpoenas to Third Parties Bank of America		
9	and Lucas Horsfall, Murphy & Pindroh, LLP		
10	(11/06/2019)		
11	Defendants' Opposition to Plaintiff's Renewed	I	00134-00152
12	Motion for an Accounting Related to Defendants		
13	Las Vegas Development Fund LLC and Robert		
14	Dziubla and for Release of Funds (12/03/2018)		
15	Errata to Supplemental Declaration of Robert	III	00535-00545
16	Dziubla in Support of Defendants' Opposition to		
17	Plaintiff's Second Motion for Temporary		
18	Restraining Order and Preliminary Injunction		
19	(03/20/2019)		
20	Ex Parte Motion for Order Shortening Time on	XVII	03550-03556
21	Plaintiff's Motion to Compel and for Sanctions and		
22	Order Shortening Time (11/15/2019)		
23	Minute Order regarding Defendant Las Vegas	XVII	03645-03646
24	Development Fund LLC's Motion to Dissolve		
25	Temporary Restraining Order and to Appoint a		
26	Receiver (11/27/2019)		
27	Minute Order regarding Plaintiff's Motion to Quash	XVII	03647
28	Subpoenas to Third Parties (11/27/2019)		
	Minutes regarding Defendant Las Vegas	XIII	02790-02792
	Development Fund LLC's Motion to Bifurcate		
	Pursuant to NRC 42(b) (10/09/2019)		

1	Minutes regarding Motion for Sanctions and Motion	XVII	03641-03642
2	to Compel and for Sanctions (11/21/2019)		
3	Minutes regarding Motion to Compel and for	XIV	02950-02951
4	Sanctions (10/23/2019)		
5	Minutes regarding Motion to Compel and for	XVII	03643-03644
6	Sanctions (11/26/2019)		
7	Minutes regarding Motion to Compel and for	XVII	03648-03649
8	Sanctions (12/05/2019)		
9	Motion to Compel and for Sanctions (09/19/2019)	IX	01671-01876
10		X	01877-02084
11	Notice of Entry of Disclaimer of Interest of Chicago	II	00416-00422
12	Title Company and Stipulation and Order for		
13	Dismissal (02/05/2019)		
14	Notice of Entry of Order Admitting to Practice	I	00093-00097
15	(11/15/2018)		
16	Notice of Entry of Order Denying Defendant Las	III	00546-00550
17	Vegas Development Fund LLC's Motion for		
18	Appointment of a Receiver (04/10/2019)		
19	Notice of Entry of Order Denying Plaintiff's Motion	VIII	01612-01618
20	for Temporary Restraining Order and Preliminary		
21	Injunction related to Investor Funds and Interest		
22	Payments (09/13/2019)		
23	Notice of Entry of Order Denying Plaintiff's Motion	XVIII	03681-03686
24	to Quash Subpoenas to Plaintiff's Bank and		
25	Accountant (12/6/2019)		
26	Notice of Entry of Order Granting Defendant's	XVIII	03658-03664
27	Motions to Quash Plaintiff's Subpoenas to Non-		
28	Party Banks (12/6/2019)		

1	Notice of Entry of Order Granting Defendants’	XV	03148-03152
2	Motion to Advance Hearing regarding Plaintiff’s		
3	Motion to Quash Subpoenas (11/08/2019)		
4	Notice of Entry of Order Granting in Part and	VIII	01605-01611
5	Denying in Part Counterdefendants’ Motions to		
6	Dismiss Counter Claim (09/13/2019)		
7	Notice of Entry of Order Granting in Part and	XVIII	03650-03657
8	Denying in Part Defendants’ Motions to Quash		
9	Plaintiff’s Subpoenas to Non-Parties Empyrean		
10	West, Jay Carter and David Keller (12/6/2019)		
11	Notice of Entry of Order Granting in Part and	III	00557-00562
12	Denying in Part Plaintiff’s Motion to Compel and		
13	for Sanctions (04/10/2019)		
14	Notice of Entry of Order Granting in Part and	III	00529-00534
15	Denying in Part Plaintiff’s Motion to Seal and or		
16	Redact Pleadings and Exhibits to Protect		
17	Confidential Information and Motion to Amend		
18	Paragraph 2.3 of Protective Order (03/19/2019)		
19	Notice of Entry of Order Granting in Part and	III	00551-00556
20	Denying in Part Plaintiff’s Second Motion for		
21	Temporary Restraining Order and Setting		
22	Preliminary Injunction Hearing (04/10/2019)		
23	Notice of Entry of Order Granting Plaintiff’s	I	00104-00108
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)		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 NRC	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 NRC 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)		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

1	Reporter’s Transcript of Motion (Preliminary	V	00743-00966
2	Injunction Hearing) (06/03/2019)		
3	Reporter’s Transcript of Motions (Defendants’	XIII	02602-02789
4	Motions to Quash Subpoena to Wells Fargo Bank,		
5	Signature Bank, Open Bank and Bank of Hope)		
6	(10/09/2019)		
7	Reporter’s Transcript of Preliminary Injunction	VI	01167-01218
8	(07/23/2019)		
9	Reporter’s Transcript of Preliminary Injunction	VI	00984-01166
10	Hearing (07/22/2019)		
11	Second Amended Complaint (01/04/2019)	II	00179-00394
12	Second Supplement to Motion to Compel and for	XVII	03566-03640
13	Sanctions (11/18/2019)		
14	Supplement to Motion to Compel and for Sanctions	XVI	03269-03402
15	(11/15/2019)	XVII	03403-03549
16	Supplemental Declaration of Defendant Robert	I	00153-00176
17	Dziubla in Support of Defendants’ Opposition to		
18	Plaintiff’s Renewed Motion for an Accounting		
19	Related to Defendants Las Vegas Development		
20	Fund LLC and Robert Dziubla and for Release of		
21	Funds (12/03/2018)		
22			
23			
24			
25			
26			
27			
28			

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 68:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion
11 Against All Defendants) of the Second Amended Complaint.

12 **REQUEST NO. 69:**

13 Please provide copies of any and all documents which support, refute, or in any way
14 relate to your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil
15 Conspiracy Against All Defendants) of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 69:**

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

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

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

2 **REQUEST NO. 70:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of the allegations of Paragraphs 122-128 of the Eighth Cause of Action (Intentional
5 Interference with Prospective Economic Advantage Against the Entity Defendants and Defendant
6 Dziubla) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 70:**

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

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

21 **REQUEST NO. 71:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 136-145 of the Tenth Cause of Action (Negligent
24 Misrepresentation Against All Defendants) of the Second Amended Complaint.

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

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the
28 Second Amended Complaint to which this request references; it is compound as to issues and

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

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

11
12 **REQUEST NO. 72:**

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

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

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

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

28 **REQUEST NO. 73:**

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

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

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

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

17
18 **REQUEST NO. 74:**

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

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

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

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

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

10 **REQUEST NO. 75:**

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

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

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

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

28 **REQUEST NO. 76:**

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

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

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

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

17
18 **REQUEST NO. 77:**

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

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

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

1 information that is protected by rights of privacy .

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

6 **REQUEST NO. 78:**

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

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

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

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

26 **REQUEST NO. 79:**

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

1 project, or agent of any potential EB-5 investor, including representations prior to investment and
2 updates since investment.

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

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

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

16 **REQUEST NO. 80:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to each and every representation you have made to the USCIS regarding the loan at issue in this case,
19 including any and all documents provided to USCIS at any time.

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

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

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

5 **REQUEST NO. 81:**

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

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

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

13 **REQUEST NO. 82:**

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

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

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

22
23 **REQUEST NO. 83:**

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

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

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

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

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

14 **REQUEST NO. 84:**

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

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

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

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

27 **REQUEST NO. 85:**

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

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

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

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

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

13 **REQUEST NO. 86:**

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

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

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

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

27 **REQUEST NO. 87:**

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

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

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

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

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

17 **REQUEST NO. 88:**

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

REQUEST NO. 89:

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

RESPONSE TO REQUEST NO. 89:

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

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

REQUEST NO. 90:

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

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

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

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

12 **REQUEST NO. 91:**

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

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

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

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

25 **REQUEST NO. 92:**

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

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

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

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

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

15 **REQUEST NO. 93:**

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

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

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

24 //

25 //

26 //

27 //

28 //

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

7 DATED: July 24, 2019

FARMER CASE & FEDOR

9 /s/ Kathryn Holbert

10 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

tcase@farmercase.com

11 KATHRYN HOLBERT, ESQ.

Nevada Bar No. 10084

kholbert@farmercase.com

FARMER CASE & FEDOR

2190 E. Pebble Rd., Suite #205

Las Vegas, NV 89123

Telephone: (702) 579-3900

Facsimile: (702) 739-3001

16 C. KEITH GREER, ESQ.

Cal. Bar. No. 135537 (Pro Hac Vice)

Keith.greer@greerlaw.biz

17 GREER & ASSOCIATES, A.P.C.

17150 Via Del Campo, Suite #100

San Diego, California 92128

Telephone: (858) 613-6677

Facsimile: (858) 613-6680

20 Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC.

21 EB5 IMPACT CAPITAL REGIONAL CENTER,

22 LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

W. DZIUBLA, JON FLEMING and LINDA

23 STANWOOD

EXHIBIT 10

EXHIBIT 10

1 **RRFP**
2 ANTHONY T. CASE, ESQ.
3 Nevada Bar No. 6589
4 tcase@farmercase.com
5 KATHRYN HOLBERT, ESQ.
6 Nevada Bar No. 10084
7 kholbert@farmercase.com
8 **FARMER CASE & FEDOR**
9 2190 E. Pebble Rd., Suite #205
10 Las Vegas, NV 89123
11 Telephone: (702) 579-3900
12 Facsimile: (702) 739-3001

13 C. Keith Greer, ESQ.
14 Admitted *pro hac vice*
15 keith.greer@greerlaw.biz
16 **GREER AND ASSOCIATES, A PC**
17 17150 Via Del Campo, Suite 100
18 San Diego, CA 92127
19 Telephone: (858) 613-6677
20 Facsimile: (858) 613-6680

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

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

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

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

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

31 **SET NO: ONE**

1 GENERAL OBJECTIONS

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

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

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

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

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

1 will be identified on a privilege log.

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

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

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

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

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

16 **REQUEST NO. 1:**

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

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

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

23 **REQUEST NO. 2:**

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

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

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

1 been no Interrogatories served on Responding Party.

2 **REQUEST NO. 3:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended
5 Complaint.

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

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

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

20

21 **REQUEST NO. 4:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

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

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
27 Second Amended Complaint to which this request references; it is compound as to issues and

28

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

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

11 **REQUEST NO. 5:**

12 Please provide copies of any and all documents which support, refute, or in any way relate
13 to your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

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

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

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

1 **REQUEST NO. 6:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

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

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

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

18 **REQUEST NO. 7:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

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

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
24 Second Amended Complaint to which this request references; it is compound as to issues and
25 facts; it is duplicative to other Document Requests contained herein and herewith; it is
26 burdensome and oppressive because it seeks documents that are already in possession of
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the

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

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

8 **REQUEST NO. 8:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

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

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

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

25 **REQUEST NO. 9:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 9:**

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

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

15
16 **REQUEST NO. 10:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

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

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

1 information that is protected by rights of privacy .

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

6 **REQUEST NO. 11:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

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

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

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

23 **REQUEST NO. 12:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

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

27 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
2 Second Amended Complaint to which this request references; it is compound as to issues and
3 facts; it is duplicative to other Document Requests contained herein and herewith; it is
4 burdensome and oppressive because it seeks documents that are already in possession of
5 Requesting Party or readily available to Requesting Party; it seeks information protected by the
6 attorney-client privilege and work product doctrine; and it purports to require Responding Party
7 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
8 information that is protected by rights of privacy .

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

13 **REQUEST NO. 13:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

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

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary

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

3 **REQUEST NO. 14:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

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

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

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

20 **REQUEST NO. 15:**

21 Please provide copies of any and all documents which support, refute, or in any way relate
22 to your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

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

24 Responding Party objects to this Document Request on grounds that it is vague and
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
26 Second Amended Complaint to which this request references; it is compound as to issues and
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is

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

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

10 **REQUEST NO. 16:**

11 Please provide copies of any and all documents which support, refute, or in any way relate
12 to your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

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

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

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

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST NO. 17:

Please provide copies of any and all documents which support, refute, or in any way relate to your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

RESPONSE TO REQUEST NO. 17:

Responding Party objects to this Document Request on grounds that it is vague and ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second Amended Complaint to which this request references; it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily available to Requesting Party; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

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

REQUEST NO. 18:

Please provide copies of any and all documents which support, refute, or in any way relate to your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

RESPONSE TO REQUEST NO. 18:

Responding Party objects to this Document Request on grounds that it is vague and ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second Amended Complaint to which this request references; it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 19:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

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

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

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

26 **REQUEST NO. 20:**

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

1 to your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

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

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

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

16 **REQUEST NO. 21:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 21:**

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

1 rights of privacy .

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

6 **REQUEST NO. 22:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

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

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

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

23 **REQUEST NO. 23:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

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

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

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 24:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

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

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 25:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

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

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

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

20 **REQUEST NO. 26:**

21 Please provide copies of any and all documents which support, refute, or in any way relate
22 to your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

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

24 Responding Party objects to this Document Request on grounds that it is vague and
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and

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

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

10 **REQUEST NO. 27:**

11 Please provide copies of any and all documents which support, refute, or in any way relate
12 to your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

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

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

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

27 **REQUEST NO. 28:**

28

1 Please provide copies of any and all documents which support, refute, or in any way relate
2 to your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 28:**

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

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

17 **REQUEST NO. 29:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 29:**

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and
27 work product doctrine; and it purports to require Responding Party to disclose information that is

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

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

7 **REQUEST NO. 30:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 30:**

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

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

24 **REQUEST NO. 31:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 31:**

1 **REQUEST NO. 32:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 32:**

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

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

18 **REQUEST NO. 33:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 33:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 34:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 34:**

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

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

25 **REQUEST NO. 35:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 35:**

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

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

15 **REQUEST NO. 36:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 36:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 37:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 37:**

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

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

22 **REQUEST NO. 38:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 38:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 39:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 39:**

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

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

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

2 **REQUEST NO. 40:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 40:**

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

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

19 **REQUEST NO. 41:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 41:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 42:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 42:**

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

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

26 **REQUEST NO. 43:**

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

1 to your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 43:**

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

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

16
17 **REQUEST NO. 44:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 44:**

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and
27 work product doctrine; and it purports to require Responding Party to disclose information that is

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

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

7 **REQUEST NO. 45:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 45:**

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

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

24 **REQUEST NO. 46:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 46:**

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

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

14 **REQUEST NO. 47:**

15 Please provide copies of any and all documents which support, refute, or in any way relate
16 to your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 47:**

18 Responding Party objects to this Document Request on grounds that it is vague and
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and
24 work product doctrine; and it purports to require Responding Party to disclose information that is
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
26 rights of privacy .

