

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 10:50 a.m.
Elizabeth A. Brown
Dist. Ct. Case No: A-18-781084-B
Clerk of Supreme Court

1 **PETITION FOR EXTRAORDINARY WRIT RELIEF**

2

3 **PETITIONER'S APPENDIX**

4 **VOLUME XVI**

5

6 John P. Aldrich, Esq.
7 Nevada Bar No. 6877
8 Matthew B. Beckstead, Esq.
9 Nevada Bar No. 14168
10 **ALDRICH LAW FIRM, LTD.**
11 7866 West Sahara Avenue
12 Las Vegas, Nevada 89117
13 702-853-5490
14 jaldrich@johnaldrichlawfirm.com
15 mbeckstead@johnaldrichlawfirm.com

16 *Attorneys for Petitioner*

17

18

19

20

21

22

23

24

25

26

27

28

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	<u>VOLUME V</u>	<u>PAGES</u>
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	<u>VOLUME VI</u>	<u>PAGES</u>
18		
19	Reporter’s Transcript of Preliminary Injunction Hearing	00984-01166
20	(07/22/2019)	
21	Reporter’s Transcript of Preliminary Injunction (07/23/2019)	01167-01218
22	Business Court Order (07/23/2019)	01219-01225
23	<u>VOLUME VII</u>	<u>PAGES</u>
24		
25	Plaintiff’s Notice of Intent to Issue Amended Subpoena Duces	01226-01241
26	Tecum to Signature Bank (08/06/2019)	
27	Plaintiff’s Notice of Intent to Issue Amended Subpoena Duces	01242-01257
28	Tecum to Open Bank (08/06/2019)	

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>
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	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

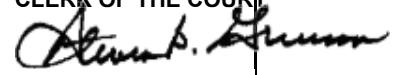
Notice of Entry of Order on Plaintiff’s Motion for Preliminary Injunction (01/17/2019)	II	00395-00399
Notice of Entry of Order on Plaintiff’s Motion to Disqualify C. Keith Greer as Attorney of Record for Defendants (01/25/2019)	II	00410-00415
Notice of Entry of Order on Plaintiff’s Petition for Appointment 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 NRCP	XI	02372-02373
12	65(a)(2) Notice (09/27/2019)		
13	Order Setting Settlement Conference (12/06/2018)	I	00177-00178
14	Order Setting Settlement Conference (06/04/2019)	V	00967-00968
15	Plaintiff's Motion for Sanctions (09/17/2019)	IX	01627-01670
16	Plaintiff's Motion to Extinguish LVDF's Deed of	XII	02509-02601
17	Trust, or Alternatively to Grant Senior Debt Lender		
18	Romspen a First Lien Position, and Motion to		
19	Deposit Funds Pursuant to NRCP 67 (10/04/2019)		
20	Plaintiff's Motion to Quash Subpoenas (10/29/2019)	XIV	02952-02970
21	Plaintiff's Notice of Intent to Issue Amended	VII	01274-01289
22	Subpoena Duces Tecum to Bank of Hope		
23	(08/06/2019)		
24	Plaintiff's Notice of Intent to Issue Amended	VII	01242-01257
25	Subpoena Duces Tecum to Open Bank (08/06/2019)		
26	Plaintiff's Notice of Intent to Issue Amended	VII	01226-01241
27	Subpoena Duces Tecum to Signature Bank		
28	(08/06/2019)		

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			
13	Second Supplement to Motion to Compel and for	XVII	03566-03640
14	Sanctions (11/18/2019)		
15	Supplement to Motion to Compel and for Sanctions	XVI	03269-03402
16	(11/15/2019)	XVII	03403-03549
17	Supplemental Declaration of Defendant Robert	I	00153-00176
18	Dziubla in Support of Defendants’ Opposition to		
19	Plaintiff’s Renewed Motion for an Accounting		
20	Related to Defendants Las Vegas Development		
21	Fund LLC and Robert Dziubla and for Release of		
22	Funds (12/03/2018)		
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

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

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

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

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

Defendants.

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

**REPLY TO OPPOSITION TO
MOTION TO QUASH SUBPOENAS**

AND ALL RELATED COUNTERCLAIMS.

COMES NOW Plaintiff FRONT SIGHT MANAGEMENT LLC (“Plaintiff”), by and through his attorneys, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B. Beckstead, Esq., of the Aldrich Law Firm, Ltd., and hereby files its Reply to Opposition to Motion to Quash Subpoenas to Bank of America, N.A. and Lucas Horsfall, Murphy & Pindroh, LLP (collectively referred to hereinafter as “Deponents”).

///
///
///
///

1 This Reply is made and based on the attached memorandum of points and authorities and
2 supporting documentation, the papers and pleadings on file in this action, and any oral argument
3 this Court may allow.

4 DATED this 15th day of November, 2019.

5 **ALDRICH LAW FIRM, LTD.**

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

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I.**

20 **INTRODUCTION**

21 Defendants seem to conflate the issues in their Opposition. Defendants repeatedly take
22 the same incorrect, often disingenuous positions throughout their Opposition sometimes
23 distinguishing which records they're talking about and other times not doing so. Defendants'
24 arguments can be summarized as follows:

- 25 1. Defendants' only arguments that they are entitled to subpoena Front Sight's tax
26 returns from Front Sight's accountants is that, Defendants argue, (a) Front Sight was
27 contractually obligated to provide their tax returns (*see* p. 2, ls. 4-18, p. 6, l. 23 of
28 Defendants' Opposition) and, by inference, (b) that they may have been destroyed in
a fire.
2. Defendants are entitled to subpoena Front Sight's bank records from Front Sight's
bank because (a) the documents Defendant LVDF already received from Front Sight
"included only those documents which Front Sight chose to provide" (Defendants'

1 Opposition, p. 3, l. 1) and (b) the documents sought from Front Sight’s bank are
2 “otherwise unobtainable” because the originals had been destroyed in a fire
3 (Defendants’ Opposition, p. 3, l. 12, ls. 20-22.)

4 3. The “documents” (no specificity as to whether Defendants are addressing the tax
5 records or bank records) are discoverable from Front Sight’s bank and accountants
6 because the documents sought in the subpoenas are “clearly relevant” to (a) the
7 allegations of the complaint, (b) the ability of Front Sight to meet its obligations
8 under the CLA. . . ,” (c) because “Front Sight claims that ‘many of the original
9 documents were destroyed when the facility at which they were stored burned to the
10 ground,’” and (d) they are “highly relevant” to whether Front Sight breached the CLA
11 (Opposition, p. 3, l. 23 – p. 4, l. 2; p. 4, ls. 10-12; p. 6, ls. 5-7.)

12 Plaintiff will address and refute each of these arguments in this Reply.

13 Additionally, although not stated in Defendants’ Opposition, the argument set forth by
14 Defendants at recent hearings to substantiate their request for Front Sight’s tax and financial
15 information has been the assertion that such information is needed for Defendant Dziubla to
16 complete his reports to the USCIS. Plaintiff will address this argument briefly as well.

17 **II.**

18 **LEGAL ANALYSIS**

19 **A. DEFENDANTS ARE NOT ENTITLED TO PLAINTIFF’S TAX RETURNS**

20 Defendants’ Opposition demonstrates that they are collectively seeking to enforce the
21 CLA, not seek discovery. Plaintiff’s tax returns are not relevant to any issue in this case – and
22 certainly not the breaches that Defendant LVDF asserts occurred before the first Notice of
23 Default and Election to Sell was filed on September 11, 2018 or the second Notice of Default
24 was filed on January 18, 2019. Defendant LVDF either (1) already has the subpoenaed
25 information, rendering the subpoenas to be disproportionate to the needs of this case, or (2) it
26 never had them, rendering the factual basis for the nonjudicial foreclosure proceedings under the
27 January 2019 Notice of Default and Election to Sell to be frivolous, non-existent, or unapparent
28 to LVDF and Trustee Kathryn Holbert. Ms. Holbert undoubtedly should have had a factual basis

1 for moving forward with nonjudicial foreclosure by recording the Notice of Default and Election
2 to Sell, because she alleged that Front Sight was in material breach of the CLA and other Loan
3 Documents in ten (10) different ways. (Notice of Default and Election to Sell recorded January
4 18, 2019, attached hereto as **Exhibit 1.**) NRS 107.028(6) requires to trustee to “act impartially
5 and in good faith with respect to the deed of trust.” If Ms. Holbert had no factual basis for
6 recording the January 2019 Notice of Default and Election to Sell (“NOD”), but simply took
7 LVDF’s word for it rather than determining whether Front Sight’s was compliant with its
8 obligations under the CLA, such constitutes a breach of fiduciary duty and the NOD should be
9 expunged immediately. Filing a frivolous NOD is the exact opposite of acting impartially.

10 Even assuming, *arguendo*, that Front Sight is contractually obligated to provide its tax
11 returns and Defendant LVDF does not already have them, such does not mean that Defendant
12 LVDF can obtain those records by harassing third parties with subpoenas. Defendant LVDF
13 should seek that information through discovery from Front Sight.

14 The specific details shown in the documents listed in the CLA § 5.10(e) have nothing to
15 do with whether Front Sight actually delivered those documents, and neither LVDF, the Court,
16 LVDF’s co-defendants, nor the trier of fact need the contents of these documents in order to
17 analyze whether Front Sight breached the CLA or whether LVDF has legitimate grounds for
18 proceeding with nonjudicial and judicial foreclosure. The sole relevant fact for these issues
19 would be whether Front Sight delivered the documents pursuant to the CLA § 5.10(e), not the
20 specific figures and information reflected in the pages of those documents.

21 Moreover, Front Sight’s obligations under the CLA and other Loan Documents are
22 distinct and separate from the discoverability of the bank statements and tax records Defendants
23 have subpoenaed. Irrelevant documents are not discoverable as a matter of law under Rule
24 26(c), which is what Front Sight’s motion has already argued. In response to this argument,
25 Defendants cherry-picked a single sentence from *Singletary* without acknowledging that the
26 language they quoted was made squarely within the context of analyzing a Rule 45(c)(3)(A)
27 motion to quash. *Compare* Opposition, p. 4, l. 26 – p. 5, l. 2 with *Singletary v. Sterling Transp.*
28 *Co.*, 289 F.R.D. 237, 239 – 43 (stating, *inter alia*, “In addition to quashing the applicable

1 subpoenas duces tecum [under Rule 45], in order to protect Plaintiff from annoyance,
2 embarrassment, oppression, or undue burden or expense, the Court will enter a Protective Order
3 [under Rule 26] requiring Defendant to first obtain leave of Court before issuing any other
4 subpoenas seeking Plaintiff's previous employment records in this case.") and *Blotzer v. L-3*
5 *Comm'ns Corp.*, 287 F.R.D. 507, 509 (D. Ariz. 2012) (stating that Rule 45 allows a party to
6 move for an order quashing or modifying a subpoena while Rule 26 allows a party to move for
7 an order "to protect itself from 'annoyance, embarrassment, oppression, or undue burden or
8 expense.'" (quoting Rule 26(c).)

9 In *Pritchard*, the Mississippi case cited on Page 6 of Defendants' opposition, it does
10 indeed say that "the benefits of the privileged communication statute may be waived by contract
11 before trial." *Pritchard v. Insurance Co. of N. Am.*, 61 F.R.D. 104, 108 (N.D. Miss. 1973).
12 However, Defendants failed to mention that the very same paragraph in *Pritchard* says, "**In the**
13 **absence of words which expressly or by fair implication manifest an intention to waive the**
14 **privilege, this court may not import such a provision into the insurance policy under any**
15 **known rule of contract interpretation"** *Id.* (emphasis added). *Pritchard* also went on to
16 declare the express language waiving the doctor-patient privilege as "revocable" because the
17 medical provider's "request for waiver was explicitly premised upon a statement that the medical
18 information was needed 'in order that we may complete our investigation and make the
19 necessary disposition of the claim.'" *Id.* at 109.

20 The other case law cited in Defendants' brief on this issue is unconvincing, too, and it is
21 wholly inapplicable to, and distinguishable from, the circumstances of this case. In *Lutz*, the
22 court found that "[t]he [life-insurance-policy] application waived the privilege against the
23 insured's physician testifying and **authorized the disclosure of any information**
24 **communicated to the physician."** *Lutz v. New England Mut. Life Ins. Co.*, 161 F.2d 833, 834
25 (9th Cir. 1946) (emphasis added). Here, there is no provision waiving any privilege or
26 authorizing any third party to disclose information to LVDF or other Defendants. The other
27 cases cited in Defendants' opposition suffer from the same analytical inconsistency with, and
28 inapplicability to, the facts of this case. (See Opposition, p. 6, ls. 15-22.)

1 Additionally, even if LVDF had a basis to obtain this information, it is inappropriate for
2 the Defendants collectively to have access to Front Sight’s tax information. The CLA is an
3 agreement between LVDF and Front Sight only. Defendants are inappropriately using their
4 attorney’s subpoena power rather than seeking specific performance of Front Sight’s obligations
5 under the CLA and other Loan Documents. Defendants EB5IA, EB5IC, and the other individual
6 Defendants are not parties to the CLA and other Loan Documents. And for any Defendant,
7 LVDF included, to use the subpoena power to try and enforce Front Sight’s contractual
8 obligations under the CLA is a procedurally invalid technique and an abuse of the subpoena
9 power.

10 Furthermore, the argument that the documents are “otherwise unobtainable” is
11 disingenuous. Defendants quote the cover letter from Ms. Sobol, which was attached to
12 Plaintiff’s Motion, and claim the records are “otherwise unobtainable.” But this is untrue. In
13 fact, Defendant LVDF already has an abundance of records from Ms. Sobol; it apparently just
14 chooses to ignore that fact now.

15 As part of the “meet and confer” requirement of EDCR 2.34, which must occur before a
16 party brings a Motion to Compel, counsel for Plaintiff, Mr. Aldrich, spoke with counsel for
17 Defendants, Mr. Greer, specifically about the approximately 23-lb. box of documents that was
18 delivered by Ms. Sobol to Defendant LVDF. During that “meet and confer,” Mr. Greer not only
19 acknowledged that Defendant LVDF had received the documents, he promised to supplement his
20 client’s non-responsive responses to requests for production of documents and provide the
21 contents of the entire 23-lb. box of documents. That promise was memorialized in an e-mail.
22 (E-mail dated September 3, 2019 from Mr. Aldrich to Mr. Greer, attached hereto as **Exhibit 2**.)
23 But, of course, those documents have never been produced.

24 Additionally, Front Sight has provided an abundance of financial documentation related
25 to the jobs creation, along with an uncontroverted expert report by one of the top EB-5 jobs
26 creation experts in the country that explains that Front Sight has created more than enough jobs
27 to allow the immigrant investors to submit their I-829 applications. (See Front Sight’s Fourth
28 Supplemental Disclosure attached hereto as **Exhibit 3**, Mr. Evans’ expert report dated September

1 19, 2019 attached hereto as **Exhibit 4**, Mr. Evans’ supplemental report dated September 19, 2019
2 attached hereto as **Exhibit 5**, and Mr. Evans’ second supplemental report dated October 4, 2019
3 attached hereto as **Exhibit 6**.)

4 The subpoena to Ms. Sobol’s accounting firm is unnecessary because Defendant LVDF
5 already has that information. That information is also not relevant to any issue in this case.

6 **B. DEFENDANTS ARE NOT ENTITLED TO PLAINTIFF’S BANK RECORDS**

7 Defendants are not entitled to subpoena Front Sight’s bank records from Front Sight’s
8 bank because simply because Defendants allege that the documents Defendant LVDF already
9 received from Front Sight “included only those documents which Front Sight chose to provide”
10 (Defendants’ Opposition, p. 3, l. 1). Even without addressing the relevance of the bank records
11 (which Defendants do not address in any respect), Defendants have made absolutely no effort
12 whatsoever to identify what portion of the bank records they have not received. Defendants have
13 received thousands of pages of documents from Front Sight. *See* section A, *supra*.

14 The argument that the documents sought from Front Sight’s bank are “otherwise
15 unobtainable” because the originals had been destroyed in a fire (Defendants’ Opposition, p. 3, l.
16 12, ls. 20-22) is also addressed above. Plaintiff incorporates those arguments here.

17 The subpoena to Bank of America is unnecessary because Defendant LVDF already has
18 adequate information. That information is also not relevant to any issue in this case.

19 **C. THE DOCUMENTS SOUGHT ARE NOT RELEVANT**

20 In some places in the Opposition, Defendants refer simply to “documents” without
21 distinguishing between the bank or tax records. The “documents” Defendants seek (with no
22 specificity as to whether Defendants are addressing the tax records or bank records) are not
23 discoverable from Front Sight’s bank and accountants because the documents sought in the
24 subpoenas are not “clearly relevant,” and Defendants make no effort whatsoever to substantiate
25 that claim.

26 Front Sight’s financial information (accountant information or tax information) has no
27 relevance whatsoever to the allegations of the complaint, and Defendants have asserted no
28 relevance. Front Sight’s Second Amended Complaint contains many causes of action against

1 Defendants related to their nefarious and fraudulent conduct. Front Sight’s finances do not relate
2 to those claims at all – other than the fact that Defendants took hundreds of thousands of dollars
3 from Front Sight, purportedly to raise at least \$50 million, absconded with some of Front Sight’s
4 funds, and then grossly failed to deliver.

5 The assertion that the documents are relevant to the ability of Front Sight to meet its
6 obligations under the CLA. . . .” is a significant admission by Defendants. LVDF and its
7 attorney should already have had plenty of information because LVDF’s counsel stated, in her
8 alleged capacity as trustee under the Deed of Trust, in a recorded notice of default and election to
9 sell, that Front Sight was in material breach of its contractual obligations, purportedly justifying
10 the nonjudicial foreclosure proceedings. (**Exhibit 1.**) See Section IIA, *supra*.

11 Defendants’ assertion that the documents sought to be subpoenaed are relevant because
12 “Front Sight claims that ‘many of the original documents were destroyed when the facility at
13 which they were stored burned to the ground,’” and they are “highly relevant” to whether Front
14 Sight breached the CLA (Opposition, p. 3, l. 23 – p. 4, l. 2; p. 4, ls. 10-12; p. 6, ls. 5-7) is
15 disingenuous and has been addressed above.

16 **D. THE FINANCIAL INFORMATION IS NOT NECESSARY FOR DZIUBLA’S**
17 **REPORTING TO THE USCIS**

18 Finally, although not stated in Defendants’ Opposition, the argument set forth by
19 Defendants at recent hearings to substantiate their request for Front Sight’s tax and financial
20 information has been the assertion that such information is needed for Defendant Dziubla to
21 complete his reports to the USCIS. Plaintiff will address this argument briefly as well.

22 As noted above, Plaintiff has already provided Defendants with an abundance of
23 documentation related to jobs creation, as well as an uncontroverted report from a renowned
24 expert. (**Exhibits 4-6.**) It is Plaintiff’s understanding that the report Defendant Dziubla must
25 submit to the USCIS is a USCIS Form I-924. For the Court’s information, a copy of that form is
26 attached hereto as **Exhibit 7**. Plaintiff believes this is the same form that Mr. Dziubla claimed
27 (during evidentiary hearing testimony) that he filled out last year – the one that did not have a
28 “field” for him to report that this case was in litigation. As the Court can see, the form asks for

1 information about the following:

- 2 1. The regional center, its owners and structure (Parts 1-4);
- 3 2. The regional center's operations, including the aggregate investment and job creation
4 (Part 5);
- 5 3. The new commercial enterprise (Part 6);
- 6 4. Petitions filed by EB-5 investors (I-526 and I-829) (Part 7) – the Court will note that
7 this very information that goes to the USCIS is the very information that Defendants
8 claim is proprietary, confidential, and privileged;
- 9 5. Information about the declarant/person filling out the report (Parts 8-10).

10 Nowhere in that report is there information about Front Sight, its financial condition, its
11 ability to perform under the CLA, or anything else. Defendants are simply on a fishing
12 expedition for non-relevant information.

13 The Motion to Quash should be granted.

14 **III.**

15 **CONCLUSION**

16 Based on the foregoing, Plaintiff's Motion to Quash should be granted.

17 DATED this 15th day of November, 2019.

18 **ALDRICH LAW FIRM, LTD.**

19 /s/ John P. Aldrich
20 John P. Aldrich, Esq.
Nevada Bar No. 6877
21 Catherine Hernandez, Esq.
Nevada Bar No. 8410
22 Matthew B. Beckstead, Esq.
Nevada Bar No. 14168
23 7866 West Sahara Avenue
24 Las Vegas, Nevada 89117
25 Telephone: (702) 853-5490
26 Facsimile: (702) 227-1975
27 *Attorneys for Plaintiff/Counterdefendants*
28

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 15th day of November, 2019, I caused the foregoing
3 **REPLY TO OPPOSITION TO MOTION TO QUASH SUBPOENAS** to be electronically
4 filed and served with the Clerk of the Court using Wiznet which will send notification of such
5 filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage
6 prepaid, if not included on the Electronic Mail Notice List, to the following parties:

7 Anthony T. Case, Esq.
8 Kathryn Holbert, Esq.
9 FARMER CASE & FEDOR
10 2190 E. Pebble Rd., Suite #205
11 Las Vegas, NV 89123
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
12 LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
13 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
14 JON FLEMING and LINDA STANWOOD*

12 C. Keith Greer, Esq.
13 16855 West Bernardo Drive, Suite 255
14 San Diego, CA 92127
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
15 LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
16 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
17 JON FLEMING and LINDA STANWOOD*

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

EXHIBIT 1

EXHIBIT 1

APN(s) 045-481-05 and 045-481-06

RECORDING REQUESTED BY
and RETURN TO:

Kathryn Holbert, Esq. NV Bar #10084
FARMER CASE & FEDOR
2190 E. Pebble Rd., #205
Las Vegas, NV 89123

DOC #905512

Official Records Nye County NV
Deborah Beatty - Recorder
01/18/2019 10:51:43 AM
Requested By: E-DOCS SOLUTIONS L
Recorded By: MJ RPTT:\$0
Recording Fee: \$285.00
Non Conformity Fee: \$
Page 1 of 5

NOTICE OF BREACH, DEFAULT and ELECTION TO SELL UNDER DEED OF TRUST
IMPORTANT NOTICE

NOTICE IS HEREBY GIVEN that: Kathryn Holbert, Esq., is the duly appointed substitute Trustee under that certain Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated October 6, 2016 and recorded on October 13, 2016, as Document No. 860867 of official records in the Office of the Recorder of Nye County, Nevada; ("Deed of Trust"), which was executed by FRONT SIGHT MANAGEMENT, LLC, a Nevada limited liability company, Grantor, as Trustor, to secure certain obligations in favor of LAS VEGAS DEVELOPMENT FUND, LLC, a Nevada limited liability company, together with that certain First Amendment to Construction Deed of Trust, Security Agreement and Fixture Filing dated July 1, 2017 and recorded on January 12, 2018, as Document No. 886510, and any modifications/amendments thereto of the Official Records in the Office of the Recorder of Nye County, State of Nevada ("Deeds of Trust").