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

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

4 **REQUEST NO. 48:**

5 Please provide copies of any and all documents which support, refute, or in any way relate
6 to your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 48:**

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

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

21 **REQUEST NO. 49:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 49:**

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is

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

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

11 **REQUEST NO. 50:**

12 Please provide copies of any and all documents which support, refute, or in any way relate
13 to your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 50:**

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

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

1 **REQUEST NO. 51:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 51**

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

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

18 **REQUEST NO. 52:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 52:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 53:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 53:**

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

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

25 **REQUEST NO. 54:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 54:**

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

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

15 **REQUEST NO. 55:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 55:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 56:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 56:**

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

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

22 **REQUEST NO. 57:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 57:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 58:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 58:**

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

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

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

2 **REQUEST NO. 59:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 59:**

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

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

19 **REQUEST NO. 60:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 60:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 61:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 61:**

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

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

26 **REQUEST NO. 62:**

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

1 to your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 62:**

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

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

16 **REQUEST NO. 63:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 63:**

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

1 rights of privacy .

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

6 **REQUEST NO. 64:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 64:**

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

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

23 **REQUEST NO. 65:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 65:**

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

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 66:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 66:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 67:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional
6 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 67:**

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

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

21 **REQUEST NO. 68:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion
24 Against All Defendants) of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 68:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second

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

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

12 **REQUEST NO. 69:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil
15 Conspiracy Against All Defendants) of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 69:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3
4 **REQUEST NO. 70:**

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

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

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

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

21
22 **REQUEST NO. 71:**

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

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

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

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

13 **REQUEST NO. 72:**

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

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

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

1 privacy.

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

6 **REQUEST NO. 73:**

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

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

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

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

25 **REQUEST NO. 74:**

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

1 immigrant investor from 2012 to the present.

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

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

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

15
16 **REQUEST NO. 75:**

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

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

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

1 rights of privacy.

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

6 **REQUEST NO. 76:**

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

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

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

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

26 **REQUEST NO. 77:**

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

1 to each and every representation you have made to any potential EB-5 investor of the Front Sight
2 project, or agent of any potential EB-5 investor, including representations prior to investment and
3 updates since investment.

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

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

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

17 **REQUEST NO. 78:**

18 Please provide copies of any and all documents which support, refute, or in any way
19 relate to each and every representation you have made to the USCIS regarding the loan at issue in
20 this case, including any and all documents provided to USCIS at any time.

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

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

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

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

7 **REQUEST NO. 79:**

8 Please provide copies of any and all documents provided to you by Plaintiff or any
9 representative of Plaintiff at any time between 2012 and the present.

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

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

15 **REQUEST NO. 80:**

16 Produce a copy of any and all documents showing, recording, and/or memorializing EB5IC's
17 distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any members (as
18 defined in EB5IC's operating agreement) of EB5IC who are not already parties to this lawsuit.

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

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

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

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

2
3 **REQUEST NO. 81:**

4 Produce a copy of any and all documents, writings, and/or communications showing or
5 demonstrating defendant Linda Stanwood's professional history with EB5IC, specifically her history
6 as an officer and/or member and/or employee of EB5IC, including, but not limited to, her start
7 date(s) and participation in the management and operation of EB5IC and its affairs.

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

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

18 In Addition, this Document Request is overly broad because it seeks the production of
19 documents beyond the scope of issues directly related to the pending motion for a preliminary
20 injunction.

21 **REQUEST NO. 82:**

22 Produce a copy of any and all communications between EB5IC and the actual, potential, or
23 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2019.

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

25 Responding Party objects to this Document Request on grounds that it seeks information
26 protected by the attorney-client privilege and work product doctrine; and it purports to require
27 Responding Party to disclose information that is a trade secret, confidential, proprietary,
28

1 commercially sensitive, or information that is protected by rights of privacy.

2 In Addition, this Document Request is overly broad because it seeks the production of
3 documents beyond the scope of issues directly related to the pending motion for a preliminary
4 injunction.

5 **REQUEST NO. 83:**

6 Produce a copy of any and all communications between EB5IC and the actual, potential,
7 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2018.

8
9 **RESPONSE TO REQUEST NO. 83:**

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

14 In Addition, this Document Request is overly broad because it seeks the production of
15 documents beyond the scope of issues directly related to the pending motion for a preliminary
16 injunction.

17 **REQUEST NO. 84:**

18 Produce a copy of any and all communications between EB5IC and the actual, potential, or
19 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2017.

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

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

25 In Addition, this Document Request is overly broad because it seeks the production of
26 documents beyond the scope of issues directly related to the pending motion for a preliminary
27 injunction.

1 **REQUEST NO. 85:**

2 Produce a copy of any and all communications between EB5IC and the actual, potential,
3 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2016.

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

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

9 In Addition, this Document Request is overly broad because it seeks the production of
10 documents beyond the scope of issues directly related to the pending motion for a preliminary
11 injunction.

12 **REQUEST NO. 86:**

13 Produce a copy of each and every Private Placement Memorandum, including any and all
14 exhibits thereto, that EB5IC delivered to the actual, potential, or prospective EB-5 investors and/or
15 EB-5 visa applicants.

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

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

21 In Addition, this Document Request is overly broad because it seeks the production of
22 documents beyond the scope of issues directly related to the pending motion for a preliminary
23 injunction.

24 **REQUEST NO. 87:**

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

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

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

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

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

16
17 DATED: July 24, 2019

FARMER CASE & FEDOR

18
19 /s/ Kathryn Holbert
20 ANTHONY T. CASE, ESQ.
Nevada Bar No. 6589
tcase@farmercase.com
21 KATHRYN HOLBERT, ESQ.
Nevada Bar No. 10084
kholbert@farmercase.com
22 FARMER CASE & FEDOR
23 2190 E. Pebble Rd., Suite #205
Las Vegas, NV 89123
24 Telephone: (702) 579-3900
Facsimile: (702) 739-3001

25
26 C. KEITH GREER, ESQ.
Cal. Bar. No. 135537 (Pro Hac Vice)
Keith.greer@greerlaw.biz
27 GREER & ASSOCIATES, A.P.C.
17150 Via Del Campo, Suite #100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

San Diego, California 92128
Telephone: (858) 613-6677
Facsimile: (858) 613-6680

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 11

EXHIBIT 11

1 **RRFP**

2 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

3 tcase@farmercase.com

KATHRYN HOLBERT, ESQ.

4 Nevada Bar No. 10084

kholbert@farmercase.com

5 **FARMER CASE & FEDOR**

2190 E. Pebble Rd., Suite #205

6 Las Vegas, NV 89123

Telephone: (702) 579-3900

7 Facsimile: (702) 739-3001

8 C. Keith Greer, ESQ.

Admitted *pro hac vice*

9 keith.greer@greerlaw.biz

GREER AND ASSOCIATES, A PC

10 17150 Via Del Campo, Suite 100

San Diego, CA 92127

11 Telephone: (858) 613-6677

Facsimile: (858) 613-6680

12 Attorneys for Defendants

13 LAS VEGAS DEVELOPMENT FUND LLC, EB5

IMPACT CAPITAL REGIONAL CENTER LLC,

14 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

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

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

) DEPT NO.: 16

19 Plaintiff,)

) DEFENDANT, EB5 IMPACT ADVISORS

20 vs.)

) LLC'S RESPONSES TO PLAINTIFF'S FIRST

) SET OF REQUESTS FOR PRODUCTION OF

) DOCUMENTS

21 LAS VEGAS DEVELOPMENT FUND LLC,)

et al.,)

22 Defendants.)

23)
24)

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

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

27 **SET NO: ONE**

28

1 GENERAL OBJECTIONS

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

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

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

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

1 log.

2

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

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

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

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

15

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

17 **REQUEST NO. 1:**

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

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

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

23 **REQUEST NO. 2:**

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

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

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

28

1 been no Interrogatories served on Responding Party.

2 **REQUEST NO. 3:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended
5 Complaint.

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

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

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

20

21 **REQUEST NO. 4:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

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

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
27 Second Amended Complaint to which this request references; it is compound as to issues and

28

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

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

11 **REQUEST NO. 5:**

12 Please provide copies of any and all documents which support, refute, or in any way relate
13 to your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

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

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

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

1 **REQUEST NO. 6:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

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

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

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

18 **REQUEST NO. 7:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

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

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
24 Second Amended Complaint to which this request references; it is compound as to issues and
25 facts; it is duplicative to other Document Requests contained herein and herewith; it is
26 burdensome and oppressive because it seeks documents that are already in possession of
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the

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

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

8 **REQUEST NO. 8:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

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

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

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

25 **REQUEST NO. 9:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 9:**

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

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

15
16 **REQUEST NO. 10:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

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

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

1 information that is protected by rights of privacy .

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

6 **REQUEST NO. 11:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

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

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

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

23 **REQUEST NO. 12:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

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

27 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
2 Second Amended Complaint to which this request references; it is compound as to issues and
3 facts; it is duplicative to other Document Requests contained herein and herewith; it is
4 burdensome and oppressive because it seeks documents that are already in possession of
5 Requesting Party or readily available to Requesting Party; it seeks information protected by the
6 attorney-client privilege and work product doctrine; and it purports to require Responding Party
7 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
8 information that is protected by rights of privacy .

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

13 **REQUEST NO. 13:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

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

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary

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

3 **REQUEST NO. 14:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

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

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

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

20 **REQUEST NO. 15:**

21 Please provide copies of any and all documents which support, refute, or in any way relate
22 to your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

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

24 Responding Party objects to this Document Request on grounds that it is vague and
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
26 Second Amended Complaint to which this request references; it is compound as to issues and
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is

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

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

10 **REQUEST NO. 16:**

11 Please provide copies of any and all documents which support, refute, or in any way relate
12 to your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

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

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

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

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST NO. 17:

Please provide copies of any and all documents which support, refute, or in any way relate to your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

RESPONSE TO REQUEST NO. 17:

Responding Party objects to this Document Request on grounds that it is vague and ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second Amended Complaint to which this request references; it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily available to Requesting Party; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

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

REQUEST NO. 18:

Please provide copies of any and all documents which support, refute, or in any way relate to your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

RESPONSE TO REQUEST NO. 18:

Responding Party objects to this Document Request on grounds that it is vague and ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second Amended Complaint to which this request references; it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 19:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

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

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

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

26 **REQUEST NO. 20:**

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

1 to your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

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

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

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

16 **REQUEST NO. 21:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 21:**

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

1 rights of privacy .

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

6 **REQUEST NO. 22:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

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

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

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

23 **REQUEST NO. 23:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

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

27 Responding Party objects to this Document Request on grounds that it is vague and

28

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 24:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

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

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 25:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

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

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

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

20 **REQUEST NO. 26:**

21 Please provide copies of any and all documents which support, refute, or in any way relate
22 to your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

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

24 Responding Party objects to this Document Request on grounds that it is vague and
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and

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

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

10 **REQUEST NO. 27:**

11 Please provide copies of any and all documents which support, refute, or in any way relate
12 to your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

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

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

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

27 **REQUEST NO. 28:**

28

1 Please provide copies of any and all documents which support, refute, or in any way relate
2 to your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 28:**

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

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

17 **REQUEST NO. 29:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 29:**

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and
27 work product doctrine; and it purports to require Responding Party to disclose information that is

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

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

7 **REQUEST NO. 30:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 30:**

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

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

24 **REQUEST NO. 31:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 31:**

1 **REQUEST NO. 32:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 32:**

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

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

18 **REQUEST NO. 33:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 33:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 34:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 34:**

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

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

25 **REQUEST NO. 35:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 35:**

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

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

15 **REQUEST NO. 36:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 36:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 37:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 37:**

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

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

22 **REQUEST NO. 38:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 38:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 39:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 39:**

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

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

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

2 **REQUEST NO. 40:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 40:**

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

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

19 **REQUEST NO. 41:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 41:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 42:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 42:**

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

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

26 **REQUEST NO. 43:**

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

1 to your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 43:**

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

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

16
17 **REQUEST NO. 44:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 44:**

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and
27 work product doctrine; and it purports to require Responding Party to disclose information that is

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

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

7 **REQUEST NO. 45:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 45:**

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

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

24 **REQUEST NO. 46:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 46:**

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

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

14 **REQUEST NO. 47:**

15 Please provide copies of any and all documents which support, refute, or in any way relate
16 to your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 47:**

18 Responding Party objects to this Document Request on grounds that it is vague and
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and
24 work product doctrine; and it purports to require Responding Party to disclose information that is
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
26 rights of privacy .

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

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

4 **REQUEST NO. 48:**

5 Please provide copies of any and all documents which support, refute, or in any way relate
6 to your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 48:**

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

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

21 **REQUEST NO. 49:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 49:**

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is

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

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

11 **REQUEST NO. 50:**

12 Please provide copies of any and all documents which support, refute, or in any way relate
13 to your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 50:**

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

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

1 **REQUEST NO. 51:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 51**

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

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

18 **REQUEST NO. 52:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 52:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

28

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 53:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 53:**

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

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

25 **REQUEST NO. 54:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 54:**

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

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

15 **REQUEST NO. 55:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 55:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 56:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 56:**

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

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

22 **REQUEST NO. 57:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 57:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 58:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 58:**

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

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

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

2 **REQUEST NO. 59:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 59:**

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

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

19 **REQUEST NO. 60:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 60:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 61:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 61:**

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

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

26 **REQUEST NO. 62:**

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

1 to your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 62:**

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

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

16 **REQUEST NO. 63:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 63:**

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

1 rights of privacy .

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

6 **REQUEST NO. 64:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 64:**

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

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

23 **REQUEST NO. 65:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 65:**

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

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 66:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 66:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 67:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional
6 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 67:**

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

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

21 **REQUEST NO. 68:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion
24 Against All Defendants) of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 68:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second

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

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

12 **REQUEST NO. 69:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil
15 Conspiracy Against All Defendants) of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 69:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 70:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraphs 100-106 of the Fifth Cause of Action (Breach of
6 Contract Against EB5IA and LVDF) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 70:**

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

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

21 **REQUEST NO. 71:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 107-113 of the Sixth Cause of Action (Contractual
24 Breach of Implied Covenant of Good Faith and Fair Dealing Against the Entity Defendants) of the
25 Second Amended Complaint.

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

27 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 72:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of the allegations of Paragraphs 122-128 of the Eighth Cause of Action (Intentional
16 Interference with Prospective Economic Advantage Against the Entity Defendants and Defendant
17 Dziubla) of the Second Amended Complaint.

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

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the
21 Second Amended Complaint to which this request references; it is compound as to issues and
22 facts; it is duplicative to other Document Requests contained herein and herewith; it is
23 burdensome and oppressive because it seeks documents that are already in possession of
24 Requesting Party or readily available to Requesting Party; it seeks information protected by the
25 attorney-client privilege and work product doctrine; and it purports to require Responding Party
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
27 information that is protected by rights of privacy .

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

5 **REQUEST NO. 73:**

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

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

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

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

21 **REQUEST NO. 74:**

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

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

27

28

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

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

13 **REQUEST NO. 75:**

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

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

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

1 rights of privacy.

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

6 **REQUEST NO. 76:**

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

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

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

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

24 **REQUEST NO. 77:**

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

28

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

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

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

14 **REQUEST NO. 78:**

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

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

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

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

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

4 **REQUEST NO. 79:**

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

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

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

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

24 **REQUEST NO. 80:**

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

1 investment and updates since investment.

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

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

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

15 **REQUEST NO. 81:**

16 Please provide copies of any and all documents which support, refute, or in any way
17 relate to each and every representation you have made to the USCIS regarding the loan at issue in
18 this case, including any and all documents provided to USCIS at any time.

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

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

28

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

5
6 **REQUEST NO. 82:**

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

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

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

14 **REQUEST NO. 83:**

15 Produce a copy of any and all documents showing, recording, and/or memorializing
16 EB5IA's distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any
17 members (as defined in EB5IA's operating agreement) of EB5IA who are not already parties to
18 this lawsuit.

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

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

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

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

2 **REQUEST NO. 84:**

3 Produce a copy of any and all documents, writings, and/or communications showing or
4 demonstrating defendant Linda Stanwood's involvement and/or professional history with EB5IA,
5 specifically her history as an officer and/or member and/or employee of EB5IA, including, but
6 not limited to, her start date(s) and participation in the management and operation of EB5IA and
7 its affairs.

8
9 **RESPONSE TO REQUEST NO. 84:**

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

18 In Addition, this Document Request is overly broad because it seeks the production of
19 documents beyond the scope of issues directly related to the pending motion for a preliminary
20 injunction.

21 **REQUEST NO. 85:**

22 Produce a copy of any and all communications between EB5IA and the actual, potential,
23 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2019.

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

25 Responding Party objects to this Document Request on grounds that it seeks information
26 protected by the attorney-client privilege and work product doctrine; and it purports to require
27 Responding Party to disclose information that is a trade secret, confidential, proprietary,

1 commercially sensitive, or information that is protected by rights of privacy.

2 In Addition, this Document Request is overly broad because it seeks the production of
3 documents beyond the scope of issues directly related to the pending motion for a preliminary
4 injunction

5 **REQUEST NO. 86:**

6 Produce a copy of any and all communications between EB5IA and the actual, potential,
7 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2018.

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

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

13 In Addition, this Document Request is overly broad because it seeks the production of
14 documents beyond the scope of issues directly related to the pending motion for a preliminary
15 injunction.

16 **REQUEST NO. 87:**

17 Produce a copy of any and all communications between EB5IA and the actual, potential,
18 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2017.

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

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

24 In Addition, this Document Request is overly broad because it seeks the production of
25 documents beyond the scope of issues directly related to the pending motion for a preliminary
26 injunction.

27 **REQUEST NO. 88:**

28

1 Produce a copy of any and all communications between EB5IA and the actual, potential,
2 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2016.

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

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

8 In Addition, this Document Request is overly broad because it seeks the production of
9 documents beyond the scope of issues directly related to the pending motion for a preliminary
10 injunction.

11 **REQUEST NO. 89:**

12 Produce a copy of each and every Private Placement Memorandum that EB5IA delivered
13 to the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

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

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

19 In Addition, this Document Request is overly broad because it seeks the production of
20 documents beyond the scope of issues directly related to the pending motion for a preliminary
21 injunction.

22 **REQUEST NO. 90:**

23 Produce a copy of any and all communications between EB5IA and the actual, potential,
24 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2015.

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

26 Responding Party objects to this Document Request on grounds that it seeks information
27 protected by the attorney-client privilege and work product doctrine; and it purports to require

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

3 In Addition, this Document Request is overly broad because it seeks the production of
4 documents beyond the scope of issues directly related to the pending motion for a preliminary
5 injunction.

6 **REQUEST NO. 91:**

7 Produce a copy of any and all communications between EB5IA and the actual, potential,
8 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2014.

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

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

14 In Addition, this Document Request is overly broad because it seeks the production of
15 documents beyond the scope of issues directly related to the pending motion for a preliminary
16 injunction.

17 **REQUEST NO. 92:**

18 Produce a copy of any and all communications between EB5IA and the actual, potential,
19 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2013.

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

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

25 In Addition, this Document Request is overly broad because it seeks the production of
26 documents beyond the scope of issues directly related to the pending motion for a preliminary
27 injunction.

28

1 **REQUEST NO. 93:**

2 Produce a copy of any and all communications between EB5IA and the actual, potential,
3 or prospective EB-5 investors and/or EB-5 visa applicants, for the year 2012. Produce a copy of
4 each and every contractual offer, contractual agreement, engagement letter, invitation to dealing,
5 or any amendment to any such document that was provided, delivered, sent, or presented to
6 Plaintiff, regarding the potential or actual EB-5-investor-related fundraising for Plaintiff
7 pertaining to the Project that is contemplated in the CLA and other Loan Documents.

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

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

13 In Addition, this Document Request is overly broad because it seeks the production of
14 documents beyond the scope of issues directly related to the pending motion for a preliminary
15 injunction.

16 **REQUEST NO. 94:**

17 Produce a copy of any and all communications between EB5IA and Sean Flynn at any
18 between from 2012 and the present, including any attachments or enclosures thereto.

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

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary

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

3 **REQUEST NO. 95:**

4 Produce a copy of any and all communications between EB5IA and Impact Econometrics,
5 LLC, at any between from 2012 and the present, including any attachments or enclosures thereto.
6 Please provide any and all documents which relate to and/or account for any and all funds you
7 have received from Front Sight directly or which you know to originate from Front Sight,
8 including all money received by you from Plaintiff, how said funds were spent, identification of
9 who received any portion of the funds, and any and all documentation to support or justify
10 payments made or funds spent.

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

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

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28

1 In Addition, this Document Request is overly broad because it seeks the production of
2 documents beyond the scope of issues directly related to the pending motion for a preliminary
3 injunction.
4

5 DATED: July 24, 2019

FARMER CASE & FEDOR

7 /s/ Kathryn Holbert
8 _____
9 ANTHONY T. CASE, ESQ.
10 Nevada Bar No. 6589
11 tcase@farmercase.com
12 KATHRYN HOLBERT, ESQ.
13 Nevada Bar No. 10084
14 kholbert@farmercase.com
15 FARMER CASE & FEDOR
16 2190 E. Pebble Rd., Suite #205
17 Las Vegas, NV 89123
18 Telephone: (702) 579-3900
19 Facsimile: (702) 739-3001

20 C. KEITH GREER, ESQ.
21 Cal. Bar. No. 135537 (Pro Hac Vice)
22 Keith.greer@greerlaw.biz
23 GREER & ASSOCIATES, A.P.C.
24 17150 Via Del Campo, Suite #100
25 San Diego, California 92128
26 Telephone: (858) 613-6677
27 Facsimile: (858) 613-6680

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 12

EXHIBIT 12

1 **RRFP**
2 ANTHONY T. CASE, ESQ.
3 Nevada Bar No. 6589
4 tcase@farmercase.com
5 KATHRYN HOLBERT, ESQ.
6 Nevada Bar No. 10084
7 kholbert@farmercase.com
8 **FARMER CASE & FEDOR**
9 2190 E. Pebble Rd., Suite #205
10 Las Vegas, NV 89123
11 Telephone: (702) 579-3900
12 Facsimile: (702) 739-3001

13 C. Keith Greer, ESQ.
14 Admitted *pro hac vice*
15 keith.greer@greerlaw.biz
16 **GREER AND ASSOCIATES, A PC**
17 17150 Via Del Campo, Suite 100
18 San Diego, CA 92127
19 Telephone: (858) 613-6677
20 Facsimile: (858) 613-6680

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

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
30 Plaintiff,)
31 vs.) DEFENDANT, LAS VEGAS DEVELOPMENT
32 LAS VEGAS DEVELOPMENT FUND LLC,) FUND LLC'S RESPONSES TO PLAINTIFF'S
et al.,) FIRST SET OF REQUESTS FOR
33 Defendants.) PRODUCTION OF DOCUMENTS
34)
35)
36)
37)
38)

39 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**
40 **RESPONDING PARTY: Defendant, LAS VEGAS DEVELOPMENT FUND LLC**
41 **SET NO: ONE**

42 **LAS VEGAS DEVELOPMENT FUND LLC'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS**

1 **GENERAL OBJECTIONS**

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

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

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

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

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

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

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

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

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

15 **REQUEST NO. 1:**

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

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

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

21 **REQUEST NO. 2:**

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

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

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

27 **REQUEST NO. 3:**

1 Please provide copies of any and all documents which support, refute, or in any way relate
2 to your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended
3 Complaint.

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

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

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

18
19 **REQUEST NO. 4:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

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

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
25 Second Amended Complaint to which this request references; it is compound as to issues and
26 facts; it is duplicative to other Document Requests contained herein and herewith; it is
27 burdensome and oppressive because it seeks documents that are already in possession of

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

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

9 **REQUEST NO. 5:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

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

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

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

26
27 **REQUEST NO. 6:**

1 Please provide copies of any and all documents which support, refute, or in any way relate
2 to your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

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

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

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

17 **REQUEST NO. 7:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

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

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
23 Second Amended Complaint to which this request references; it is compound as to issues and
24 facts; it is duplicative to other Document Requests contained herein and herewith; it is
25 burdensome and oppressive because it seeks documents that are already in possession of
26 Requesting Party or readily available to Requesting Party; it seeks information protected by the
27 attorney-client privilege and work product doctrine; and it purports to require Responding Party

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

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

7 **REQUEST NO. 8:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

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

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

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

24 **REQUEST NO. 9:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 9:**

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

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

14
15 **REQUEST NO. 10:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

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

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
21 Second Amended Complaint to which this request references; it is compound as to issues and
22 facts; it is duplicative to other Document Requests contained herein and herewith; it is
23 burdensome and oppressive because it seeks documents that are already in possession of
24 Requesting Party or readily available to Requesting Party; it seeks information protected by the
25 attorney-client privilege and work product doctrine; and it purports to require Responding Party
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
27 information that is protected by rights of privacy .

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

5 **REQUEST NO. 11:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

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

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

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

22 **REQUEST NO. 12:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

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

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the

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

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

12 **REQUEST NO. 13:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

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

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

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

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

2 **REQUEST NO. 14:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

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

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

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

19 **REQUEST NO. 15:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

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

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the
25 Second Amended Complaint to which this request references; it is compound as to issues and
26 facts; it is duplicative to other Document Requests contained herein and herewith; it is
27 burdensome and oppressive because it seeks documents that are already in possession of

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

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

9 **REQUEST NO. 16:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

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

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

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

1 **REQUEST NO. 17:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

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

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

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

18 **REQUEST NO. 18:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

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

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 19:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

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

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

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

25 **REQUEST NO. 20:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

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

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

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

15 **REQUEST NO. 21:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 21:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 22:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

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

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

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

22 **REQUEST NO. 23:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

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

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 24:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

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

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

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

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

2 **REQUEST NO. 25:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

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

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

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

19 **REQUEST NO. 26:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

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

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 27:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

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

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

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

26 **REQUEST NO. 28:**

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

1 to your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 28:**

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

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

16 **REQUEST NO. 29:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 29:**

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

1 rights of privacy .

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

6 **REQUEST NO. 30:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 30:**

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

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

23 **REQUEST NO. 31:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 31:**

27

28

1 **REQUEST NO. 32:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 32:**

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

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

18 **REQUEST NO. 33:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 33:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 34:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 34:**

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

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

25 **REQUEST NO. 35:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 35:**

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

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

15 **REQUEST NO. 36:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 36:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 37:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 37:**

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

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

22 **REQUEST NO. 38:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 38:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 39:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 39:**

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

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

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

2 **REQUEST NO. 40:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 40:**

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

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

19 **REQUEST NO. 41:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 41:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 42:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 42:**

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

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

26 **REQUEST NO. 43:**

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

1 to your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 43:**

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

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

16
17 **REQUEST NO. 44:**

18 Please provide copies of any and all documents which support, refute, or in any way relate
19 to your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 44:**

21 Responding Party objects to this Document Request on grounds that it is vague and
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and
27 work product doctrine; and it purports to require Responding Party to disclose information that is

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

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

7 **REQUEST NO. 45:**

8 Please provide copies of any and all documents which support, refute, or in any way relate
9 to your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 45:**

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

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

24 **REQUEST NO. 46:**

25 Please provide copies of any and all documents which support, refute, or in any way relate
26 to your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 46:**

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

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

14 **REQUEST NO. 47:**

15 Please provide copies of any and all documents which support, refute, or in any way relate
16 to your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 47:**

18 Responding Party objects to this Document Request on grounds that it is vague and
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and
24 work product doctrine; and it purports to require Responding Party to disclose information that is
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
26 rights of privacy .