Such DEED OF TRUST secures an Amended and Restated Promissory Note for the sum of up to \$50,000,000.00 as well as other material obligations. A breach of the obligations which are secured by such Amended and Restated Promissory Note has occurred and FRONT SIGHT MANAGEMENT, LLC is in default under the terms of the Deeds of Trust as set forth below:

The total amount due is \$345,787.24 which is itemized as \$32,833.33 current interest; \$158,395.80 past due interest; \$138,655.62 legal/attorney fees and costs; and \$15,902.49 in late fees. Additionally, FRONT SIGHT MANAGEMENT, LLC has default regarding various material non-monetary obligations which are set forth in and secured by the Deeds of Trust, including:

- a. Improper use of loan proceeds.
- b. Failure to provide government approved plans for construction.
- c. Material delays in construction.
- d. Material changes to the costs, scope and timing of the construction.
- e. Refusal to comply regarding securing senior debt.
- f. Failure to provide monthly project costs.
- g. Failure to notify lender of the occurrence of events of default.
- h. Refusal to allow inspection of books and records.
- i. Refusal to allow site inspection by Lender and its representatives.
- j. Failure to provide EB-5 documentation.

NOTICE OF BREACH, DEFAULT and ELECTION TO SELL UNDER DEED OF TRUST

Page 1 of 2

03164

To cure the Default and Reinstate your loan, you must pay all amounts then due at the time of reinstatement, including any additional unpaid amounts that you are obligated to pay by the terms of the Note and the Deed of Trust, such as, but not limited to, advances, taxes, hazard insurance and obligations secured by prior encumbrances, plus Trustee's and/or Attorney's Fees and Costs and Expenses incurred in enforcing the obligation AND cure the above itemized performance obligations.

Pursuant to NRS 104.9604(1)(b) the sale may, at the election of the beneficiary, include personal property.

NOTICE

You may have the right to cure the defaults set forth herein and reinstate the obligations secured by the Deeds of Trust described above. NRS Section 107.080 permits certain defaults to be reinstated without requiring payment of that portion of principal and interest which would not be due had no default occurred (acceleration of principal). Where reinstatement is possible, if the default is not cured within 35 days following the recording and mailing of this Notice, the right of reinstatement shall terminate and the property thereafter may be sold.

To find out the amount you must pay and the other obligations you must fulfill, or to seek to make arrangements to stop the foreclosure, or if your property is in foreclosure for any other reason, contact LAS VEGAS DEVELOPMENT FUND, LLC, c/o Kathryn Holbert, Esq. Farmer Case & Fedor, Las Vegas, NV 89123, 702-579-3900.

That by reason thereof, the present beneficiary under such Deeds of Trust has executed and delivered to said Trustee a written Declaration of Default and Demand for Sale, and has delivered to said Trustee such Deeds of Trust and all documents evidencing obligations secured thereby and has declared and does hereby declare all sums and obligations set forth above which are secured thereby immediately due and has elected to cause the property to be sold to satisfy the obligations secured thereby.

AFFIDAVIT OF AUTHORITY IS ATTACHED HERETO

Kathryn Holbert
Kathryn Holbert, Esq. Successor Trustee

1-17-2019
Dated

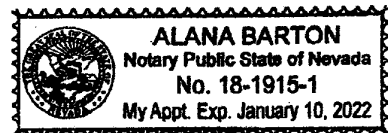
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA
COUNTY OF CLARK

On JANUARY 17, 2019 before me, ALANA BARTON, a Notary Public, Personally appeared KATHRYN HOLBERT, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

Alana Barton
Notary Public Alana Barton

NOTICE OF BREACH, DEFAULT and ELECTION TO SELL UNDER DEED OF TRUST



3. The full name and business address of the current servicer of the obligation or debt which is secure by the Deeds of Trust is:

NES Financial Corp.
50 W. San Fernando St., Suite 300
San Jose, CA 95113

4. The beneficiary is in actual possession of the Promissory Note which is secured by the Deeds of Trust and is entitled to enforce the debt and/or other obligations which are secured by the Deed of Trust.

5. The beneficiary and/or the servicer of the obligations and/or debt which are secured by the Deed of Trust has sent to the obligator/borrower of the obligation and/or debt which are secured by the Deed of Trust a written statement of:

a. The amount of payment required to make good the monetary deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt as existing before the deficiency and/or defaults occurred, as of the date of the statements;

b. The amount in default;

c. The principal amount of the obligation or debt secured by the Deed of Trust;

d. The amount of accrued interest and late charges,

e. A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

f. Contact information for obtaining the most current amounts due and the local or toll free number as required by NRS 107.080(2)(c)(4).

6. A local or toll free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amount due and other items required to cure the obligors defaults under the Deeds of Trust as well as recitation of the information contained in this affidavit is 702-579-3900.

7. The following information regarding the recorded instruments that conveyed the interest of the beneficiary is as follows:

Construction Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated October 6, 2016 and recorded on October 13, 2016, as Document No. 860867 of official records in the Office of the Recorder of Nye County, Nevada; ("Deed of Trust"), which was executed by FRONT SIGHT MANAGEMENT, LLC, a Nevada limited liability company, Grantor, as Trustor, to secure certain obligations in favor of LAS VEGAS DEVELOPMENT FUND, LLC, a

AFFIDAVIT OF AUTHORIZATION

Page 2 of 3

EXHIBIT 2

EXHIBIT 2

Traci Bixenmann

From: John Aldrich <jaldrich@johnaldrichlawfirm.com>
Sent: Tuesday, September 3, 2019 10:38 AM
To: keith.greer@greerlaw.biz; kholbert@farmercase.com
Cc: traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com
Subject: Various items

Keith and Kathryn,

I write to address several items.

Thursday's hearing on Motion to Quash Subpoenas

On Friday afternoon (Aug. 30), I informed you that my father-in-law had passed away. You called me and we discussed the upcoming evidentiary hearing and the hearing on the Motions to Quash Subpoenas. I must leave on Thursday to travel to Idaho (a 10-hour drive) for the funeral, but I can argue the Motions to Quash so long as I can leave by 10:30 a.m. We agreed we would discuss this possibility with Judge Williams on the call I would request in a letter (which I indeed requested and has now been set for this afternoon).

Supplemental responses to Requests for Production of Documents

On July 31, 2019, we sent a long letter about your clients' grossly deficient Responses to Requests for Production of Documents. On August 7, 2019, the three of us held a telephone conference to discuss Defendants' objections to the subpoenas Plaintiff seeks to issue and Defendants' deficient discovery responses. Keith agreed to provide supplemental responses and "thousands of pages of documents" no later than Friday, August 16, 2019 – more than three weeks after they were due. Keith also stated that those responses would include the documents Front Sight provided in the much-discussed 23-pound box of documents.

On Friday, August 16, 2019, Keith called my assistant, Traci, and advised he would bring a thumb drive to the hearing on Tuesday, August 20, 2019. No extension of time to provide the supplemental responses was requested and the supplemental responses were not provided. Before the hearing on August 20, 2019, Keith indeed provided a thumb drive with documents. No supplemental Responses to Requests for Production of Documents were provided and they remain outstanding.

On our first call last Friday, I asked Keith about Defendants' Supplemental Responses to Requests for Production of Documents. Keith advised that he thought Defendants had supplemented those responses. He said he would check on the status and advise by today. I eagerly await those supplemental responses that were due approximately five weeks ago (after Defendants insisted that the deadline be reduced from 30 days to 14 days, which deadline the Court imposed). Please provide those supplemental responses no later than Friday, September 6, 2019. Otherwise, we will proceed with filing a motion to compel.

Obituary for my father-in-law

About ten minutes after our first call on Friday concluded, Keith called me back and asked for a copy of the obituary for my father-in-law. Keith explained to me that your client wanted proof that I was telling the truth. I advised you that I would indeed provide the link for his obituary once it was posted; it had not been written when we spoke because he had only passed away a day earlier. Here is the link:

I also advised you that I was offended at the suggestion that I would lie about my father-in-law dying. Your clients seem to think I do not want to proceed with the evidentiary hearing. Nothing could be further from the truth. Of course, I would also like to have the evidence your clients owe us (addressed above) as I do so.

Documentation of attorney's fees and other costs

Mr. Dziubla/LVDF continues to assert Plaintiff is in breach of the CLA and demand payment of default interest, attorney's fees, late fees, etc. For many months now, Front Sight has been requesting documentation, including, but not limited to, written requests from myself to you on March 29, 2019, May 21, 2019, May 28, 2019, and specific requests in the Requests for Production of Documents that were served on your clients. Plaintiff has received absolutely nothing from you, Mr. Dziubla, or LVDF to support these claims. The latest statement from NES, sent yesterday at your clients' request, claims current attorney's fees of an even \$35,000 and past due attorney's fees of \$191,848.75, along with past due foreclosure costs of an even \$15,000 and unspecified late fees of \$73,671.23.

We again request documentation to support all claims and/or amounts LVDF asserts are outstanding (even though Front Sight continues to maintain it is not in breach of any valid agreement). Mr. Dziubla has repeatedly cited Article 8.2(a) of the CLA in support of this claim. I note that Article 8.2(a) mentions "reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . ." While we adamantly disagree that Front Sight is in default and waive no rights or claims in making this request, we again request that you please have Mr. Dziubla and LVDF provide us with all documentation in support of the alleged "reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . ." that LVDF and Mr. Dziubla assert Front Sight must pay so that we may consider the "reasonableness" of such claimed expenses. Even if Plaintiff wanted to cure the alleged default, LVDF's/Dziubla's continued failure and refusal to provide this information deprives Plaintiff of its opportunity to ascertain the "reasonableness" of Mr. Dziubla's and LVDF's claims. We again ask that this information be provided, and we ask that it be provided immediately.

Extension of time to respond to Motion for Receiver and Motion to Bifurcate

Both of these motions were filed on Friday, August 30, 2019, making the oppositions due on Monday, September 9, 2019. I need some additional time to respond and request an extension of 4 days, which would make my client's opposition due Friday, September 13, 2019. It is also quite possible that my opposition will include a counter-motion. I recognize that this would leave a very short amount of time for your reply and opposition. Perhaps we can push back the hearing date to a more normal time frame from the filing of your motions to the hearing. The court set the hearing on the Motion to Bifurcate long before it was filed, which is abnormal. Please let me know if you will agree, and if so, we can prepare a stipulation to re-set the hearing.

John P. Aldrich, Esq.
ALDRICH LAW FIRM, LTD.
7866 West Sahara Avenue
Las Vegas, Nevada 89117
jaldrich@johnaldrichlawfirm.com
Tel (702) 853-5490
Fax (702) 227-1975
Visit us online at <http://www.johnaldrichlawfirm.com>

WE HAVE MOVED! Please note our new address above.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and destroy all copies of the original message.

If you are a client or work for a client of Aldrich Law Firm, or have consulted with the law firm for potential representation, this e-mail is protected by the attorney-client privilege and the work product doctrine. This e-mail is not intended for release to opposing parties, opposing counsel or any other third person or entity. Caution should be used when forwarding this e-mail to others as the privilege may be lost. Copies of this e-mail should not be kept in your regular files. If you print a copy of this e-mail, place it in a separate file labeled "Attorney-Client Privilege." DO NOT PRODUCE A COPY OF THIS E-MAIL IN DISCOVERY.

EXHIBIT 3

EXHIBIT 3

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

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

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

11 Plaintiff,

12 vs.

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

15 Defendants.

16 AND ALL RELATED COUNTERCLAIMS,

17 Counterdefendants.

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

PLAINTIFF/COUNTERDEFENDANT
FRONT SIGHT MANAGEMENT
LLC'S FOURTH SUPPLEMENT TO
EARLY CASE CONFERENCE LIST
OF WITNESSES AND DOCUMENTS

18 COMES NOW Plaintiff/Counterdefendant FRONT SIGHT MANAGEMENT, LLC
19 "Plaintiff/Counterdefendant"), by and through its attorneys, John P. Aldrich, Esq., Catherine
20 Hernandez, Esq., and Matthew B. Beckstead, Esq., of the law firm Aldrich Law Firm, Ltd., and
21 hereby provides the following supplement to initial disclosures pursuant to the Early Case
22 Conference in compliance with NRCPC 16.1: *(new information in bold)*

23 ///

24 ///

1 (A) The name and, if known, the address and telephone number of each individual likely to
2 have information discoverable under Rule 26(b), including for impeachment or rebuttal,
3 identifying the subjects of the information:

- 3 1. Person(s) Most Knowledgeable for Front Sight Management, LLC
4 c/o Aldrich Law Firm, Ltd.
5 7866 West Sahara Avenue
6 Las Vegas, NV 89117

7 Plaintiff is expected to testify concerning the facts and circumstances surrounding the
8 allegations in the Second Amended Complaint and Counterclaim.

- 9 2. Dr. Ignatius Piazza
10 c/o Aldrich Law Firm, Ltd.
11 7866 West Sahara Avenue
12 Las Vegas, NV 89117

13 This witness is expected to testify concerning the facts and circumstances surrounding the
14 allegations in the Second Amended Complaint and Counterclaim.

- 15 3. Mike Meacher
16 c/o Aldrich Law Firm, Ltd.
17 7866 West Sahara Avenue
18 Las Vegas, NV 89117

19 This witness is expected to testify concerning the facts and circumstances surrounding the
20 allegations in the Second Amended Complaint and Counterclaim.

- 21 4. Person(s) Most Knowledgeable for Las Vegas Development Fund LLC
22 c/o Farmer Case & Fedor
23 2190 E. Pebble Rd., Suite #205
24 Las Vegas, NV 89123

Defendant is expected to testify concerning the facts and circumstances surrounding the
allegations in the Second Amended Complaint and Counterclaim.

5. Person(s) Most Knowledgeable for EB5 Impact Capital Regional Center LLC
c/o Farmer Case & Fedor
2190 E. Pebble Rd., Suite #205
Las Vegas, NV 89123

Defendant is expected to testify concerning the facts and circumstances surrounding the
allegations in the Second Amended Complaint and Counterclaim.

1 6. Person(s) Most Knowledgeable for EB5 Impact Advisors LLC
2 c/o Farmer Case & Fedor
3 2190 E. Pebble Rd., Suite #205
4 Las Vegas, NV 89123

5 Defendant is expected to testify concerning the facts and circumstances surrounding the
6 allegations in the Second Amended Complaint and Counterclaim.

7 7. Robert W. Dziubla
8 c/o Farmer Case & Fedor
9 2190 E. Pebble Rd., Suite #205
10 Las Vegas, NV 89123

11 Defendant is expected to testify concerning the facts and circumstances surrounding the
12 allegations in the Second Amended Complaint and Counterclaim.

13 8. Jon Fleming
14 c/o Farmer Case & Fedor
15 2190 E. Pebble Rd., Suite #205
16 Las Vegas, NV 89123

17 Defendant is expected to testify concerning the facts and circumstances surrounding the
18 allegations in the Second Amended Complaint and Counterclaim.

19 9. Linda Stanwood
20 c/o Farmer Case & Fedor
21 2190 E. Pebble Rd., Suite #205
22 Las Vegas, NV 89123

23 Defendant is expected to testify concerning the facts and circumstances surrounding the
24 allegations in the Second Amended Complaint and Counterclaim.

 10. Person(s) Most Knowledgeable for Wells Fargo Bank, N.A.
 P.O. Box 6995
 Portland, OR 97228-6995

 This witness is expected to testify concerning the facts and circumstances surrounding the
 allegations in the Second Amended Complaint and Counterclaim.

 11. Person(s) Most Knowledgeable for Bank of Hope
 3200 Wilshire Blvd., Suite 1400
 Los Angeles, CA 90010

1 This witness is expected to testify concerning the facts and circumstances surrounding the
2 allegations in the Second Amended Complaint and Counterclaim.

3 12. Ethan Devine
4 3575 Dorchester Drive
5 San Diego, CA 92123

6 This witness is expected to testify concerning the facts and circumstances surrounding the
7 allegations in the Second Amended Complaint and Counterclaim.

8 13. Person(s) Most Knowledgeable for U.S. Citizenship and Immigration Services
9 Immigrant Investor Program
10 Mailstop 2235
11 Washington, D.C. 20529

12 This witness is expected to testify concerning the facts and circumstances surrounding the
13 allegations in the Second Amended Complaint and Counterclaim.

14 14. Nicholas Colucci
15 Chief, Immigrant Investor Program
16 U.S. Citizenship and Immigration Services
17 Mailstop 2235
18 Washington, D.C. 2052

19 This witness is expected to testify concerning the facts and circumstances surrounding the
20 allegations in the Second Amended Complaint and Counterclaim.

21 15. King Liu
22 Address unknown

23 This witness is expected to testify concerning the facts and circumstances surrounding the
24 allegations in the Second Amended Complaint and Counterclaim.

16 16. Jay Li
17 Address unknown

18 This witness is expected to testify concerning the facts and circumstances surrounding the
19 allegations in the Second Amended Complaint and Counterclaim.

20 17. Dave Keller
21 Empyrean West
22 Address unknown

1 This witness is expected to testify concerning the facts and circumstances surrounding the
2 allegations in the Second Amended Complaint and Counterclaim.

3 18. Jay Carter
4 Empyrean West
5 Address unknown

6 This witness is expected to testify concerning the facts and circumstances surrounding the
7 allegations in the Second Amended Complaint and Counterclaim.

8 19. Sean Flynn, **Chief Economist**
9 **EB5 Impact Capital, LLC**
10 **c/o Farmer Case & Fedor**
11 **2190 E. Pebble Rd., Suite #205**
12 **Las Vegas, NV 89123**

13 This witness is expected to testify concerning the facts and circumstances surrounding the
14 allegations in the Second Amended Complaint and Counterclaim.

15 20. Immigrant Investors
16 Identities and address currently unknown

17 These witnesses are expected to testify concerning the facts and circumstances
18 surrounding the allegations in the Second Amended Complaint and Counterclaim.

19 21. Person(s) Most Knowledgeable for the Sinowel Firm
20 Address unknown

21 This witness is expected to testify concerning the facts and circumstances surrounding the
22 allegations in the Second Amended Complaint and Counterclaim.

23 22. Dr. Sudhir Shah
24 Address unknown

This witness is expected to testify concerning the facts and circumstances surrounding the
allegations in the Second Amended Complaint and Counterclaim.

23 23. Mr. Ramaswami
24 First name and address unknown

This witness is expected to testify concerning the facts and circumstances surrounding the
allegations in the Second Amended Complaint and Counterclaim.

(B) A copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, including for impeachment or rebuttal, and, unless privileged or protected from disclosure, any record, report, or witness statement, in any form, concerning the incident that gives rise to the lawsuit:

BATES NO.	DOCUMENT DESCRIPTION
<i>FRONT SIGHT MANAGEMENT LLC DOCUMENTS</i>	
FS 00001	Email correspondence dated May 12, 2018 from Robert Dziubla to Mike Meacher
FS 00002-00004	Email correspondence and related email chain dated August 27, 2012 from Robert Dziubla to Mike Meacher
FS 00005-00009	Correspondence dated September 13, 2012 from Kenworth Capital, Inc. to Mike Meacher
FS 00010	Email correspondence dated December 27, 2012 from Robert Dziubla to Mike Meacher
FS 00010-00019	Email correspondence dated February 8, 2013 from Robert Dziubla to Mike Meacher and engagement letter dated February 8, 2013 from EB5 Impact Advisors LLC to Mike Meacher
FS 00020-00027	Correspondence dated February 14, 2013 from EB5 Impact Advisors LLC to Mike Meacher
FS 00028-00035	Email correspondence dated April 16, 2014 from Robert Dziubla to Mike Meacher and correspondence dated April 14, 2014 from C. Matthew Schulz, Esq. to U.S. Citizenship and Immigration Services
FS 00036-00037	Email correspondence and related email chain dated June 29, 2014 from Robert Dziubla to Mike Meacher
FS 00038-00043	Correspondence dated July 27, 2015 from U.S. Citizenship and Immigration Services to C. Matthew Schulz, Esq.
FS 00044-00048	Email correspondence and related email chain dated August 11, 2015 from Robert Dziubla to Mike Meacher and Jon Fleming
FS 00049-00051	"New Project Inquiry" webpage from eb5impactcapital.com
FS 00052-00055	Email correspondence and related email chain dated December 16, 2015 from Robert Dziubla to Mike Meacher and Jon Fleming
FS 00056-00057	Email correspondence and related email chain dated January 4, 2016 from Robert Dziubla to Mike Meacher and Jon Fleming
FS 00058-00061	Email correspondence and related email chain dated January 31, 2016 from Robert Dziubla to Mike Meacher
FS 00062-00068	Email correspondence and related email chain dated March 4, 2016 from Robert Dziubla to Mike Meacher
FS 00069-00070	Email correspondence dated November 15, 2016 from Dr. Ignatius Piazza to Robert Dziubla
FS 00071-00075	Email correspondence and related email chain dated August 5, 2015 from Robert Dziubla to Mike Meacher and Jon Fleming and

1		memorandum re: international marketing and travel costs
2	FS 00076-00078	Email correspondence and related email chain dated February 15, 2017 from Robert Dziubla to Dr. Ignatius Piazza and Mike Meacher
3	FS 00079-00085	Correspondence dated July 20, 2018 from Las Vegas Development Fund LLC to Dr. Ignatius Piazza
4	FS 00086-00104	Correspondence dated August 20, 2018 from Front Sight Management LLC to Robert Dziubla
5	FS 00105-00111	Correspondence dated August 24, 2018 from Las Vegas Development Fund LLC to Dr. Ignatius Piazza
6	FS 00112-00115	Correspondence dated August 25, 2018 from Front Sight Management LLC to Robert Dziubla
7	FS 00116-00119	Correspondence dated August 28, 2018 from Las Vegas Development Fund LLC to Dr. Ignatius Piazza
8	FS 00120	Correspondence dated August 31, 2018 from Las Vegas Development Fund LLC to Dr. Ignatius Piazza
9	FS 00121-00125	Correspondence dated September 5, 2018 from Las Vegas Development Fund LLC to Dr. Ignatius Piazza
10	FS 00126	Email correspondence dated September 7, 2018 from Scott Preston, Esq. to Robert Dziubla
11	FS 00127-00130	Correspondence dated September 7, 2018 from Front Sight Management LLC to Robert Dziubla
12	FS 00131-00136	Notice of Breach and Default and of Election to Sell Under Deed of Trust recorded September 11, 2018
13	FS 00137-00139	Email correspondence and related email chain dated September 13, 2018 from Robert Dziubla to Mike Meacher
14	FS 00140-00142	"Entity Details" webpage from Nevada Secretary of State
15	FS 00143-00290	Correspondence dated August 20, 2018 from Front Sight Management LLC to Robert Dziubla (Response to Notice of Default dated July 30, 2018)
16	FS 00291-00420	Correspondence dated August 29, 2018 from Front Sight Management LLC to Robert Dziubla (Additional Response to Notices of Default dated July 31, 2018, and August 24, 2018 and Initial Response to Notice of Default dated August 28, 2018)
18	FS 00421-00958	Correspondence dated October 30, 2018 from Front Sight Management LLC to Robert Dziubla (EB-5 Documentation and Additional Information for the Period July 1, 2017, through October 31, 2018 Delivered Pursuant to Section 5.10(e) of the Construction Loan Agreement)
20	FS 00959-01110	Correspondence dated October 31, 2018 from Front Sight Management LLC to Robert Dziubla (tax return information)
21	FS 01111	Project Update Q1 2017
22	FS 01112	Project Update Q2 2017
22	FS 01113-01114	Project Update Q3 2017
23	FS 01115-01116	Project Update Q1 2018
23	FS 01117-01124	Wire Transfer Receipts for Marketing and Interest Payments
24	FS 01125-01158	Correspondence dated August 30, 2018 from Front Sight Management