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

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

4 **REQUEST NO. 48:**

5 Please provide copies of any and all documents which support, refute, or in any way relate
6 to your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 48:**

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

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

21 **REQUEST NO. 49:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 49:**

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is

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

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

11 **REQUEST NO. 50:**

12 Please provide copies of any and all documents which support, refute, or in any way relate
13 to your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 50:**

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

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

1 **REQUEST NO. 51:**

2 Please provide copies of any and all documents which support, refute, or in any way relate
3 to your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 51**

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

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

18 **REQUEST NO. 52:**

19 Please provide copies of any and all documents which support, refute, or in any way relate
20 to your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 52:**

22 Responding Party objects to this Document Request on grounds that it is vague and
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
3 rights of privacy .

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

8 **REQUEST NO. 53:**

9 Please provide copies of any and all documents which support, refute, or in any way relate
10 to your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 53:**

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

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

25 **REQUEST NO. 54:**

26 Please provide copies of any and all documents which support, refute, or in any way relate
27 to your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 54:**

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

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

15 **REQUEST NO. 55:**

16 Please provide copies of any and all documents which support, refute, or in any way relate
17 to your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 55:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and
25 work product doctrine; and it purports to require Responding Party to disclose information that is
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
27 rights of privacy .

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

5 **REQUEST NO. 56:**

6 Please provide copies of any and all documents which support, refute, or in any way relate
7 to your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 56:**

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

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

22 **REQUEST NO. 57:**

23 Please provide copies of any and all documents which support, refute, or in any way relate
24 to your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 57:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

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

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

12 **REQUEST NO. 58:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 58:**

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

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

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

2 **REQUEST NO. 59:**

3 Please provide copies of any and all documents which support, refute, or in any way relate
4 to your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 59:**

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

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

19 **REQUEST NO. 60:**

20 Please provide copies of any and all documents which support, refute, or in any way relate
21 to your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 60:**

23 Responding Party objects to this Document Request on grounds that it is vague and
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily

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

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

9 **REQUEST NO. 61:**

10 Please provide copies of any and all documents which support, refute, or in any way relate
11 to your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 61:**

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

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

26 **REQUEST NO. 62:**

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

1 to your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 62:**

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

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

16 **REQUEST NO. 63:**

17 Please provide copies of any and all documents which support, refute, or in any way relate
18 to your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 63:**

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

1 rights of privacy .

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

6 **REQUEST NO. 64:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 64:**

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

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

23 **REQUEST NO. 65:**

24 Please provide copies of any and all documents which support, refute, or in any way relate
25 to your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 65:**

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

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 66:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 66:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 67:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional
6 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 67:**

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

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

21 **REQUEST NO. 68:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion
24 Against All Defendants) of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 68:**

26 Responding Party objects to this Document Request on grounds that it is vague and
27 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second

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

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

12 **REQUEST NO. 69:**

13 Please provide copies of any and all documents which support, refute, or in any way relate
14 to your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil
15 Conspiracy Against All Defendants) of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 69:**

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

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

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

3 **REQUEST NO. 70:**

4 Please provide copies of any and all documents which support, refute, or in any way relate
5 to your denial of the allegations of Paragraphs 100-106 of the Fifth Cause of Action (Breach of
6 Contract Against EB5IA and LVDF) of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 70:**

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

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

21 **REQUEST NO. 71:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your denial of the allegations of Paragraphs 107-113 of the Sixth Cause of Action (Contractual
24 Breach of Implied Covenant of Good Faith and Fair Dealing Against the Entity Defendants) of the
25 Second Amended Complaint.

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

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

1 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and
6 work product doctrine; and it purports to require Responding Party to disclose information that is
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by
8 rights of privacy .

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

13 **REQUEST NO. 72:**

14 Please provide copies of any and all documents which support, refute, or in any way relate
15 to your denial of the allegations of Paragraphs 122-128 of the Eighth Cause of Action (Intentional
16 Interference with Prospective Economic Advantage Against the Entity Defendants and Defendant
17 Dziubla) of the Second Amended Complaint.

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

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the
21 Second Amended Complaint to which this request references; it is compound as to issues and
22 facts; it is duplicative to other Document Requests contained herein and herewith; it is
23 burdensome and oppressive because it seeks documents that are already in possession of
24 Requesting Party or readily available to Requesting Party; it seeks information protected by the
25 attorney-client privilege and work product doctrine; and it purports to require Responding Party
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
27 information that is protected by rights of privacy .

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

5 **REQUEST NO. 73:**

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

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

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

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

21 **REQUEST NO. 74:**

22 Please provide copies of any and all documents which support, refute, or in any way relate
23 to your Counterclaim.

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

25 Responding Party objects to this Document Request on grounds that it is vague and
26 ambiguous as to "refuting" of Responding Parties Counterclaim; it is compound as to issues and
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is

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

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

10 **REQUEST NO. 75:**

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

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

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

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

27
28

1 **REQUEST NO. 76:**

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

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

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

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

21

22 **REQUEST NO. 77:**

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

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

28

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

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

13
14 **REQUEST NO. 78:**

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

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

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

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

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

4 **REQUEST NO. 79:**

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

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

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

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

21 **REQUEST NO. 80:**

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

1 investment.

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

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

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

14

15 **REQUEST NO. 81:**

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

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

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

28

1 information that is protected by rights of privacy .

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

6 **REQUEST NO. 82:**

7 Please provide copies of any and all documents which support, refute, or in any way relate
8 to each and every representation you have made to the USCIS regarding the loan at issue in this case,
9 including any and all documents provided to USCIS at any time.

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

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

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

23 **REQUEST NO. 83:**

24 Please provide copies of any and all documents provided to you by Plaintiff or any
25 representative of Plaintiff at any time between 2012 and the present.

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

27 Responding Party objects to this Document Request on grounds that it is duplicative to

1 other Document Requests contained herein and herewith; and it is burdensome and oppressive
2 because it seeks documents that are already in possession of Requesting Party or readily available
3 to Requesting Party.

4 **REQUEST NO. 84:**

5 Please produce a copy of Exhibit A (entitled “Budget”) to the document entitled Construction
6 Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

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

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

12 **REQUEST NO. 85:**

13 Please produce a copy of Exhibit B (entitled “Draw Request”) to the document entitled
14 Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

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

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

20 **REQUEST NO. 86:**

21 Produce a copy of Exhibit C (entitled “Draw Request Certificate”) to the document entitled
22 Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

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

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

1 **REQUEST NO. 87:**

2 Please produce a copy of Exhibit D (entitled “Legal Description”) to the document entitled
3 Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

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

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

9 **REQUEST NO. 88:**

10 Please produce a copy of Exhibit E (entitled “Estimated Construction Cost Statement”) to
11 the document entitled Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA,
12 at pg. v.)

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

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

18 **REQUEST NO. 89:**

19 Please produce a copy of Exhibit F (entitled “Improvements”) to the document entitled
20 Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

21 **RESPONSE TO REQUEST NO. 89:**

22 Responding Party objects to this Document Request on grounds that it is duplicative to
23 other Document Requests contained herein and herewith; and it is burdensome and oppressive
24 because it seeks documents that are already in possession of Requesting Party or readily available
25 to Requesting Party.

26 **REQUEST NO. 90:**

27 Please produce a copy of Exhibit G (entitled “Ownership and Control”) to the document
28

1 entitled Construction Loan Agreement (dated October 6, 2016) (“CLA”). (*See* CLA, at pg. v.)

2 **RESPONSE TO REQUEST NO. 90:**

3 Responding Party objects to this Document Request on grounds that it is duplicative to
4 other Document Requests contained herein and herewith; and it is burdensome and oppressive
5 because it seeks documents that are already in possession of Requesting Party or readily available
6 to Requesting Party.

7 **REQUEST NO. 91:**

8 Please produce a copy of the Note, as defined on page 1 of the document entitled
9 Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture
10 Filing (recorded on October 13, 2016, as Document #860867 in the Nye County Official Records).

11 **RESPONSE TO REQUEST NO. 91:**

12 Responding Party objects to this Document Request on grounds that it is duplicative to
13 other Document Requests contained herein and herewith; and it is burdensome and oppressive
14 because it seeks documents that are already in possession of Requesting Party or readily available
15 to Requesting Party.

16 **REQUEST NO. 92:**

17 Please produce a copy of the eight binders of documents described as “EB-5 Documents” in
18 LVDF’s letter to Front Sight Management, LLC dated July 30, 2018, at page 3.

19 **RESPONSE TO REQUEST NO. 92:**

20 Responding Party objects to this Document Request on grounds that it is duplicative to
21 other Document Requests contained herein and herewith; and it is burdensome and oppressive
22 because it seeks documents that are already in possession of Requesting Party or readily available
23 to Requesting Party.

24 **REQUEST NO. 93:**

25 Please produce a copy of any and all documents, writings, and/or communications that were
26 authored by, sent or received by, and/or in possession or control of LVDF, that discuss, memorialize,
27 and/or mention the formation of, or the terms and conditions of, the CLA and other Loan Documents

1 (as defined in the CLA).

2 **RESPONSE TO REQUEST NO. 93:**

3 Responding Party objects to this Document Request on grounds that it is vague and
4 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is
5 burdensome and oppressive because it seeks documents that are already in possession of
6 Requesting Party or readily available to Requesting Party; it seeks information protected by the
7 attorney-client privilege and work product doctrine; and it purports to require Responding Party
8 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
9 information that is protected by rights of privacy.

10 In Addition, this Document Request is overly broad because it seeks the production of
11 documents beyond the scope of issues directly related to the pending motion for a preliminary
12 injunction. Responding Party, subject to and without waiving said objections, will produce all
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 94:**

15 Please produce a copy of any and all documents, writings, and/or communications that
16 discuss, memorialize, and/or mention the loan disbursements that LVDF made to Front Sight
17 pursuant to the CLA and/or other Loan Documents.

18 **RESPONSE TO REQUEST NO. 94:**

19 Responding Party objects to this Document Request on grounds that it is vague and
20 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is
21 burdensome and oppressive because it seeks documents that are already in possession of
22 Requesting Party or readily available to Requesting Party; it seeks information protected by the
23 attorney-client privilege and work product doctrine; and it purports to require Responding Party
24 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
25 information that is protected by rights of privacy.

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary

28

1 injunction. Responding Party, subject to and without waiving said objections, will produce all
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 95:**

4 Please produce a copy of any and all documents, writings, and/or communications that
5 discuss, memorialize, and/or mention the loan payments that Front Sight made to LVDF pursuant
6 to the CLA and/or other Loan Documents.

7 **RESPONSE TO REQUEST NO. 95:**

8 Responding Party objects to this Document Request on grounds that it is vague and
9 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is
10 burdensome and oppressive because it seeks documents that are already in possession of Requesting
11 Party or readily available to Requesting Party; it seeks information protected by the attorney-client
12 privilege and work product doctrine; and it purports to require Responding Party to disclose
13 information that is a trade secret, confidential, proprietary, commercially sensitive, or information
14 that is protected by rights of privacy.

15 In Addition, this Document Request is overly broad because it seeks the production of
16 documents beyond the scope of issues directly related to the pending motion for a preliminary
17 injunction. Responding Party, subject to and without waiving said objections, will produce all
18 documents relating to the Injunction Issues that are responsive to this Document Request.

19 **REQUEST NO. 96:**

20 Please produce a copy of any and all documents, writings, and/or communications that LVDF
21 used to calculate, support, or otherwise establish the \$345,787.24 allegedly owed to LVDF as stated
22 in the document entitled Notice of Breach, Default and Election to Sell Under Deed of Trust
23 (recorded on Jan. 18, 2019, as Document #905512 in the Nye County Official Records).

24 **RESPONSE TO REQUEST NO. 96:**

25 Responding Party objects to this Document Request on grounds that it is duplicative to other
26 Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks
27 documents that are already in possession of Requesting Party or readily available to Requesting
28

1 Party.

2 **REQUEST NO. 97:**

3 Please produce a copy of any and all documents, writings, and/or communications showing
4 the names and other demographical information pertaining to LVDF's Class B Members, as defined
5 in LVDF's Operating Agreement dated March 26, 2014.

6 **RESPONSE TO REQUEST NO. 97:**

7 Responding Party objects to this Document Request on grounds that it lacks foundation; it
8 is burdensome and oppressive because it seeks documents that are already in possession of
9 Requesting Party or readily available to Requesting Party; it seeks information protected by the
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party to
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
12 information that is protected by rights of privacy.

13 In Addition, this Document Request is overly broad because it seeks the production of
14 documents beyond the scope of issues directly related to the pending motion for a preliminary
15 injunction.

16 **REQUEST NO. 98:**

17 Please produce a copy of any and all documents, writings, and/or communications showing
18 the names and other demographical information pertaining to LVDF's distributions and investment
19 returns made to its Class B Members, as defined in LVDF's Operating Agreement dated March 26,
20 2014.

21 **RESPONSE TO REQUEST NO. 98:**

22 Responding Party objects to this Document Request on grounds that it lacks foundation; and
23 it seeks information protected by the attorney-client privilege and work product doctrine; and it
24 purports to require Responding Party to disclose information that is a trade secret, confidential,
25 proprietary, commercially sensitive, or information that is protected by rights of privacy.

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary

28

1 injunction.

2 **REQUEST NO. 99:**

3 Please produce a copy of any and all account statements, from each and every account's
4 initial opening date to the present time, for the account(s) used to hold 25% of the actual, potential,
5 or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was earmarked for
6 refunds in the event of a USCIS rejection of a particular investor's I-829 petition.

7 **RESPONSE TO REQUEST NO. 99:**

8 Responding Party objects to this Document Request on grounds that it seeks information
9 protected by the attorney-client privilege and work product doctrine; and it purports to require
10 Responding Party to disclose information that is a trade secret, confidential, proprietary,
11 commercially sensitive, or information that is protected by rights of privacy.

12 In Addition, this Document Request is overly broad because it seeks the production of
13 documents beyond the scope of issues directly related to the pending motion for a preliminary
14 injunction.

15 **REQUEST NO. 100:**

16 Please produce a copy of any and all account statements, from each and every account's
17 initial opening date to the present time, for the account(s) used to receive, house, and/or distribute
18 the money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

19 **RESPONSE TO REQUEST NO. 100:**

20 Responding Party objects to this Document Request on grounds that it seeks information
21 protected by the attorney-client privilege and work product doctrine; and it purports to require
22 Responding Party to disclose information that is a trade secret, confidential, proprietary,
23 commercially sensitive, or information that is protected by rights of privacy.

24 In Addition, this Document Request is overly broad because it seeks the production of
25 documents beyond the scope of issues directly related to the pending motion for a preliminary
26 injunction.

27

28

1 **REQUEST NO. 101:**

2 Please produce a copy of any and all manuals, memoranda, circulars, announcements, emails,
3 and/or other documents that establish, govern, amend, or otherwise control LVDF's receipt,
4 handling, control, utilization, and/or distribution of the money received from the actual, potential,
5 or prospective EB-5 investors and/or EB-5 visa applicants.

6 **RESPONSE TO REQUEST NO. 101:**

7 Responding Party objects to this Document Request on grounds that it lacks foundation; it
8 is vague and ambiguous as to multiple terms; it is compound as to legal issues and facts; seeks
9 information protected by the attorney-client privilege and work product doctrine; and it purports to
10 require Responding Party to disclose information that is a trade secret, confidential, proprietary,
11 commercially sensitive, or information that is protected by rights of privacy.

12 In Addition, this Document Request is overly broad because it seeks the production of
13 documents beyond the scope of issues directly related to the pending motion for a preliminary
14 injunction.

15 **REQUEST NO. 102:**

16 Please produce a copy of any and all documents showing, recording, and/or memorializing
17 LVDF's distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any
18 members (as defined in LVDF's operating agreement) of LVDF who are not already parties to this
19 lawsuit.

20 **RESPONSE TO REQUEST NO. 102:**

21 Responding Party objects to this Document Request on grounds that it lacks foundation; it
22 is vague and ambiguous as to multiple terms; it is compound as to legal issues and facts; seeks
23 information protected by the attorney-client privilege and work product doctrine; and it purports to
24 require Responding Party to disclose information that is a trade secret, confidential, proprietary,
25 commercially sensitive, or information that is protected by rights of privacy.

26 In Addition, this Document Request is overly broad because it seeks the production of
27 documents beyond the scope of issues directly related to the pending motion for a preliminary
28

1 injunction.

2 **REQUEST NO. 103:**

3 Please produce a copy of any and all documents, writings, and/or communications showing
4 or demonstrating Defendant Linda Stanwood's involvement and/or professional history with LVDF,
5 specifically her history as a Senior Vice President and/or member and/or manager and/or employee
6 of LVDF, including, but not limited to, her start date(s) and participation in the management and
7 operation of LVDF and its affairs.

8 **RESPONSE TO REQUEST NO. 103:**

9 Responding Party objects to this Document Request on grounds that it lacks foundation; is
10 vague and ambiguous as to multiple terms; it is compound as to issues and facts; it is duplicative to
11 other Document Requests contained herein and herewith; it is burdensome and oppressive because
12 it seeks documents that are already in possession of Requesting Party or readily available to
13 Requesting Party; it seeks information protected by the attorney-client privilege and work product
14 doctrine; and it purports to require Responding Party to disclose information that is a trade secret,
15 confidential, proprietary, commercially sensitive, or information that is protected by rights of
16 privacy.

17 In Addition, this Document Request is overly broad because it seeks the production of
18 documents beyond the scope of issues directly related to the pending motion for a preliminary
19 injunction.

20 **REQUEST NO. 104:**

21 Please produce a copy of any and all communications between LVDF and Kathryn Holbert,
22 Esq., in her capacity as prospective and/or actual substitute trustee under the Construction Deed of
23 Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing (recorded on Oct.
24 13, 2016, as Document #860867 in the Nye County Official Records).

25 **RESPONSE TO REQUEST NO. 104:**

26 Responding Party objects to this Document Request on grounds that it seeks information
27 protected by the attorney-client privilege and work product doctrine; and it purports to require

1 Responding Party to disclose information that is a trade secret, confidential, proprietary,
2 commercially sensitive, or information that is protected by rights of privacy.

3 In Addition, this Document Request is overly broad because it seeks the production of
4 documents beyond the scope of issues directly related to the pending motion for a preliminary
5 injunction.

6 **REQUEST NO. 105:**

7 Produce a copy of any and all communications between LVDF and Chicago Title Company,
8 in its capacity as trustee under the Construction Deed of Trust, Security Agreement, Assignment of
9 Leases and Rents and Fixture Filing (recorded on Oct. 13, 2016, as Document #860867 in the Nye
10 County Official Records).

11 **RESPONSE TO REQUEST NO. 105:**

12 Responding Party objects to this Document Request on grounds that it seeks information
13 protected by the attorney-client privilege and work product doctrine; and it purports to require
14 Responding Party to disclose information that is a trade secret, confidential, proprietary,
15 commercially sensitive, or information that is protected by rights of privacy.

16 In Addition, this Document Request is overly broad because it seeks the production of
17 documents beyond the scope of issues directly related to the pending motion for a preliminary
18 injunction.

19 **REQUEST NO. 106:**

20 Produce a copy of any and all communications between LVDF and the actual, potential, or
21 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2019.

22 **RESPONSE TO REQUEST NO. 106:**

23 Responding Party objects to this Document Request on grounds that it seeks information
24 protected by the attorney-client privilege and work product doctrine; and it purports to require
25 Responding Party to disclose information that is a trade secret, confidential, proprietary,
26 commercially sensitive, or information that is protected by rights of privacy.

27 In Addition, this Document Request is overly broad because it seeks the production of
28

1 documents beyond the scope of issues directly related to the pending motion for a preliminary
2 injunction.

3 **REQUEST NO. 107:**

4 Produce a copy of any and all communications between LVDF and the actual, potential, or
5 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2018.

6 **RESPONSE TO REQUEST NO. 107:**

7 Responding Party objects to this Document Request on grounds that it seeks information
8 protected by the attorney-client privilege and work product doctrine; and it purports to require
9 Responding Party to disclose information that is a trade secret, confidential, proprietary,
10 commercially sensitive, or information that is protected by rights of privacy.

11 In Addition, this Document Request is overly broad because it seeks the production of
12 documents beyond the scope of issues directly related to the pending motion for a preliminary
13 injunction.

14 **REQUEST NO. 108:**

15 Produce a copy of any and all communications between LVDF and the actual, potential, or
16 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2017.

17 **RESPONSE TO REQUEST NO. 108:**

18 Responding Party objects to this Document Request on grounds that it seeks information
19 protected by the attorney-client privilege and work product doctrine; and it purports to require
20 Responding Party to disclose information that is a trade secret, confidential, proprietary,
21 commercially sensitive, or information that is protected by rights of privacy.

22 In Addition, this Document Request is overly broad because it seeks the production of
23 documents beyond the scope of issues directly related to the pending motion for a preliminary
24 injunction.

25 **REQUEST NO. 109:**

26 Produce a copy of any and all communications between LVDF and the actual, potential, or
27 prospective EB-5 investors and/or EB-5 visa applicants, for the year 2016.

1 **RESPONSE TO REQUEST NO. 109:**

2 Responding Party objects to this Document Request on grounds that it seeks information
3 protected by the attorney-client privilege and work product doctrine; and it purports to require
4 Responding Party to disclose information that is a trade secret, confidential, proprietary,
5 commercially sensitive, or information that is protected by rights of privacy.

6 In Addition, this Document Request is overly broad because it seeks the production of
7 documents beyond the scope of issues directly related to the pending motion for a preliminary
8 injunction.

9 **REQUEST NO. 110:**

10 Produce a copy of each and every Private Placement Memorandum that LVDF delivered to
11 the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

12 **RESPONSE TO REQUEST NO. 110:**

13 Responding Party objects to this Document Request on grounds that it seeks information
14 protected by the attorney-client privilege and work product doctrine; and it purports to require
15 Responding Party to disclose information that is a trade secret, confidential, proprietary,
16 commercially sensitive, or information that is protected by rights of privacy.

17 In Addition, this Document Request is overly broad because it seeks the production of
18 documents beyond the scope of issues directly related to the pending motion for a preliminary
19 injunction.

20 **REQUEST NO. 111:**

21 Please provide any and all documents which relate to and/or account for any and all funds
22 you have received from Front Sight directly or which you know to originate from Front Sight,
23 including all money received by you from Plaintiff, how said funds were spent, identification of who
24 received any portion of the funds, and any and all documentation to support or justify payments made
25 or funds spent.

26 **RESPONSE TO REQUEST NO. 111:**

27 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous; it is duplicative to other Document Requests contained herein and herewith; it is
2 burdensome and oppressive because it seeks documents that are already in possession of
3 Requesting Party or readily available to Requesting Party; it seeks information protected by the
4 attorney-client privilege and work product doctrine; and it purports to require Responding Party
5 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
6 information that is protected by rights of privacy.

7 In Addition, this Document Request is overly broad because it seeks the production of
8 documents beyond the scope of issues directly related to the pending motion for a preliminary
9 injunction. Responding Party, subject to and without waiving said objections, will produce all
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11
12 DATED: July 24, 2019

FARMER CASE & FEDOR

13
14 /s/ Kathryn Holbert
15 ANTHONY T. CASE, ESQ.
16 Nevada Bar No. 6589
17 tcase@farmercase.com
18 KATHRYN HOLBERT, ESQ.
19 Nevada Bar No. 10084
20 kholbert@farmercase.com
21 FARMER CASE & FEDOR
22 2190 E. Pebble Rd., Suite #205
23 Las Vegas, NV 89123
24 Telephone: (702) 579-3900
25 Facsimile: (702) 739-3001

26 C. KEITH GREER, ESQ.
27 Cal. Bar. No. 135537 (Pro Hac Vice)
28 Keith.greer@greerlaw.biz
GREER & ASSOCIATES, A.P.C.
17150 Via Del Campo, Suite #100
San Diego, California 92128
Telephone: (858) 613-6677
Facsimile: (858) 613-6680

Attorneys for Defendants
LAS VEGAS DEVELOPMENT FUND LLC.
EB5 IMPACT CAPITAL REGIONAL CENTER,
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT
W. DZIUBLA, JON FLEMING and LINDA
STANWOOD

1 CASE NO. A-18-781084-B

2 DOCKET U

3 DEPT. XVI

4

5

6

DISTRICT COURT

7

CLARK COUNTY, NEVADA

8

* * * * *

9 FRONT SIGHT MANAGEMENT LLC,)

10 Plaintiff,)

11 vs.)

12 LAS VEGAS DEVELOPMENT FUND LLC,)

13 Defendant.)

14 -----)

15

REPORTER'S TRANSCRIPT

16

OF
HEARING

17

18

BEFORE THE HONORABLE JUDGE TIMOTHY C. WILLIAMS

19

DISTRICT COURT JUDGE

20

21

DATED FRIDAY, SEPTEMBER 20, 2019

22

23

24

25

REPORTED BY: PEGGY ISOM, RMR, NV CCR #541

Peggy Isom, CCR 541, RMR

(702)671-4402 - CROERT48@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

FOR THE DEFENDANT:

FARMER, CASE & FEDOR
 BY: KATHRYN HOLBERT, ESQ.
 2510 WIGWAM PARKWAY
 SUITE 206
 HENDERSON, NV 89074
 (702) 579-3900
 KHOLBERT@FARMERCASE.COM

PRO HAC VICE:

GREER & ASSOCIATES
 BY: KEITH GREER, ESQ.
 17150 VIA DEL CAMPO
 SUITE 100
 SAN DIEGO, CA 92127
 (858) 613-6677
 (858) 613-6680 Fax
 KEITH.GREER@GREERLAW.BIZ

Peggy Isom, CCR 541, RMR
 (702) 671-4402 - CROERT48@GMAIL.COM
 Pursuant to NRS 239.053, illegal to copy without payment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES CONTINUED:

FOR THE PLAINTIFF:

ALDRICH LAW FIRM
BY: JOHN ALDRICH, ESQ.
1601 SOUTH RAINBOW AVENUE
SUITE 160
LAS VEGAS, NV 89146
(702) 853-5490
(702) 227-1975 Fax
JALDRICH@JOHNALDRICHLAWFIRM.COM

* * * * *

Peggy Isom, CCR 541, RMR
(702) 671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

1 LAS VEGAS, NEVADA, FRIDAY, SEPTEMBER 20, 2019

2 9:11 A..M.

3 P R O C E E D I N G S

4 * * * * *

09:11:05 5

6 THE COURT: All right. Let's go ahead and
7 place our appearances on the record.

09:37:34 10

8 MR. ALDRICH: Good morning, your Honor. John
9 Aldrich on behalf of the plaintiff. Seated at counsel
10 table helping me is my assistant, Traci Bixenmann. And
11 seated behind me in the courtroom is Dr. Ignatius
12 Piazza and Mike Meacher on behalf of Front Sight.

13 THE COURT: Okay.

09:37:45 15

14 MS. HOLBERT: Good morning, your Honor.
15 Kathryn Holbert on behalf of defendants.

16 MR. GREER: Keith Greer, your Honor, also on
17 behalf of defendants. And with me today is Robert
18 Dziubla and also Jon Fleming.

09:37:57 20

19 THE COURT: All right. Once again, good
20 morning.

21 And I see we have a few items on. Where do we
22 go from here? What do you think is first up? Which
23 makes sense?

09:38:06 25

24 MR. GREER: Does the Court not have a
25 preference?

09:38:07 1 THE COURT: I -- you know what? I feel
2 lawyers typically have a better idea as to the impact,
3 and so I tend to follow their lead.

4 MR. GREER: We're hoping you did, so --

09:38:16 5 THE COURT: Okay.

6 MR. ALDRICH: Probably the big one makes sense
7 first, the motion to dissolve the TRO, and for
8 appointment of receiver. There's several motions, but
9 that seems like --

09:38:29 10 THE COURT: There is a lot.

11 MR. ALDRICH: -- that's a good place to start.

12 MR. GREER: We just have the two, right?

13 MS. HOLBERT: We all have the motions to
14 quash.

09:38:35 15 THE COURT: There is a motion to quash.