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

	LLC to Robert Dziubla (Additional Response to Notices of Default dated July 31, 2018, and August 24, 2018 and Supplemental Response to Notice of Default dated August 28, 2018)
FS 01159-01160	Correspondence dated June 20, 2018 from Leslie S. Sobol, CPA to Robert Dziubla
FS 01161	Construction Progress Video #5 (on CD)
FS 01162-01182	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2012
FS 01183-01192	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2012
FS 01193-01199	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2012
FS 01200-01221	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2012
FS 01222-01253	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2012
FS 01254-01280	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2012
FS 01281-01282	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2012
FS 01283-01301	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2013
FS 01302-01339	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2013
FS 01340-01400	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2013
FS 01401-01409	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2013
FS 01410-01449	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2013
FS 01450-01464	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2013
FS 01465-01479	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2013
FS 01480-01483	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2013
FS 01484-01493	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2013
FS 01494-01845	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2013
FS 01846-01854	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2013
FS 01855-01869	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2013
FS 01870-01876	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2014

1	FS 01877-01880	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2014
2	FS 01881-01884	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2014
3	FS 01885-01905	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2014
4	FS 01906-02660	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2014
5	FS 02661-02806	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2014
6	FS 02807	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2014
7	FS 02808-02819	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2014
8	FS 02820-02845	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2014
9	FS 02846-02978	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2014
10	FS 02979-02991	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2014
11	FS 02992-03004	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2014
12	FS 03005-03035	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2015
13	FS 03036-03080	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2015
14	FS 03081-03582	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2015
15	FS 03583-03611	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2015
16	FS 03612-03657	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2015
17	FS 03658-03684	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2015
18	FS 03685-03712	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2015
19	FS 03713-03737	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2015
20	FS 03738-03787	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2015
21	FS 03788-04033	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2015
22	FS 04034-04164	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2015
23	FS 04165-04344	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2015
24		

1	FS 04345-04361	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2016
2	FS 04362-04375	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2016
3	FS 04376-04462	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2016
4	FS 04463-04471	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2016
5	FS 04472-04628	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2016
6	FS 04629-04647	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2016
7	FS 04648-04663	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2016
8	FS 04664-04676	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2016
9	FS 04677-04701	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2016
10	FS 04702-04961	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2016
11	FS 04962-05050	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2016
12	FS 05051-05064	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2016
13	FS 05065-05076	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2017
14	FS 05077-05101	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2017
15	FS 05102-05118	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2017
16	FS 05119-05126	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2017
17	FS 05127-05194	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2017
18	FS 05195-05281	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2017
19	FS 05282-05362	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2017
20	FS 05363-05427	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, August 2017
21	FS 05428-05452	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, September 2017
22	FS 05453-05472	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, October 2017
23	FS 05473-05533	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, November 2017
24		

1	FS 05534-05608	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, December 2017
2	FS 05609-05624	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, January 2018
3	FS 05625-05663	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, February 2018
4	FS 05664-05681	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, March 2018
5	FS 05682-05803	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, April 2018
6	FS 05804-05829	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, May 2018
7	FS 05830-05864	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, June 2018
8	FS 05865-05909	Email correspondence along with attachments from Robert Dziubla to Mike Meacher, July 2018
9	FS 05910-05942	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2012
10	FS 05943-05949	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2012
11	FS 05950-05953	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2012
12	FS 05954-05967	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2012
13	FS 05968-05992	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2012
14	FS 05993-05994	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2012
15	FS 05995-06006	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2013
16	FS 06007-06017	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2013
17	FS 06018-06038	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2013
18	FS 06039-06057	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2013
19	FS 06058-06476	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2013
20	FS 06477-06589	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2013
21	FS 06590-06601	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2013
22	FS 06602-06608	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, August 2013
23	FS 06609-06683	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2013
24		

1	FS 06684-06803	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2013
2	FS 06804-06911	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2013
3	FS 06912-06921	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2013
4	FS 06922-06953	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2014
5	FS 06954-06960	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2014
6	FS 06961-07014	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2014
7	FS 07015-07027	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2014
8	FS 07028-07039	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2014
9	FS 07040-07048	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2014
10	FS 07049	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2014
11	FS 07050-07069	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, August 2014
12	FS 07070-07086	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2014
13	FS 07087-07090	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2014
14	FS 07091-07110	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2014
15	FS 07111-07124	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2014
16	FS 07125-07159	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2015
17	FS 07160-07219	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2015
18	FS 07220-07232	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2015
19	FS 07233-07243	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2015
20	FS 07244-07252	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2015
21	FS 07253-07266	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2015
22	FS 07267-07304	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2015
23	FS 07305-07335	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, August 2015
24		

1	FS 07336-07821	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2015 (<i>redacted</i>)
2	FS 07822-08069	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2015 (<i>redacted</i>)
3	FS 08070-08133	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2015
4	FS 08134-08164	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2015
5	FS 08165-08185	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2016
6	FS 08186-08214	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2016
7	FS 08215-08252	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2016
8	FS 08253-08266	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2016
9	FS 08267-08289	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2016
10	FS 08290-08303	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2016
11	FS 08304-08318	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2016
12	FS 08319-08327	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, August 2016
13	FS 08328-08589	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2016 (<i>redacted</i>)
14	FS 08590-08664	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2016
15	FS 08665-08736	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2016 (<i>redacted</i>)
16	FS 08737-08764	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2016
17	FS 08765-08782	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2017
18	FS 08783-08811	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2017
19	FS 08812-08823	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2017
20	FS 08824-08826	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2017
21	FS 08827-08844	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2017
22	FS 08845-08878	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2017
23	FS 08879-08931	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2017
24		

1	FS 08932-08956	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, August 2017
2	FS 08957-08962	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, September 2017
3	FS 08963-09001	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, October 2017
4	FS 09002-09065	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, November 2017 (<i>redacted</i>)
5	FS 09066-09132	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, December 2017
6	FS 09133-09136	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, January 2018
7	FS 09137-09158	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, February 2018
8	FS 09159-13190	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, March 2018 (<i>redacted</i>)
9	FS 13191-13309	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, April 2018
10	FS 13310-13327	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, May 2018
11	FS 13328-13405	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, June 2018
12	FS 13406-13427	Email correspondence along with attachments from Mike Meacher to Robert Dziubla, July 2018
13	FS 13428-13491	Invoices from Civilwise Services Inc from August 2013 through May 2019
14	FS 13492-13526	Invoices from Morales Construction Inc from March 2014 through September 2018
15	FS 13527-13539	Invoices from All American Concrete & Masonry Inc from January 2017 through January 2019
16	FS 13540-13556	Invoices from Top Rank Builders Inc from January 2017 through February 2019
17	FS 13557-13666	Copies of checks from Bank of America (Account xx8176) from August 2013 through October 2019
18	FS 13667-13743	Copies of checks from American First National Bank (Account xx0187) from January 2013 through May 2019
19	FS 13744-13750	Copies of checks from American First National Bank (Account xx0322) from August 2016 through August 2019
20	FS 13751-13768	VISA statements from City National Bank (Account xx8721) from December 2015 through May 2016
21	FS 13769-13780	VISA statements from City National Bank (Account xx4324) from August 2015 through November 2015
22	FS 13781-13788	VISA statements from City National Bank (Account xx2822) from December 2016 through March 2017
23	FS 13789-13791	VISA statements from City National Bank (Account xx2665) for November 2016
24		

1	FS 13792-13806	VISA statements from City National Bank (Account xx0818) from July 2016 through October 2016
2	FS 13807-13821	VISA statements from City National Bank (Account xx3796) from April 2017 through August 2017
3	FS 13822-13851	VISA statements from City National Bank (Account xx0793) from January 2018 through December 2018
4	FS 13852-13874	VISA statements from City National Bank (Account xx5999) from April 2018 through November 2018
5	FS 13875-13878	VISA statements from City National Bank (Account xx7854) for March 2018
6	FS 13879-14307	Statements from Home Depot (Account xx3751) from July 2015 through August 2019
7	FS 14308-15114	Statements from American Express (Account xx761006) from January 2013 through September 2019
8	FS 15115-15205	Correspondence dated September 27, 2019 from Bill Kapeles, Operations Manager for Front Sight Management LLC, along with payroll documentation
9		
10	FS 15206-15215	Declaration of Mike Meacher
11	<i>EB5 IMPACT ADVISORS LLC DOCUMENTS</i>	
12	WF(2013) 00001-00041	Wells Fargo Combined Statement of Accounts for 2013 (Account Nos. ending xx1581 and xx4477)
13	WF(2014) 00001-00060	Wells Fargo Combined Statement of Accounts for 2014 (Account No. ending xx1581)
14	WF(2015) 00001-00068	Wells Fargo Combined Statement of Accounts for 2015 (Account No. ending xx1581)
15	WF(2016) 00001-00088	Wells Fargo Combined Statement of Accounts for 2016 (Account No. ending xx1581)
16	WF(2017) 00001-00078	Wells Fargo Combined Statement of Accounts for 2017 (Account No. ending xx1581)
17	WF(2018) 00001-00042	Wells Fargo Combined Statement of Accounts for 2014 (Account No. ending xx1581)
18	Checks 00001-00093	Checks written by EB5 Impact Advisors LLC (Account No. ending xx1581)
19	TPL(1) 00001-00009	Quickbooks Transaction Details and Profit and Loss Statements
20	Contracts(2) 00001-00063	Contracts
21		Declaration of Robert W. Dziubla In Response to Plaintiff's Request for Accounting
22	(EB5ICA) 00001-00204	Updated Declaration of Robert W. Dziubla Re: Accounting

///

1 (C) When personal injury is in issue, the identity of each relevant medical provider so that the
2 opposing party may prepare an appropriate medical authorization for signature to obtain
3 medical records from each provider:

Not applicable.

4 (D) A computation of each category of damages claimed by the disclosing party – who must
5 make available for inspection and copying as under Rule 34 the documents or other
6 evidentiary material, unless privileged or protected from disclosure, on which each
7 computation is based, including materials bearing on the nature and extent of injuries
8 suffered:

Plaintiff/Counterdefendant is working to compile this information and will supplement
this response at a later date. However, this includes repayment by Defendants of all monies paid
to Defendants related to Defendants' promises to raise EB-5 financing, all special and
consequential damages, and punitive damages.

10 (E) For inspection and copying as under Rule 34, any insurance agreement under which an
11 insurance business may be liable to satisfy all or part of a possible judgment in the action
12 or to indemnify or reimburse for payments made to satisfy the judgment and any
13 disclaimer or limitation of coverage or reservation of rights under any such insurance
14 agreement:

Plaintiff/Counterdefendant is unaware of any applicable insurance.

DATED this 22nd day of October, 2019.

ALDRICH LAW FIRM, LTD.

/s/ John P. Aldrich

John P. Aldrich, Esq.

Nevada Bar No. 6877

Catherine Hernandez, Esq.

Nevada Bar No. 8410

Matthew B. Beckstead, Esq.