16 MR. GREER: Okay.

17 THE COURT: Subpoenas. Continuation of the
18 preliminary injunction hearing. Motion to dissolve the
19 TRO. Appoint a receiver.

09:38:49 20 MR. ALDRICH: And motion to bifurcate.

21 THE COURT: Yes, and motion to bifurcate.
22 There is a lot going on.

23 MR. GREER: Yes.

24 THE COURT: A lot of moving parts too, right?

09:38:56 25 MS. HOLBERT: Right.

09:38:57 1 MR. GREER: Yes, your Honor. I'm good with
2 the TRO going first. I think that's the most
3 significant probably of all the motions, your Honor.
4 Could we do that first, please, your Honor?

09:39:05 5 THE COURT: You sure can. Whatever you feel
6 is appropriate, we'll run with that.

7 MR. GREER: Your Honor, this -- the Court will
8 recall that the TRO was entered -- the first one was
9 entered now almost nine months ago. And at that time
09:39:18 10 we, on behalf of Las Vegas Development Fund, put into
11 evidence that there were about a dozen or so defaults
12 of the construction loan agreement here. All of them
13 with the exception of failure to pay default interest
14 and failure to pay attorney's fees were performance
09:39:38 15 covenants, not monetary.

16 And the courts, in granting the TRO at that
17 time, in an effort to maintain the status quo made the
18 decision that without monetary defaults the status quo
19 could be maintained. Front Sight continued to make its
09:39:57 20 monthly interest payments up until three months ago.
21 When the first one ended, the controversy started. And
22 now when it became apparent that Front Sight has no
23 intent to ever make any interest payments, we now have
24 instead of a status quo being maintained with the
09:40:13 25 Court's order, we have the Court's order now

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:40:17 1 maintaining a changed status quo which includes
2 monetary defaults. So in light of that status quo
3 changing and in light of the very significant monetary
4 defaults now occurring, we deemed it appropriate to
09:40:29 5 come in to your Honor and request that the TRO be
6 dissolved.

7 We've submitted in our briefs the North versus
8 Bank of America case in which it says the Court does
9 have the discretion to dissolve a TRO when there has
09:40:44 10 been a change in the status quo.

11 Here, there's -- it's imperative that in order
12 to maintain that TRO that the moving party for the TRO
13 show that they have a likelihood of winning. And it's
14 now just when Front Sight is not making any payments on
09:41:03 15 a loan, it is impossible for them to prevail in the
16 end.

17 There can be all kinds of arguments aside and
18 all kinds of damage issues they can throw out there,
19 but the bottom line they can't get around, they can't
09:41:15 20 argue around is the fact that they are not making
21 payments, and that is a material provision of the
22 contract. And every -- this whole process is set in
23 place so that lenders can have security or when the
24 borrower doesn't make their payments they can go in and
09:41:29 25 get relatively quick relief. That encourages the

Peggy Isom, CCR 541, RMR
(702) 671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:41:32 1 borrowers, obviously, to make those payments.
2 Now, of course, what's happened with this TRO
3 being in place -- which, you know, by law should have
4 been resolved within 15 days; we submit that we
09:41:44 5 stipulated to, you know, waiving that 15 days. But
6 unfortunately what has happened is it's then had Las
7 Vegas Development Fund's hands tied behind its back
8 during this process and it's at the mercy of the
9 Court's calendar, Mr. Piazza's calendar, Mr. Aldrich's
09:42:02 10 calendar, and my calendar, I guess, to a certain extent
11 to get all these witnesses heard that need to be heard
12 in order to make a decision on the preliminary
13 injunction.
14 So now this TRO is maintaining a different set
09:42:15 15 of facts than the status quo that was originally
16 established. And unless we dissolve it, it's going to
17 continue to hamper and hinder Las Vegas Development
18 Fund's ability to go forward with foreclosure on the
19 loan until the preliminary injunction hearing is done.
09:42:30 20 And so I think that's -- factually there is a
21 strong basis mandating dissolution of the TRO and also
22 just in the interest of fairness and procedurally,
23 right now the advantage is in the borrower's court to
24 drag this thing out as long as they can because they're
09:42:51 25 getting their relief. They've got \$6.75 million worth

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:42:56 1 of loan. They're not making any interest payments on
2 it. And so they're just doing whatever they want to
3 do, and the lender is just stuck over here waiting for
4 the preliminary injunction process to go.

09:43:05 5 I think that if the TRO gets dissolved as it
6 should be, that would then put the burden on the
7 borrower to expeditiously get through the rest of this
8 preliminary injunction process and maybe we wouldn't
9 see witnesses be on the stand for two days when
09:43:20 10 actually an hour's worth of testimony would be
11 sufficient to get in the evidence necessary for the
12 preliminary injunction motion.

13 I think there is some distractions in Front
14 Sight's papers. They submit the declaration of the
09:43:35 15 statement of Ms. DeBono on the EB5 issues. Remember,
16 your Honor, this isn't an EB5 debate. This is a breach
17 of contract. This is the breach of a loan agreement.
18 So we can talk about whether or not jobs are created,
19 whether they're not -- and, by the way, we take great
09:43:52 20 exception to the findings of both Ms. DeBono and the
21 EB5 economic analysis that the plaintiffs have now
22 submitted at the last minute.

23 But -- and we can talk about those if the
24 Court wants to. They're all smoke and mirrors.
09:44:09 25 They're not real. This new loan agreement that now

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:44:13 1 showed up yesterday at a rate of 12 percent with a
2 personal guarantee required of Dr. Piazza --
3 Mr. Piazza -- I'm sorry -- is fake. He's not going to
4 do it. He's had -- he's had two loan offers with
09:44:27 5 better terms than this that he turned down. But he is
6 not going to sign something that is a personal
7 guarantee. This is thrown in at the last minute to try
8 and -- with some argument to stop the inevitable, which
9 is this Court stepping in and dissolving the TRO
09:44:43 10 because they are not making their payments.

11 The Court will note that -- there's evidence
12 already before this Court that Front Sight has a
13 \$36 million line of credit at 7 percent, 5 percent
14 lower than the current proposal, alleged proposal, with
09:45:03 15 no personal guarantee, but they have failed to use any
16 of it. They've got \$36 million of much less expensive
17 money sitting there that they're not using, which
18 really goes to show that this is just a last-minute
19 sham, you know, more hocus-pocus, smoke and mirrors on
09:45:19 20 the eve of what is going to be -- presuming the Court
21 rules in our favor -- the result which is going to
22 release the TRO.

23 I will note then also, your Honor, it's
24 important that with regard to any unclean hands issue,
09:45:31 25 first of all, and this is fortunately where it ties

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:45:35 1 into the motion to bifurcate, there -- and I'm going to
2 have a little bit of overlap here. There is -- there
3 are clearly two separate cases here.

4 There is a case involving allegations that EB5
09:45:48 5 Impact Advisors didn't raise as much money as they were
6 supposed to, and plaintiff is alleging that they spent
7 the money that they were given in a way that they don't
8 agree with. That's one case. That is a monetary
9 damage case. That's a separate case.

09:46:07 10 Then on May 12th, 2016, there is a change in
11 the fact pattern here. And this is where the cases
12 diverge and separate because at that point in time --
13 and this is already before the Court. And I attached
14 also a copy of this email with our brief. At that
09:46:27 15 point in time, Mr. Dziubla says: Hey, this is what we
16 have. The money isn't what we expected, but now we
17 need to decide what do we do with these EB5 investors'
18 money that we gathered at this point in time, and gave
19 Front Sight three choices: One, we can give it back to
09:46:45 20 the investors and walk away. Two, they can purchase --
21 Front Sight can purchase the resource center and start
22 running this show on their own. Or three, let's drop
23 the minimum raise issue and let's just lend the money
24 that we have at this point in time.

09:47:05 25 So even in light of any alleged

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:47:07 1 misrepresentations, misunderstandings, up to that point
2 in time the parties were at a point where they're
3 saying, Okay, here's this amount of money. What are we
4 going to do with it?

09:47:17 5 And Front Sight says, You know what? Let's
6 borrow it.

7 So at this point in time then, now we have
8 innocent third-party investors, the EB5 investors now
9 are involving in. This is the separate case too. This
09:47:32 10 is a standard straightforward borrower-lender dispute.

11 And -- and whether -- the issue on that case
12 is simply whether or not the lender did what it's
13 supposed to do in lending the money and whether or not
14 the borrower did what it's supposed to do which
09:47:48 15 includes making the monthly payments they're not
16 making, providing EB5 documentation, providing plans,
17 giving access to the property, and the litany of other,
18 you know, requirements which we've shown they've
19 breached.

09:48:00 20 The reason why I use -- discuss those two
21 cases in my argument to segue into the unclean hands
22 argument is because the law is clear that an unclean
23 hands argument doesn't apply when innocent third
24 parties are going to be impacted.

09:48:15 25 So even -- first of all, any prior

09:48:18 1 misrepresentations don't matter because we have this
2 May 2016 parting of the cases.

3 But, two, we've got now the innocent third
4 parties being involved, which means that there's --
09:48:31 5 anything done in the past can -- by somebody that would
6 be impacting them cannot be allowed to happen on the
7 allegation of unclean hands on the part of the LVD
8 Fund.

9 Another issue, too, your Honor, is -- and
09:48:59 10 this -- well, you know what? This goes to the
11 bifurcation. There is a little bit of overlap. I can
12 save these other arguments for the bifurcation part of
13 the case. Just note that this is another reason why
14 they're separate and makes them two separate cases here
09:49:13 15 is that the Court will note we've cited in our briefs
16 that the construction loan agreement states that the
17 borrower waives any right to a jury trial on any claims
18 arising out of the loan or the loan agreement. So that
19 makes this -- these -- the loan case one that's totally
09:49:30 20 separate that can be heard by the Court.

21 And actually I'm segueing now into the
22 bifurcation motion which since -- can we just do them
23 both at the same time? Can I just segue since they
24 kind of overlap?

09:49:42 25 THE COURT: That's fine.

09:49:42 1 (Unreportable cross-talk)

2 THE COURT REPORTER: I can't hear what you're

3 saying, Mr. Aldrich.

4 MR. ALDRICH: I'm sorry. I was asking --

09:49:45 5 (Unreportable cross-talk)

6 THE COURT REPORTER: Sorry. I need one at a

7 time.

8 MR. ALDRICH: -- because they were in a motion

9 together.

09:49:51 10 THE COURT: The appointment of a receiver

11 issue?

12 MR. GREER: Yes.

13 MR. ALDRICH: Correct.

14 I apologize.

09:49:57 15 MR. GREER: It's, yeah, maybe best just to

16 keep these all succinct rather than thrown out in the

17 middle.

18 With regard to the receiver, your Honor, we'll

19 note that there is a contractual provision in the

09:50:08 20 consumer loan agreement that allows for it. There is

21 also, by law, a right to do it. The opposition, the

22 plaintiff has said that it shouldn't be appointed

23 because there is no risk of losing the property.

24 Well, it's wrong for two reasons. One, the

09:50:27 25 risk of loss of the property isn't the most important

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:50:30 1 aspect of a need for the receiver. And this is why
2 it's in the contract as part of this -- of this loan.
3 This is EB5 investor money. This isn't the kind of
4 loan that if you just default on the loan, you can give
09:50:43 5 the money back, you can rescind the contract and just
6 give the money back, or you can go into foreclosure and
7 money damages are going to take care of it.

8 The reason these investors got into this was
9 because of their path to citizenship. And in order to
09:50:59 10 make that happen here, the receiver is going to be
11 necessary because the project really needs to be
12 completed. There needs to be work done on the project.
13 It needs to proceed. It has not been proceeding.

14 I presume if Mr. Piazza gets on the stand
09:51:11 15 today we'll find out that there has been no work done
16 on it. Even though plenty of money is coming in to
17 Front Sight, the money is not being spent on building
18 vertical structures which are necessary to complete the
19 property -- the project.

09:51:21 20 That is why a receiver is needed, one thing.

21 Two, another impact of EB5 money is that
22 Mr. Dziubla has reporting requirements. We're getting
23 towards the end of the year now. He's going to have to
24 make an annual report, and he's going to need access to
09:51:38 25 documents and information, things as simple as bank

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:51:41 1 statements which we have never seen. And the only way
2 that this is going to happen is if a receiver is
3 reported -- is appointed to protect the interests of
4 the innocent third-party EB5 investors.

09:51:54 5 We're not going to see the information we
6 need. We're not going to see the documentation we
7 need. We're not going to see the project move forward
8 as it should in good-faith compliance with the terms of
9 the agreement. The completion date for the project as
09:52:07 10 agreed to in the contract is October 4th, two weeks --

11 MS. HOLBERT: Two weeks.

12 MR. GREER: -- two weeks today, and we don't
13 have any vertical structures even started yet. It's
14 not going to happen.

09:52:18 15 Back when this argument came up before the
16 Court a number of months ago, it was, well, we still
17 have five, six months to go; maybe they can pull this
18 all together. Your Honor, it's not happening in two
19 weeks.

09:52:26 20 And so now we're really in a jam. And we've
21 submitted before the Court previously writings from
22 plaintiff's expert, Ms. DeBono, who talks about once
23 you see a situation where the borrower is not giving
24 access to records, not providing documentation, not
09:52:41 25 proceeding with the project, those are all red flags

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:52:43 1 that the Court needs to step in and do something.

2 So, you know, the bottom line here, your
3 Honor, this is a situation that calls out for the Court
4 to intervene to protect innocent third parties.

09:52:56 5 Step one is -- to help those innocent third
6 parties is to stop not allowing Las Vegas Development
7 Fund from doing its job in protecting these investors
8 and lift the TRO so they can proceed with the
9 foreclosure process.

09:53:10 10 There was, Mr. Aldrich's papers. He mentioned
11 something about a defective notice being filed, taking
12 issue with Ms. Holbert as the trustee. No cited
13 authority anywhere. But you know what? If those are
14 issues, those should be dealt with in the normal course
09:53:31 15 of the foreclosure process, not inhibited by a TRO that
16 if we -- if the lender does determine that they need to
17 file an amended notice, they can't even do that now
18 because we have this TRO keeping them from doing any
19 additional foreclosure process.

09:53:46 20 So at this point in time, it's important that
21 we pull the TRO, let the lender move forward as they
22 should; two, and the Court has to appoint a receiver
23 under the Court's direction and guidance to make sure
24 that Front Sight complies with the terms of the loan
09:54:05 25 and protects the EB5 investors.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:54:09 1 Again, Mr. Aldrich mentioned in his papers
2 that he says there are already enough jobs created and
3 that can be battled out later. We disagree. That's
4 going to require experts. There's all kind of holes in
09:54:20 5 their arguments.

6 But the bottom line we need to do is get rid
7 of this TRO and appoint the receiver so this thing can
8 get going on the track. And the Court can also have
9 somebody report to your Honor that is a disinterested
09:54:32 10 third party, an officer of the court who the Court can
11 trust and believe and not have to discern between the,
12 you know, sometimes very divergent arguments between
13 two opposing counsel.

14 It's just I hate to see two dogs pulling at
09:54:47 15 each other, and that meat in the middle is EB5
16 investors are the ones that are getting harmed, your
17 Honor.

18 That's all I have for now.

19 THE COURT: Thank you, sir.

09:54:57 20 MR. GREER: Any questions, your Honor?

21 MR. ALDRICH: Good morning, your Honor. One
22 of the first things out of Mr. Greer's mouth a minute
23 ago was that months ago defendants put into evidence
24 the alleged defaults. Then he went on to say that
09:55:27 25 Front Sight has defaulted by not paying July, August,

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:55:33 1 and September, and that they're never going to pay
2 again. And then he talked about this monetary default.
3 I wrote it once and wrote three tabs next to it, so it
4 came up at least four times.

09:55:46 5 I've got a wire transfer receipt that says
6 Front Sight transferred money on the 17th of this week
7 to make those three payments.

8 I want to remind the Court we filed a motion
9 in July asking for a separate lockbox account because
09:56:09 10 Front Sight has been defrauded and they wanted to stop
11 having to pay under that fraud. Your Honor denied that
12 motion.

13 Notice of entry of that motion was entered on
14 Friday of last week. So there was one judicial day in
09:56:23 15 between the entry of that order and Front Sight
16 deciding to pay or making that payment.

17 Now, we -- that has become an issue.
18 Mr. Dziubla submitted a declaration that was supposedly
19 signed on Monday that said that payment had not been
09:56:40 20 made or those three payments had not been made. It
21 wasn't filed with the Court until very late on
22 Wednesday. But nonetheless, those are inaccurate
23 factual statements that are essentially the only new
24 basis for the relief that the defendants are seeking
09:57:00 25 right now.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:57:02 1 And so I want to address these defaults a
2 little bit. We've been through this already and back
3 in February went through a lot of these things. But we
4 were very careful to walk through each of the
09:57:22 5 arguments. The first argument was improper use of loan
6 funds.

7 Now, my brief walks through, there are four
8 provisions that talk about how the funds can be used.
9 And the defendants don't cite to any evidence to
09:57:39 10 support the claim of inappropriate use of funds.
11 Mr. Dziubla and defendants just continue to say that
12 they misused the funds.

13 Now, we went out and hired these two
14 experts -- I provided those reports to your Honor as
09:57:53 15 quickly as I could -- who are two of the most respected
16 people, to do these jobs reports. They used the
17 information -- the same information Mr. Dziubla has.
18 And they were able to do their analysis just fine and,
19 in fact, have found that the jobs requirement has more
09:58:14 20 than been met by Front Sight.

21 Now, there's another aspect to that that I'll
22 get to in a minute. But it's important to note all
23 this information that's been provided, and I walked
24 through and laid it out, and those experts looked at
09:58:32 25 the information and summarized it for the Court, but

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

09:58:34 1 there's nothing that indicates that Front Sight has
2 misused the loan funds in any fashion pursuant to
3 what's allowed in the agreement or what's allowed under
4 USCIS guidelines. There's no evidence.

09:58:51 5 And I go back to Mr. Greer's first statement
6 is that he said that they put into evidence this
7 information. There isn't evidence and there still
8 isn't evidence because there isn't any.

9 And the next alleged default is failure to
09:59:11 10 provide government-approved plans for construction.
11 Now, that was still in their pleading papers again. We
12 went ahead and put in our pleading papers what we had
13 already responded to, which was that we hired an expert
14 witness to look at those things, and it walks through
09:59:29 15 and talks about how the loan proceeds can be paid, can
16 be used for any expense related to the project except
17 for interest payments made on the EB5 loan itself and
18 expenses of the EB5 lender in connection with the EB5
19 offering and the loan.

09:59:46 20 And then Ms. Holmes goes on and says:

21 "The second sentence also incorrectly
22 states that the construction schedule and
23 construction budget must be substantially
24 complied with in order to meet the immigrant
10:00:09 25 investors' obligations under the EB5 program.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:00:13 1 In fact, USCIS policy requires only that EB5
2 investors' capital be used to fund the project
3 described in the business plan filed with the
4 USCIS. There is no requirement that the
10:00:28 5 construction schedule or construction budget be
6 complied with in order for the EB5 investors to
7 obtain their visa.

8 "I have personally been engaged to provide
9 legal assistance on a number of EB5 projects
10:00:41 10 that had delays in construction and change in
11 size and scope which did not result in any EB5
12 investors losing their immigration benefit
13 under the EB5 program."

14 And then she talks about that it's quite
10:00:52 15 common that there are delays.

16 Towards the bottom of that:
17 "As long as the EB5 investors can show that
18 their capital is invested in the project
19 generally described in the business plan filed
10:01:04 20 with the USCIS, whether there were changes in
21 the size of the project, project budget or
22 construction timeline, the EB5 investors will
23 receive their visas so long as the number of
24 jobs created and the result of the work on the
10:01:19 25 project are sufficient for each investor in the

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:01:21 1

project.

2

"USCIS does not deny visas to EB5 investors

3

in projects where there has been a change in

4

construction schedule or construction budget."

10:01:31 5

A couple of important points here: That was

6

in a report we submitted back in February. We're now

7

seven months down the road, and there's nothing

8

provided by defendants to refute that. There's just

9

simply this allegation that we can't meet the

10:01:48 10

construction deadline and that there's -- you know,

11

we're not doing what we're supposed to do under the

12

project.

13

And so this is -- this -- there is going to be

14

a little bit of overlap to the motion to bifurcate

10:02:00 15

because one of the things that defendants are asking

16

this Court to do is to essentially disregard all of the

17

fraud in the inducement and enforce a contract that my

18

client was fraudulently induced into. There is a

19

provision of the contract that in itself is a

10:02:18 20

fraudulent inducement. They're relying on this

21

provision that -- of construction that full project

22

having to be completed. That's not the purpose here.

23

The purpose is for EB5 investors to be able to get

24

their citizenship or have their -- their visas

10:02:32 25

approved.

Peggy Isom, CCR 541, RMR

(702)671-4402 - CROERT48@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

10:02:34 1 We've met that. We've completed the project
2 for these investors under the EB5 program. That's
3 really important, because when Mr. Greer was up here,
4 he -- he mentioned unclean hands and he talks about
10:02:47 5 these innocent third-party investors.

6 Your Honor, more -- before this litigation
7 started, these jobs were done. These I-829
8 applications should have been submitted last year. So
9 you got these investors who's -- who are now -- this
10:03:08 10 project is tied up in litigation because of this notice
11 of default, when not only are we not in default because
12 we've met it, these innocent third-party investors that
13 the defendants keep referring to are being victimized
14 because the -- their applications are not moving
10:03:23 15 forward when we've met the job requirement.

16 And that is huge because there is -- I mean,
17 this -- the alleged breach here has nowhere and there
18 is -- it is not a breach in any respect. Mr. Dziubla
19 is going to have to answer to these investors as to why
10:03:42 20 he didn't move forward with their applications, but
21 that really has no place here.

22 The next allegation was that this Patriot
23 Pavilion has been reduced. Now, that's in there.
24 We've addressed that. Ms. Holmes has addressed that.
10:04:07 25 Here we are seven months later. Never been refuted.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:04:12 1 Next alleged breach, failure to obtain senior
2 debt. Now, this is an interesting point. I've
3 addressed previously that we have to use -- Front Sight
4 has to use best efforts. That's what the contract
10:04:26 5 requires.

6 Interestingly enough, when Mr. Dziubla caused
7 this -- the first frivolous notice of default to be
8 filed back in September, Front Sight lost someone who
9 was ready to give them a commitment.

10:04:41 10 So now we have this situation where these
11 alleged breaches, all of which have been refuted, all
12 of which are administrative in nature except for the
13 recent alleged monetary breach, caused them to not be
14 able to obtain senior debt.

10:04:58 15 Now, here we are, yes, I provided some
16 information yesterday, commitment letter from this
17 company, that is willing to do it.

18 Yet it's true those terms are not nearly as
19 favorable as Front Sight could have obtained prior to
10:05:13 20 this -- the two frivolous notices of default and intent
21 to sell being filed.

22 But that's where we are. And that's where
23 Front Sight is. And Front Sight has to do what it can.
24 Now, those are damages that go towards our claims, the
10:05:29 25 fact that they had to borrow at a higher rate and

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:05:31 1 whatever else, whatever other consequences there are
2 from that. But Front Sight is not in breach on that
3 allegation either.

4 The next one, failure to provide monthly
10:05:42 5 project cost. Again, not in default. I've gone
6 through and laid out all the information that's been
7 provided. And, again, I reiterate the fact that our
8 jobs expert people were -- were fine with the
9 information that was provided to them. And it shows
10:05:57 10 that we've more than met the job requirement.

11 The next one is failure to notify of an event
12 of default. Well, we are not in default, so there's no
13 default there under that one.

14 The eighth alleged notice of default -- or
10:06:17 15 alleged default -- I'm sorry -- is failure to inspect
16 the records. Well, I've cited in the brief,
17 Section 5.4, they're entitled to records pertaining to
18 the project and they're entitled access to inspect and
19 copy such books and records, meaning those related to
10:06:35 20 the project.

21 We've laid all that out. They've gotten
22 thousands and thousands of pages of documents. What we
23 haven't seen in this alleged breach is we haven't seen
24 anybody come in and say, Well, yes, you gave us some
10:06:51 25 information, but we need this, this, this, and this.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:06:54 1 That's not what happens here. It's just it's spewed
2 out there: Oh, we don't have -- we want more
3 information. You're in breach.

4 And I go back to that statement at the
10:07:05 5 beginning when Mr. Greer stood up and he said they had
6 "put into evidence." They didn't put into evidence.
7 They made more allegations that are not supported by
8 anything.

9 The ninth alleged breach is failure to allow
10:07:21 10 site inspection. Now, I've attached information
11 related to that. My recollection is the last site
12 inspection occurred on October 11th of last year.
13 Mr. Dziubla was out there. He brought some other
14 people with him. It's my recollection there were at
10:07:36 15 least a couple of more times where Mr. Dziubla
16 requested to go out there.

17 We were asking to do discovery. They were
18 asking to bring construction experts. I said, "If you
19 want to start discovery, we'll do that. Otherwise,
10:07:49 20 we're going to go ordinary course, which is Mr. Dziubla
21 can come out there and look."

22 He declined to go a couple of times. So this
23 allegation that we're not allowing him to go out there
24 is not accurate. It is accurate that I -- that I
10:08:02 25 personally told them if they were not willing to engage

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:08:06 1 in discovery with us and provide information, that we
2 were not going to allow the construction experts to go
3 out there until we were in discovery.

4 I will also note discovery has been open for a
10:08:17 5 couple of months and there has been no request to go
6 out there at all. So we're not in breach under that
7 one either.

8 The tenth alleged default is that we
9 haven't -- we have not provided EB5 information.

10:08:32 10 Again, we're not in default. There's been no
11 discussion or explanation or what is missing. Just
12 simply didn't provide EB5 information. Again, no
13 evidence and we're not in default.

14 The 11th and 12th default are alleged failure
10:08:52 15 to pay the default interest and the legal fees.

16 Now, another interesting point here that has
17 gone on. Obviously, we continue to maintain the
18 fraudulent inducement claims to enter into the CLA, and
19 that -- that we were fraudulently induced. However,
10:09:10 20 under the terms of the CLA and the attorney's fee
21 provision and the costs and all that, there is the term
22 "reasonable."

23 Now, even if Front Sight wants to come in and
24 say, Look, we're reserving our rights on the fraud,
10:09:26 25 we're going to cure this whole thing, we're entitled to

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:09:30 1 assess the reasonableness.

2 I have asked over and over and over again for
3 that information. I attached the emails where I asked
4 for it. In general, I didn't get any response at all.

10:09:44 5 We requested that information in request for production
6 of documents. We got nothing. We still have gotten
7 nothing.

8 So this allegation that we haven't paid
9 attorney's fees, default interest, anything else, we
10:09:59 10 don't need to pay default interest because we weren't
11 in default. We don't have to pay attorney's fees
12 because they will not -- they continue to refuse to
13 provide information to show reasonableness and by so
14 doing are just simply trying to thwart the entire
10:10:16 15 project and continue to allege breaches.

16 And I note -- and I noted in my brief --
17 they're asking for \$789,000 to cure without any
18 documentation at all.

19 All right. Then the last alleged default,
10:10:39 20 which is new to this set of pleadings, was failure to
21 abide by applicable laws and give notice of a criminal
22 complaint. And the criminal complaint was filed by
23 Mr. Dziubla and his wife against Ignatius Piazza in
24 California. It has nothing to do with the underlying
10:11:08 25 facts in this case, but that's just simply their

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:11:10 1 attempt to let the Court know that they filed a
2 criminal complaint. That's not a breach of anything.
3 I wanted to note and step back to the one
4 before, in my asking for the reasonable attorney's
10:11:23 5 fees. What I -- the last time, the response I got back
6 when I asked was pay the interest and we'll talk to you
7 about giving you the information for the reasonableness
8 of the attorney's fees.
9 Now, there is another thing that's happening
10:11:45 10 here that causes me great concern and causes my client
11 great concern. And that is we're moving forward on an
12 evidentiary hearing that has gone on now for a little
13 while. And we've had some scheduling issues and all
14 those other things. And we're now here on this motion
10:12:03 15 to dissolve the TRO because defendants are trying to
16 really just cram this down everybody's throat.
17 I just want to note we didn't -- discovery
18 didn't begin until the middle of July. The Court may
19 recall we were here on a motion for appointment of a
10:12:23 20 special master that the defendants were asking for.
21 They were claiming that we weren't providing
22 information, we, Front Sight, weren't providing them
23 information. And they came in and insisted on the
24 Court -- if the Court wasn't going to grant a special
10:12:40 25 master, at least allow them to have documents from us

Peggy Isom, CCR 541, RMR
(702) 671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:12:43 1 within 14 days. And that was in the middle of July.