Nevada Bar No. 14168

7866 West Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 853-5490

Facsimile: (702) 227-1975

Attorneys for Plaintiff/Counterdefendant

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 22nd day of October, 2019, I caused the foregoing
3 **PLAINTIFF/COUNTERDEFENDANT FRONT SIGHT MANAGEMENT LLC'S**
4 **FOURTH SUPPLEMENT TO EARLY CASE CONFERENCE LIST OF WITNESSES**
5 **AND DOCUMENTS** to be electronically served with the Clerk of the Court using Wiznet which
6 will send notification of such filing to the email addresses denoted on the Electronic Mail Notice
7 List, or by U.S. mail, postage prepaid, if not included on the Electronic Mail Notice List, to the
8 following parties:

9 Anthony T. Case, Esq.
10 Kathryn Holbert, Esq.
11 FARMER CASE & FEDOR
12 2190 E. Pebble Rd., Suite #205
13 Las Vegas, NV 89123
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
14 LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
15 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
16 JON FLEMING and LINDA STANWOOD*

14 C. Keith Greer, Esq.
15 16855 West Bernardo Drive, Suite 255
16 San Diego, CA 92127
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
17 LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
18 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
19 JON FLEMING and LINDA STANWOOD*

20 /s/ T. Bixenmann
21 An employee of ALDRICH LAW FIRM, LTD.
22
23
24

EXHIBIT 4

EXHIBIT 4

**Addendum to the Report
“The Economic and Jobs-Creation Impacts of the
Exemplar Front Sight Firearms Training Institute
Expansion Project in the Applicant EB5 Impact
Capital Regional Center LLC”,
Prepared November 2013**

**Prepared for:
Front Sight Management, Inc.**

**Prepared by:
Michael K. Evans
David R. Evans
Evans, Carroll & Associates, Inc.
2785 NW 26th St.
Boca Raton, FL 33434
703-835-6978**

mevans@evanscarrollecon.com

devans@evanscarrollecon.com

September 19, 2019

Table of Contents

1. Executive Summary	3
2. Economic Impact of Construction Expenditures	4
3. Economic Impact of Expanded Training Institute Operations	5
4. Summary Statistics for the Project	6
Appendix A. Detailed Construction Expenditures	7
Appendix B. Brief Guide to RIMS II Input/Output Model	14
Appendix C. Methodology for Calculating Indirect Jobs	18
Appendix D: About Evans, Carroll & Associates, Inc.	22

1. Executive Summary

This is an addendum to the report “The Economic and Jobs-Creation Impacts of the Exemplar Front Sight Firearms Training Institute Expansion Project in the Applicant EB5 Impact Capital Regional Center LLC”, prepared in November 2013 by Impact Econometrics LLC.

The client (Front Sight Management, Inc.) has requested an addendum report to demonstrate the job creation based on EB-5 eligible construction expenditures and additional employees hired as a result of the expansion of the training institute.

Consistent with the original report, the economic impact calculations are based on RIMS II multipliers from 2010 for the following 8-county contiguous region (see Appendix B for more information on the RIMS II Input/Output Model).

- Nevada: Clark and Nye Counties
- California: Kern, Los Angeles, Orange, San Diego, Riverside, and San Bernardino Counties

As will be demonstrated in the remainder of this report, **the expansion of the Front Sight Training Institute has created 247 permanent, new jobs. As the project is located in a Targeted Employment Area (TEA), 247 new jobs would enable up to 24 alien entrepreneurs to invest up to \$12 million in EB-5 funds – well in excess of the \$6.5 million in EB-5 funds raised for this project.** Summary results are shown below in Table 1.

Table 1. Summary of Expenditure and Employment Estimates				
Activity	Expenditures (mil curr \$)	Expenditures (mil 2010 \$)	Final Demand Multiplier	Total New Jobs
Hard Construction Costs	7.670	6.910	16.9800	117.3
Activity		Direct Jobs	Direct Effect Multiplier	Total New Jobs
Training Institute Operations		81	1.6046	130.0
Total New Jobs				247.3
All figures calculated from unrounded numbers				

2. Economic Impact of Construction Expenditures

Per the client, EB-5 eligible construction expenditures for the project have totaled about \$7.670 million, as shown below in Table 2.

Table 2. EB-5 Eligible Construction Expenditures

(1) Morales Construction (General Contractor, plus its two subsidiaries)	\$5,270,917
(2) Civilwise Engineering	\$1,027,878
(3) Misc. Direct Construction Expenses (paid Directly by Front Sight)	\$269,810
(4) Internal Front Sight Projects	\$1,101,700
TOTAL	\$7,670,305

Note that the detailed expenditure figures for (1), (2), and (4) are shown in Appendix A.

As the RIMS II multipliers are from 2010, these figures must be deflated to a 2010-dollars basis before the multipliers are applied. Consistent with the original report, the figures are deflated by a factor of about 1.11, thus the EB-5 eligible construction expenditures equal about \$6.910 million in 2010 dollars.

As the construction activity has taken greater than 24 months, direct (as well as indirect and induced) jobs may be included in the economic impact calculations. Additional information on indirect and induced jobs is provided in Appendix C.

RIMS II final demand employment multipliers represent the number of jobs created for each \$1 million in eligible expenditures (or revenue). As EB-5 eligible expenditures (in 2010 dollars) are \$6.910 million, and the final demand employment multiplier for Nonresidential Construction for the 8-county region is 16.9800, **this activity has created 117 permanent, new jobs.**

The RIMS II final demand output multiplier for Nonresidential Construction for the 8-county region is 2.3054, so this activity has created about \$15.9 million in new output. Hence output per new employee equates to about \$135,800.

The RIMS II final demand earnings multiplier for Nonresidential Construction for the 8-county region is 0.7896, so this activity has created about \$5.5 million in new earnings. Hence earnings per new employee equate to \$46,500.

3. Economic Impact of Expanded Training Institute Operations

As the project is an expansion of the Front Sight Training Institute, the economic impact from the operations of the institute is based on the current number of employees less the number of employees prior to the expansion.

The project officially began in February 2013, when an engagement letter between EB5 Impact Advisors LLC and Front Sight Management, Inc. was signed. Although funds were not transferred to the New Commercial Enterprise (NCE) until October 2016, per USCIS regulations, the NCE still receives credit for the jobs created from the time the project began.

A developer or principal of a new commercial enterprise, either directly or through a separate job-creating entity, may use interim, temporary, or bridge financing, in the form of either debt or equity, prior to receipt of immigrant investor capital. If the project starts based on the interim or bridge financing prior to receiving immigrant investor capital and subsequently replaces that financing with immigrant investor capital, the new commercial enterprise may still receive credit for the job creation under the regulations.

Source: <https://www.uscis.gov/policy-manual/volume-6-part-g-chapter-2>, Section (D)(1)

In counting the number of full-time jobs, we are being very conservative – and only counting the salaried employees and the hourly employees who work 35 or more hours per week – i.e., we are not counting any of the hourly employees who work less than 35 hours per week.

Per the client, as shown below in Table 3, there were 80 full-time employees when the project began (in February 2013) and there are currently 161 full-time employees – for an increase of 81 full-time employees.

Table 3. Full-Time Employees, Pre-Expansion and Current			
	<u>Pre-Expansion</u>	<u>Current</u>	<u>Net Change</u>
Full-Time Salaried Employees	12	30	18
Full-Time Hourly Employees	68	131	63
TOTAL	80	161	81

RIMS II direct effect employment multipliers represent the total number of jobs created (direct, indirect, and induced) for each new direct job. As there have been 81 full-time employees added during the expansion, and the direct effect employment multiplier for Educational Services for the 8-county region is 1.6046, **this activity has created 130 permanent, new jobs.**

This activity has also created about \$12.2 million in new output and about \$4.5 million in new earnings. Hence output per employee equates to about \$93,900 and earnings per employee equate to about \$34,700.

4. Summary Statistics for the Project

Combining the economic impacts of the construction and operations activity, the project has created:

- 247 permanent, new jobs
- About \$28.1 million in new output
- About \$10.0 million in new earnings
- Output per employee equates to about \$113,800
- Earnings per employee equate to about \$40,300

This report submitted by:



David R. Evans, Principal
Evans, Carroll & Associates, Inc.

Appendix A. Detailed Construction Expenditures

Tables 4 and 5 show the construction expenditures that comprise the \$5,270,917 for work done by Morales Construction (plus its two subsidiaries).

Table 4. Construction Expenditures, Morales Construction and Subsidiaries, February 2013 – June 2015

Morales Construction Inc Customer QuickReport			
All Transactions			
Type	Date	Num	Amount
Payment	03/21/2014	21194	30,000.00
Invoice	05/14/2014	54200	194,250.00
Invoice	06/14/2014	54220	175,500.00
Payment	06/23/2014	21393	194,250.00
Invoice	07/15/2014	54241	58,500.00
Payment	08/05/2014	21453	175,000.00
Invoice	09/03/2014	54270	25,000.00
Invoice	09/25/2014	FC 1	5,996.00
Payment	10/01/2014	21564	25,000.00
Invoice	10/15/2014	FC 2	3,224.80
Payment	10/23/2014	21602	75,000.00
Invoice	10/29/2014	54452	40,000.00
Payment	12/04/2014	21703	40,000.00
Invoice	03/06/2015	54518	14,000.00
Payment	04/03/2015	21855	14,000.00

Table 5. Construction Expenditures, Morales Construction and Subsidiaries, July 2015 - Present

Pavilion Area	ProjectCost
Total Cost Estimate Rough Grading Project	\$ 708,240.00
FS Concrete Drainage Channel	\$ 303,144.00
	\$ 997,384.00

Phase 3 Gun Ranges	ProjectCost
Total Shade Structure Cost	\$ 482,390.00
	\$ 482,390.00

Phase 3 Gun Ranges	ProjectCost
--------------------	-------------

FS Block Wall Contract 3,462 Linear Feet, Including Change Order	\$ 694,742.00
--	---------------

Phase 3 Gun Ranges	ProjectCost
FS Original Gravel Contract, Including Change Order	\$ 576,094.00
	\$ 576,094.00

Phase 3 Gun Ranges	ProjectCost
FS Original Rail Road Tie / Sand Contract, Including Extra Sand & Labor @ \$1,200 per Range	\$ 167,400.00
	\$ 167,400.00

Phase 3 Gun Ranges	ProjectCost
FS Additional Gravel Type II / Concrete / Block / Pads for Shade Structures	\$ 66,216.00
	\$ 66,216.00

Phase 3 Gun Ranges	ProjectCost
FS Parking Bumpers, 480 pieces, Rebar, Labor, Profit & Overhead	\$ 20,883.50
	\$ 20,883.50

Phase 3 Gun Ranges	ProjectCost
Additional Gravel for Range 50, Create Service road along berm, water & compact	\$ 28,000.00
	\$ 28,000.00

Phase 3 Gun Ranges	ProjectCost
Range 48; Build Additional berm approximately 32x120x15, install 2 fences and swing gates at entry to ranges 48 & 49	\$ 810.00
	\$ 810.00

Pavilion Area	ProjectCost
Gravel for New Road, 2250lf, 30ft wide, Graded & compacted to 95% or better, Add Crushed Type II over Subgrade 6-8 inches thick, water , roll, compact.	\$ 64,125.00
	\$ 64,125.00

Pavilion Area / Phase 3	ProjectCost
Placement of 96 ft long culvert, 11 ft deep on the access road, equipment & labor	\$ 3,450.00

Resort & RV Area	ProjectCost
Class II Air Quality Operating Permit	\$ 6,700.00
FS Firearms Expansion Grading Project #1117-22, Site Development Rough Grading etc. Resort & RV Area, Contract signed on 7/6/2018	\$ 1,552,880.00
Progress Payment 1 / Grading	
Progress Payment 2 / Grading	
Progress Payment 3 / Grading	
Progress Payment 4 / Grading	
Progress Payment 5 / Grading	

Resort & RV Area	ProjectCost
Placement of 3,500 Linear Feet of 6 inch water pipe for the use of water in Resort & Pavilion Area, (excluding caliche Labor)	\$ 25,000.00
Materials & Labor for water line to Resort & Pavilion Area	\$ 30,508.16

Resort & RV Area	ProjectCost
Front Sight Villas; Removal of Caliche; 335 Caterpillar Excavator with Hammer & Operator Rental	\$ 9,000.00
Front Sight Villas; Removal of Caliche; 335 Caterpillar Excavator with Hammer & Operator Rental	\$ 4,340.00

Total Cost of Projects (Including Permit Fees)	\$4,729,922
---	--------------------

The payments shown in Table 4 total \$553,250; of these payments, \$547,695 are EB-5 eligible expenditures.

Of the \$4,729,922 in expenditures in Table 5, \$6,700 (for the Class II Air Quality Operating Permit) are not EB-5 eligible – leaving \$4,723,223 in EB-5 eligible expenditures.

Combining these two figures (\$547,695 and \$4,723,223), total EB-5 eligible expenditures from Morales Construction and its two subsidiaries are \$5,270,917.

Table 6 shows the detailed construction expenditures that comprise the \$1,027,878.08 for the work done by Civilwise Engineering.

Table 6. Construction Expenditures, Civilwise Engineering

Customer ID Customer	Date	Trans No	Type	Debit Amt
FRONTSIGHT	8/9/13	5535 ✓	SJ	3,387.50
FRONT SIGHT MANAGE	8/22/13	20831	CRJ	
	1/10/14	5617 ✓	SJ	2,555.00
	1/13/14	3631	CRJ	
	2/14/14	5658 ✓	SJ	8,985.00
	3/17/14	21186	CRJ	
	3/27/14	5684 ✓	SJ	9,085.00
	4/8/14	5692 ✓	SJ	280.00
	4/9/14	3760	CRJ	
	4/10/14	5696 ✓	SJ	750.00
	4/10/14	3769	CRJ	
	4/14/14	5699 ✓	SJ	264.00
	4/18/14	5704 ✓	SJ	100.00
	4/22/14	3775	CRJ	
	4/24/14	5709 ✓	SJ	165.00
	4/24/14	5710 ✓	SJ	13,932.50
	4/28/14	21275	CRJ	
	4/28/14	3784	CRJ	
	5/9/14	3805	CRJ	
	6/23/14	21387	CRJ	
	7/15/14	5795 ✓	SJ	375.00
	7/24/14	5806 ✓	SJ	15,515.00
	10/1/14	21565	CRJ	
	10/21/14	5873 ✓	SJ	53,160.00
	11/26/14	21661	CRJ	
FRONTSIGHT	1/1/15	Balance Fwd		
FRONT SIGHT MANAGE	4/3/15	5991 ✓	SJ	17,383.75
	5/15/15	21959 ✓	CRJ	
	6/18/15	6052 ✓	SJ	42.00
	6/29/15	6057 ✓	SJ	9,252.50
	6/29/15	6058	SJ	36,511.25
	7/31/15	4330	CRJ	
	8/25/15	6102 ✓	SJ	740.00
	8/27/15	4373	CRJ	
	9/2/15	4376	CRJ	
	9/21/15	22168	CRJ	
	10/12/15	6124 ✓	SJ	11,855.33
	10/13/15	6125 ✓	SJ	6,570.00
	10/29/15	22205	CRJ	

FRONTSIGHT	1/1/16	Balance Fwd		
FRONT SIGHT MANAGE	1/28/16	6175 ✓	SJ	13,050.00
	1/28/16	6181 ✓	SJ	2,840.00
	3/15/16	6206 ✓	SJ	18,390.00
	4/4/16	22431	CRJ	
	4/21/16	6226 ✓	SJ	39,387.50
	5/17/16	6241 ✓	SJ	13,656.25
	5/17/16	4679	CRJ	
	7/11/16	3277 Meacher	CRJ	
	8/1/16	22564	CRJ	
	9/21/16	6323 ✓	SJ	14,776.25
	9/21/16	6324 ✓	SJ	7,800.00
	9/21/16	6325 ✓	SJ	15,187.50
	9/26/16	22667	CRJ	
	10/17/16	22689	CRJ	
	11/10/16	6340 ✓	SJ	2,475.00
	11/17/16	6361 ✓	SJ	3,362.00
	11/17/16	4932	CRJ	
	12/14/16	22766	CRJ	
FRONTSIGHT	2/16/17	6414 ✓	SJ	43,170.00
FRONT SIGHT MANAGE	2/16/17	6415 ✓	SJ	1,615.00
	2/16/17	6416 ✓	SJ	6,143.75
	2/16/17	6417 ✓	SJ	2,085.00
	2/16/17	6418 ✓	SJ	21,912.50
	2/27/17	6426 ✓	SJ	1,058.00
	2/28/17	5046	CRJ	
	3/15/17	6436 ✓	SJ	310.00
	4/12/17	6451 ✓	SJ	200.00
	4/24/17	22917	CRJ	
	7/8/17	6528 ✓	SJ	7,000.00
	7/8/17	6529 ✓	SJ	19,842.50
	7/8/17	6530 ✓	SJ	9,295.00
	7/11/17	6532 ✓	SJ	1,777.50
	8/31/17	23136	CRJ	
	11/17/17	23253	CRJ	

FRONTSIGHT	1/1/18	Balance Fwd		
FRONT SIGHT MANAGE	1/30/18	23349	CRJ	
	3/2/18	23387	CRJ	
	3/5/18	6757 ✓	SJ	810.00
	3/5/18	6759 ✓	SJ	40,772.50
	3/5/18	6760 ✓	SJ	2,110.00
	3/6/18	6761 ✓	SJ	9,285.00
	3/6/18	6762 ✓	SJ	4,957.50
	4/9/18	23437	CRJ	
	4/30/18	23463	CRJ	
	7/26/18	6936 ✓	SJ	192.00
	7/28/18	6938 ✓	SJ	3,700.00
	7/28/18	6939 ✓	SJ	42,190.00
	7/31/18	6943 ✓	SJ	7,372.50
	7/31/18	6944 ✓	SJ	185,215.00
	8/31/18	6986 ✓	SJ	810.00
	9/7/18	5719	CRJ	
	9/11/18	23664	CRJ	
	12/27/18	23799	CRJ	
	3/12/19	7211 ✓	SJ	30,000.00
	3/12/19	7212 ✓	SJ	10,185.00
	3/12/19	7213 ✓	SJ	163,701.25
	3/12/19	7214 ✓	SJ	3,700.00
	3/12/19	7215 ✓	SJ	67,777.50
	3/26/19	23923	CRJ	
	5/20/19	7314 ✓	SJ	18,857.25
	7/15/19	24340	CRJ	

Table 7 shows the detailed construction expenditures that comprise the \$1,101,700 spent on internal Front Sight projects.

Table 7. Construction Expenditures, Internal Front Sight Projects

Handicap ranges x 4	\$43,000
18 sim bay buildout	\$46,000
practice doors	\$8,000
initial target installation	\$20,000
road extension	\$6,400
road barrier	\$5,700
moved rope guard rail	\$5,000
food area	\$100,000
power switch for generator	\$25,000
power to range 1-12	\$14,600
ice house and machine	\$16,000
new conexes with power	\$30,000
construction trailer	\$2,000
computer networking and expansion + support programing	\$380,000 \$400,000
TOTAL	\$1,101,700

Appendix B. Brief Guide to RIMS II Input/Output Model

The following material has been condensed from the RIMS II User Handbook.

Introduction and General Comments

Effective planning for public- and private-sector projects and programs at the State and local levels requires a systematic analysis of the economic impacts of these projects and programs on affected regions. In turn, systematic analysis of economic impacts must account for the inter-industry relationships within regions because these relationships largely determine how regional economies are likely to respond to project and program changes. Thus, regional input-output (I-O) multipliers, which account for inter-industry relationships within regions, are useful tools for conducting regional economic impact analysis.

In the 1970s, the Bureau of Economic Analysis (BEA) developed a method for estimating regional I-O multipliers known as RIMS (Regional Industrial Multiplier System), which was based on the work of Garnick and Drake. In the 1980s, BEA completed an enhancement of RIMS, known as RIMS II (Regional Input-Output Modeling System), and published a handbook for RIMS II users. In 1992, BEA published a second edition of the handbook in which the multipliers were based on more recent data and improved methodology. In 1997, BEA published a third edition of the handbook that provides more detail on the use of the multipliers and the data sources and methods for estimating them.

RIMS II is based on an accounting framework called an I-O table. For each industry, an I-O table shows the industrial distribution of inputs purchased and outputs sold. A typical I-O table in RIMS II is derived mainly from two data sources: BEA's national I-O table, which shows the input and output structure of nearly 500 U.S. industries, and BEA's regional economic accounts, which are used to adjust the national I-O table to show a region's industrial structure and trading patterns.

Using RIMS II for impact analysis has several advantages. RIMS II multipliers can be estimated for any region composed of one or more counties and for any industry, or group of industries, in the national I-O table. The accessibility of the main data sources for RIMS II keeps the cost of estimating regional multipliers relatively low. Empirical tests show that estimates based on relatively expensive surveys and RIMS II-based estimates are similar in magnitude.

BEA's RIMS multipliers can be a cost-effective way for analysts to estimate the economic impacts of changes in a regional economy. However, it is important to keep in mind that, like all economic impact models, RIMS provides approximate order-of-magnitude estimates of impacts. RIMS multipliers are best suited for estimating the impacts of small changes on a regional economy. For some applications, users may want to supplement RIMS estimates with information they gather from the region undergoing the potential change. To use the multipliers for impact analysis effectively, users must provide geographically and industrially detailed information on the initial

changes in output, earnings, or employment that are associated with the project or program under study. The multipliers can then be used to estimate the total impact of the project or program on regional output, earnings, and employment.

RIMS II is widely used in both the public and private sector. In the public sector, for example, the Department of Defense uses RIMS II to estimate the regional impacts of military base closings. State transportation departments use RIMS II to estimate the regional impacts of airport construction and expansion. In the private-sector, analysts and consultants use RIMS II to estimate the regional impacts of a variety of projects, such as the development of shopping malls and sports stadiums.

RIMS II Methodology

RIMS II uses BEA's benchmark and annual I-O tables for the nation. Since a particular region may not contain all the industries found at the national level, some direct input requirements cannot be supplied by that region's industries. Input requirements that are not produced in a study region are identified using BEA's regional economic accounts.

The RIMS II method for estimating regional I-O multipliers can be viewed as a three-step process. In the first step, the producer portion of the national I-O table is made region-specific by using six-digit NAICS location quotients (LQs). The LQs estimate the extent to which input requirements are supplied by firms within the region. RIMS II uses LQs based on two types of data: BEA's personal income data (by place of residence) are used to calculate LQs in the service industries; and BEA's wage-and-salary data (by place of work) are used to calculate LQs in the non-service industries.

In the second step, the household row and the household column from the national I-O table are made region-specific. The household row coefficients, which are derived from the value-added row of the national I-O table, are adjusted to reflect regional earnings leakages resulting from individuals working in the region but residing outside the region. The household column coefficients, which are based on the personal consumption expenditure column of the national I-O table, are adjusted to account for regional consumption leakages stemming from personal taxes and savings. In the last step, the Leontief inversion approach is used to estimate multipliers. This inversion approach produces output, earnings, and employment multipliers, which can be used to trace the impacts of changes in final demand on and indirectly affected industries.

Advantages of RIMS II

There are numerous advantages to using RIMS II. First, the accessibility of the main data sources makes it possible to estimate regional multipliers without conducting relatively expensive surveys. Second, the level of industrial detail used in RIMS II helps avoid aggregation errors, which often occur when industries are combined. Third, RIMS II multipliers can be compared across areas because they are based on a consistent set

of estimating procedures nationwide. Fourth, RIMS II multipliers are updated to reflect the most recent local-area wage-and-salary and personal income data.