2 And your Honor granted that request. And I
3 said to the Court, "Is there a limitation on that?"

4 And the Court said, "No."

10:12:54 5 And so I had my request for production ready
6 to go, and I sent them out that very day.

7 And I sent a whole bunch of requests. I sent
8 contention interrogatories, requests for a lot of
9 information. And to be completely candid with the
10:13:10 10 Court, to the six defendants, the total number was
11 about six -- a little -- between 550 and 600 requests
12 because there were contention interrogatories related
13 to denials in paragraphs and things like that.

14 I got responses back in 14 days as the Court
10:13:26 15 had ordered. I got an objection to every single
16 request. Not one objection, repeated, repeated,
17 repeated objections. Attorney-client privilege, no
18 privilege log, like, all kinds of stuff. Not one
19 document was identified. Not one.

10:13:44 20 We answered ours. Now, candidly, we had to do
21 more. We had to supplement because 14 days wasn't very
22 long, and theirs were less, in fairness to them.

23 But we identified them. We went through.
24 We've identified what documents we produced related to
10:14:00 25 each thing. We've -- not one thing.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:14:02 1 Now, when we came here on the 20th of August,
2 Mr. Greer brought me a stick with -- with documents on
3 it. I still don't have supplemental responses. I
4 respectfully call the document disclosure a -- I mean,
10:14:16 5 it's divided into some emails, but it's kind of a
6 document dump. It looks like they got shuffled a
7 little bit. But what's happening now is they're in
8 here going, Come on, your Honor, rule on this. Make
9 this TRO go away. This is nothing.

10:14:29 10 And I've been portrayed, by the way, as the
11 one who's delaying everything. I'm here trying to get
12 information so I can move forward too. I have filed a
13 motion to compel just last night. The Court will see
14 that eventually. But it's important for the Court to
10:14:42 15 understand what is going on here.

16 Now, we've walked through these things here.
17 And I address that because it talks about -- I'm sorry.
18 Give me just one second here.

19 We've walked through and talked about some of
10:15:09 20 the -- the defects that we saw. We've made the
21 argument that once an alleged monetary default occurs
22 there has to be a separate notice of default filed, and
23 we've cited the statute that talks about that,
24 107.8080.

10:15:29 25 And -- and then we've also provided some

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:15:33 1 analysis about the refusal to give the information that
2 we requested about the reasonableness of the attorney's
3 fees. We've also addressed this defect a little bit.

4 The operative deed of trust is the amended
10:15:49 5 deed of trust. Ms. Holbert, who signed the notice of
6 intent to sell, the brief -- the notice of breach --
7 was substituted as a trustee of the deed of trust, not
8 the amended deed of trust.

9 That means that Chicago Title is still the
10:16:05 10 trustee of the deed -- the amended deed of trust. And
11 we believe on that basis alone right now the Court can
12 just simply grant our motion for preliminary
13 injunction, expunge the notice of default. And then if
14 they decide they want to cure, they'll have to do that.
10:16:22 15 They probably will because they -- the last time the
16 Court expunged it, they filed the very next day again.
17 But that is -- that is fatal to their position.

18 All right. I want to talk about the
19 opposition to the motion to appoint a receiver as well.

10:16:52 20 So, I guess, before I do that, so I would
21 say -- this is what I would say: With regard to their
22 motion to dissolve the TRO, in summary, they are
23 nowhere close. It's just a supplemental opposition
24 anyway. They're nowhere close to showing that they
10:17:10 25 need -- it should be dissolved. And, in fact, as the

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:17:12 1 evidence has shown as we've gone through the hearing,
2 the Court will remember we -- I did talk to Mr. Dziubla
3 for two days where he admitted things like he had no
4 experience in EB5. And he hedged a little bit. He
10:17:24 5 worked on a project in 1990 as a lawyer. And then had
6 the San Diego project, but it didn't go to -- come to
7 fruition. But he was truthful that he has no
8 experience in EB5. That's hugely significant in all of
9 this.

10:17:44 10 And the Court has heard a lot of evidence --
11 and I want to go back over it, but I won't because the
12 Court has been patient with letting me lay some of this
13 out. But over and over and over again, things are
14 happening that were not appropriate. Took \$20,000 from
10:18:00 15 my client for a study and then kept the \$20,000 and
16 instead gave a 20 percent interest to the guy doing the
17 study in the regional center in an entity that he told
18 my client he had to fund, but couldn't be the owner of
19 because the government wouldn't allow it.

10:18:19 20 Not okay. Okay? All part of the fraud.

21 And then, like I said, where we are right now
22 I think the Court can just simply grant the preliminary
23 injunction and expunge the notice of default.

24 I also note along those lines we've addressed
10:18:44 25 every single alleged breach in this notice of default.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:18:46 1 We've addressed every single one.

2 And we have come in here and we have provided
3 the Court with evidence the jobs have been created,
4 everything that the Court needs to literally get rid of
10:18:58 5 this thing right now and grant that motion -- grant our
6 motion for preliminary injunction. There's not even a
7 need for more testimony on the issue.

8 And I want to address the motion for
9 appointment of receiver. And the Court is aware of the
10:19:13 10 case law that talks about it's a harsh and extreme
11 remedy if another remedy is available to achieve the
12 same outcome, the Court can't do it, can't appoint a
13 receiver. And I've gone through and talked about this,
14 but there's another -- another thing that's really
10:19:30 15 significant in this instance, and that is the case law
16 talks about how difficult it is when you appoint a
17 receiver, especially if it's a unique business, it
18 actually harms the business. We have a unique business
19 here. This is a firearms training center, and it is --
10:19:48 20 it's huge, and it is run by people who have run it as
21 it has grown. Not just anybody can walk in there and
22 take care of that.

23 And I will add -- I will remind the Court of
24 the evidence -- well, there isn't any evidence that
10:20:05 25 would require a receiver be appointed. We have some

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:20:08 1 stuff in here like we've got an allegation that --
2 about money and loans and all these different things.
3 But what don't we have? We don't have a forensic
4 accountant. We don't have an expert of some sort who
10:20:26 5 says any of this is true. It's, oh, we've looked at
6 these and then we threw some numbers out there, and
7 it's not adequately capitalized. We don't know that it
8 will -- that -- that it's worth more than -- than the
9 \$6.3 million.

10:20:39 10 Well, I've got somebody, as I've provided the
11 Court, Romspen, who's willing to loan \$30 million on
12 this property. There is just no evidence to back any
13 of that up.

14 The other thing is as I walk through all the
10:20:55 15 elements as I was looking for appointment of
16 receivership motions, they have to show -- they have to
17 show that the property is insufficient to discharge the
18 mortgage debt, which I just addressed. They can't.
19 They haven't. And it's because it doesn't exist.

10:21:11 20 And, again, this is the second time this
21 motion has been brought for a receiver, and there was a
22 special master one brought in the middle of the two.
23 And we're seven, eight months down the road from the
24 first one and we still have nothing.

10:21:26 25 The other thing, when I walk through these

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:21:30 1 cases, over and over and over again as they get more
2 and more into what elements there are that should be
3 considered, then it becomes even more apparent that a
4 receiver is absolutely not justified here.

10:21:45 5 And I've quoted cases, this Charmicor, I quote
6 on page 24, says:

7 "Although appellant alludes to many facts
8 in its brief which suggest that the property in
9 question is suffering from waste, those facts
10:22:02 10 are substantiated nowhere in the record before
11 us. The record is void of any evidentiary
12 matter proffered to the court below in support
13 of appellant's motion for the appointment of a
14 receiver."

10:22:12 15 That's exactly what we have right here. No
16 evidence that supports it. And it is more than fully
17 collateralized which really, by itself, makes that go
18 away.

19 Now, another thing that I wanted to point out
10:22:25 20 is that there were several citations in the defendant's
21 brief to cases that allegedly held that -- or they
22 quoted certain things that they were supposed to be in
23 support of their motion. I went through every single
24 one of those. And as I went through those, I saw over
10:22:47 25 and over again, some of them were a correct quote, but

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:22:50 1 it was like a quote of the facts below or something.
2 They really don't justify or support the holding that
3 they say it does.

4 And then I spent some time -- I'm sure the
10:23:02 5 Court read it -- analyzing the Sterling Savings Bank
6 case, and it listed nine factors. And I -- that was --
7 the Sterling Savings Bank case was one of those cases
8 where they quoted a little piece of it as if it
9 supported their position, and I walked through it.

10:23:19 10 There were nine factors. Some of those factors applied
11 here. I walked through and explained why there's no
12 basis at all for appointment of a receiver.

13 Anyway, I won't belabor the point. I had it
14 in a brief, but it was too long; I had to take some of
10:23:41 15 it out. I went through and addressed every single one
16 that just simply don't support it.

17 So as I said, we've addressed every breach.
18 This -- we should -- the motion for preliminary
19 injunction should be granted right now as we're
10:23:57 20 standing here. The motion to dissolve the TRO should
21 be denied. The motion for appointment of a receiver
22 should be denied.

23 Let me just take one second and make sure.
24 One of the things that -- a couple things that came up.
10:24:12 25 So Mr. Greer mentioned unclean hands and said that

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:24:16 1 unclean hands does not apply here and he talked about
2 where innocent third-party investors are involved.

3 Back to my point from earlier: The jobs
4 requirement for the -- for whatever investors there are
10:24:32 5 was met more than a year ago. Their I-829 applications
6 should have been submitted more than a year ago.

7 The defendant's hands are unclean as to their
8 investors. The doctrine of unclean hands does not bar,
9 though it is -- it still applies in this instance.

10:25:03 10 Let me just, one second, check my notes.

11 Just a couple of points. I think I made them,
12 but one was they complain about access to documents.
13 I'm back to where is a financial expert or somebody who
14 says that they -- we haven't provided sufficient
10:25:21 15 information. Our experts have everything that they
16 needed from what we had given them.

17 Mr. Greer mentioned Cathy Holmes' article,
18 this article she had written and the red flags.
19 While -- again, while defendants continue to deny that
10:25:38 20 they have enough financial information, those red flags
21 that Ms. Holmes identified in her article aren't here
22 as evidenced again by the fact that we gave the
23 information to the experts and they provided a report.

24 They have also alleged that proceeding with
10:25:57 25 foreclosure protects the investors. And a couple of

10:26:01 1 comments on that. Number one, I asked how. If the --
2 if the I-829 application should have been sent in over
3 a year ago, I ask how that happens.

4 Number two, nobody on this side of the room is
10:26:16 5 qualified to answer that question.

6 We already know from the testimony,
7 Mr. Dziubla doesn't have expertise in EB5; Mr. Fleming
8 doesn't have expertise in EB5.

9 And so, again, it's one of those things that
10:26:33 10 gets thrown out there. But, again, we're a year into
11 the litigation, four months or -- sorry -- seven months
12 since I submitted the first expert report, and we have
13 nothing from the other side to refute what our expert
14 says.

10:26:57 15 Does the Court have any questions?

16 THE COURT: Not at this point. I was just
17 listening to what you were saying, sir.

18 MR. GREER: What was that?

19 MR. ALDRICH: Can I have the Court's
10:27:08 20 indulgence for one second?

21 THE COURT: Yes, you can.

22 MR. ALDRICH: Thank you, your Honor. Just a
23 couple other quick things.

24 The Court may recall from Mr. Dziubla's
10:28:24 25 testimony on the first day he testified that -- he

10:28:27 1 testified that I had asked him about a plan B, and he
2 said he is going to take over the project and raise the
3 money and finish it.

4 And I asked, "Why didn't you raise the money
10:28:38 5 before?" They can't raise money to finish it or they
6 would have. They don't have any expertise in doing
7 that. And the only person really protecting those EB5
8 investors right now is Front Sight as they continue to
9 move forward to find the additional financing they need
10:28:59 10 to go forward and protect them.

11 We've shown that the jobs were created and
12 that they can -- they can submit their application.
13 We've met everything we need to do.

14 And -- and I'll note that the experts that we
10:29:15 15 used for the jobs reports were -- also our Ms. Holmes
16 mentioned -- some of the best out there in the whole
17 country. Hundreds of reports. Okay? The other side
18 is saying we haven't created the jobs from a guy who is
19 an owner in the -- in one of the defendant entities
10:29:36 20 here.

21 So all that again I just reiterate the Court
22 should grant the preliminary injunction right now and
23 expunge the notice of default.

24 I don't know if I raised any questions for the
10:29:50 25 Court when I -- with my additional comments.

Peggy Isom, CCR 541, RMR
(702)671-4402 - CROERT48@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

10:29:53 1 THE COURT: I was just thinking about some of
2 your discussions. And as it relates to this project, I
3 think one of the statements you made that the EB5
4 investors were protected, I guess, they could be
10:30:07 5 protected by the deed of trust based upon priority,
6 right, that's been filed on the property? Would that
7 be true or not true?

8 MR. ALDRICH: Are they protected by the deed
9 of trust?

10:30:17 10 THE COURT: Yes.

11 MR. ALDRICH: Well, there certainly is a deed
12 of trust.

13 THE COURT: Right.

14 MR. ALDRICH: And the issue -- what we're
10:30:24 15 hearing, though, is that they -- they don't want to
16 lose their ability to submit this I-829 application for
17 this visa. That's -- that's the part we keep hearing
18 about.

19 THE COURT: Right.

10:30:35 20 MR. ALDRICH: Okay? That money -- the money
21 has to be at risk. Okay? And one of the things -- by
22 the way, I put in my supplement yesterday, one of the
23 things we will be proposing to the Court shortly is
24 that we will put -- Front Sight will put \$7 million in
10:30:49 25 an account. Okay? We want to fight about the \$700,000