Overview of Different Multipliers

RIMS II provides users with five types of multipliers: final demand multipliers for output, for earnings, and for employment; and direct-effect multipliers for earnings and for employment. These multipliers measure the economic impact of a change in final demand, in earnings, or in employment on a region's economy.

The final demand multipliers for output are the basic multipliers from which all other RIMS II multipliers are derived. In this table, each column entry indicates the change in output in each row industry that results from a \$1 change in final demand in the column industry. The impact on each row industry is calculated by multiplying the final demand change in the column industry by the multiplier for each row. The total impact on regional output is calculated by multiplying the final demand change in the column industry by the sum of all the multipliers for each row except the household row.

RIMS II provides two types of multipliers for estimating the impacts of changes on earnings: final demand multipliers and direct effect multipliers. These multipliers are derived from the table of final demand output multipliers.

The final demand multipliers for earnings can be used if data on final demand changes are available. In the final demand earnings multiplier table, each column entry indicates the change in earnings in each row industry that results from a \$1 change in final demand in the column industry. The impact on each row industry is calculated by multiplying the final demand change in the column industry by the multipliers for each row. The total impact on regional earnings is calculated by multiplying the final demand change in the column industry by the sum of the multipliers for each row.

Employment Multipliers

RIMS II provides two types of multipliers for estimating the impacts of changes on employment: final demand multipliers and direct effect multipliers. These multipliers are derived from the table of final demand output multipliers.

The final demand multipliers for employment can be used if the data on final demand changes are available. In the final demand employment multiplier table, each column entry indicates the change in employment in each row industry that results from a \$1 million change in final demand in the column industry. The impact on each row industry is calculated by multiplying the final demand change in the column industry by the multiplier for each row. The total impact on regional employment is calculated by multiplying the final demand change in the column industry by the sum of the multipliers for each row.

The direct effect multipliers for employment can be used if the data on the initial changes in employment by industry are available. In the direct effect employment multiplier table, each entry indicates the total change in employment in the region that results from a change of one job in the row industry. The total impact on regional employment is calculated by multiplying the initial change in employment in the row industry by the multiplier for the row.

Choosing a Multiplier

The choice of multiplier for estimating the impact of a project on output, earnings, and employment depends on the availability of estimates of the initial changes in final demand, earnings, and employment. If the estimates of the initial changes in all three measures are available, the RIMS II user can select any of the RIMS II multipliers. In theory, all the impact estimates should be consistent. If the available estimates are limited to initial changes in final demand, the user can select a final demand multiplier for impact estimation. If the available estimates are limited to initial changes in earnings or employment, the user can select a direct effect multiplier.

Appendix C. Methodology for Calculating Indirect Job Gains

In spite of the explanation of the RIMS II model given directly above, some USCIS adjudicators have asked for further clarification about how that model is used to determine the increase in the number of indirect jobs. That is an important issue because, unlike the direct job count, which can be verified by USCIS from various payroll and withholding documents, the calculation of indirect jobs cannot be verified directly but depends on mathematical calculations.

The general concept is based on the coefficients in the input/output model itself (the same methodology applies to RIMS II, IMPLAN, or any other generally recognized and accepted input/output model). In any given year, the government calculates how much input is used for a given production of output. The detailed figures are taken from the Economic Censuses taken once every five years; the figures are then updated from various annual supplements.

Basically the process has two steps, each of which is described next in greater detail. The first is to determine the amount of output, and hence the number of jobs, required to produce a given amount (say \$1 million) of the final product or service. These are national coefficients. The second is to determine what proportion of those goods and services are purchased within the local region (the regional purchase coefficients, or RPCs).

In the case of a manufacturing process, the national coefficients are based on production functions: how much coke per ton of steel, how much steel per motor vehicle, how much flour for a loaf of bread, and so on. However, most of the jobs are created in the service sector, where Commerce Department data are used to determine, for example, how much restaurants spend on laundry services, how much airlines spend for attorneys, and so on. These figures are based on information contained in the various Economic Censuses. The national coefficients would also determine, for example, how many architects and engineers would be hired for a construction project of a given scope and size, and how many new employees at financial institutions would be required to handle the additional cash flow generated by the new business. Both of these are discussed below in greater detail.

Even after these coefficients are determined, however, the regional purchase coefficients (RPC) must still be estimated. If, for example, a trucking firm spends 1% of its revenue on accountants, how much of that money is spent on local firms, and how much is spent outside the region?

That answer depends on various factors. The most important is the amount of the good or service produced within the region. If a trucking firm, for example, were located in a small county with no accountants, obviously it would not spend any of that money locally. That sets a lower limit but is not generally the case. Instead, a balancing algorithm is used.

Suppose, for example, that all the firms producing, distributing, or selling goods and services in a given county spent \$10 million on accounting services. Also,

suppose that total billings of all accountants in the county were \$20 million. In that case, local accountants could handle all the local business, plus business from neighboring counties. If, on the other hand, total accountant billings in the county were only \$5 million, local firms could not spend more than half of the money on local accountants.

Of course it is possible that there are adequate resources in the county but local firms choose to use companies outside the county; perhaps prices or service is better. No input/output model can account for such anomalies. On the other hand, given transportation costs, it would be highly unusual for a firm to be located in a given location and not serve the nearby businesses, instead choosing only those clients who were farther away.

The RIMS II model – and other regional input/output models – assigns regional purchase coefficients (RPCs) in all cases where the local industry purchases goods and services from local firms. This matrix could have as many as $406 * 406 = 164,836$ elements, although in practice many of them are zero. Large counties with a wide variety of businesses have more non-zero elements than small counties with relatively few businesses.

In general, the RPCs tend to be close to zero for most manufactured goods, and close to unity for most services. While there are many exceptions to this rule, most firms will use financial, professional, business, and health care services that are located in that county or contiguous areas.

To take just one example of many, consider the number of new jobs created by architects and engineers for a new construction project of any given size. Most construction cost manuals, such as those published by R. S. Means, indicate that those costs are usually about 5% to 9% of the total job. These figures are fairly typical of other locations and regions; except for “signature” buildings designed by famous names, most architects and engineers live in the same region as the buildings that are being constructed.

To summarize to this point, the number of indirect jobs as a proportion of direct jobs depends on (a) the national relationships, and (b) the regional purchase coefficients. In our presentation for the businesses in this report, we provide further discussion of those industries with the largest number of indirect jobs. However, there are a few industries that produce relatively large numbers of jobs in almost all cases, and these can be generally discussed at this stage in order to avoid repeating this information several times. The industries discussed here include banking, real estate, legal and accounting, architects and engineers, other professional services, employment services, other business services, restaurants, and government. In all of these cases, the vast majority of workers are hired locally. Our comments for the rest of this section are based on the assumption of a \$10 million investment; the results are linear.

Banking and credit: On an aggregate basis, for every \$10 million in deposits, very broadly defined (M3), there is about 1 new banking employee. As a rough rule of

thumb, the size of M3 is roughly equal to the size of GDP. Hence we would expect about 1 new banking employee for every \$10 million increase in output, as calculated from the RIMS II model.

Real estate: Additional real estate employees are based on two factors. One is the leasing activity of the new building, and the other is the increase in residential real estate activity as people get new jobs, either within the area or by moving into the area. On a lease basis, a \$10 million investment is likely to result in a building of 80,000 square feet. If it leases for \$40/square foot, that would be \$3.2 million in annual lease payments, and with a 6% commission would generate \$192,000 in revenues, which would account for about 2 new real estate employees (the figure would be less for industrial buildings). The increase in employment would also result in some real estate activity as workers moved into better housing in the same location, or moved in from other areas. In a normal year, there are about 7 million sales of new and existing homes for a labor force of about 140 million, or 5%. Hence if the total increase in employment were 200, that would imply 10 real estate transactions; if they average \$200,000 at a 6% commission, that would be \$12,000 per home or a total of \$120,000, which would support approximately 3 new real estate jobs.

Legal & Accounting: Each of these accounts for about 1% of total employment; so if there were a total increase of 200 jobs, we would expect an average of 4 new employees in this classification.

Architects & Engineers: almost all of these jobs stem from the new construction activity. This category has already been discussed above; for a \$10 million construction project, which would create about 80 new construction jobs, we would expect about 7 new jobs in architects and engineers for a commercial project and 3 to 4 new jobs for an industrial project.

Other professional services: This category includes employees in consulting, scientific research and development, advertising, and management, as well as several other smaller, specialized categories. In general, consulting, management, and the all other category each account for about 1% of total employment, and R&D and advertising account for about ½% of total employment, for a total of about 4% of total employment. This figure will vary widely depending on the degree to which consultants and R&D are used by the new business.

Employment services: On a national average basis, 1 out of every 45 people is employed by this industry. Here again, the figures will vary widely depending on (a) the proportion of people who are hired through employment agencies, and (b) the proportion of the work that is outsourced to employment services.

Business support services include office management, travel arrangement, security, credit bureaus, telemarketing, and back-office jobs that are outsourced, such as direct mail, copying, and duplicating services. The back-office services would vary widely depending on the type of new business; retail stores, for example, would print and distribute more advertising brochures than a manufacturing operation. On a national average basis, these jobs account for about 2% of total employment.

Building support services, which includes janitorial services, lawn maintenance, and waste management. For an office building of 80,000 square feet, the cost would be approximately \$2/sq ft per year for maintenance, or \$160,000, which would support about 4 new jobs; here again, the figure would be lower for industrial buildings.

Restaurants: This category reflects business meals. Of course the number of business meals depends greatly on the type of business; lawyers, accountants, and consultants will have more business meals than manufacturing plants or water treatment facilities. On a national average basis, Commerce Department figures show that total restaurant sales in 2007 were \$580 billion, while consumer expenditures at restaurants were \$500 billion. However, that figure also includes tips, which are not included in restaurant sales. After subtracting 15% for tips, that indicates about \$425 billion in food and beverage purchases by consumers, indicating about \$155 billion for business expenses. With a labor force of approximately 140 million, that is equivalent to about \$1,100 per employee. Hence if 200 new jobs were created, business meal expenses would rise an average of \$221,000, which would imply about 4.5 new indirect jobs in the restaurant industry. These figures are likely to be somewhat higher when direct jobs are created for office buildings and hotels.

Government: The increase in public sector employees represents the amount funded by increased real estate taxes. For a construction project with \$10 million in hard costs, the total value is likely to be between \$15 and \$20 million when one includes furniture, fixtures, equipment, and land values. Using a national average property tax rate of 1%, that would raise \$150,000 to \$200,000, which would create 3 to 4 new jobs in the public sector.

Appendix D: About Evans, Carroll & Associates, Inc.

Evans, Carroll & Associates (ECA) has been providing economic forecasting and consulting to clients since 1981. The firm specializes in economic analysis for EB-5 programs and the development of custom econometric models for individual industries and companies. ECA has successfully submitted hundreds of EB-5 economic impact reports that have been approved by USCIS.

Dr. Michael K. Evans is the founder and chairman of ECA. Previously, Dr. Evans was founder and president of Chase Econometrics (1970-1980), and served as Clinical Professor of Economics at Kellogg Graduate School of Management, Northwestern University (1996-99) and Assistant and Associate Professor of Economics, Wharton School, University of Pennsylvania (1964-69). Dr. Evans has published over a dozen books and hundreds of articles.

Since early 2016, the firm's EB-5 economic impact practice has been led by David R. Evans; the two have worked together on EB-5 economic impact studies since 2012. Prior to joining ECA, Mr. Evans served as the Chief Scoring Officer for Capital One Bank (1999-2011). He started his career in economic consulting (1989-99), most notably at PriceWaterhouseCoopers. Mr. Evans received his degree in Economics from Brown University in 1989.

SAMPLE OF RECENT CONSULTING PROJECTS

A. Economic Impact of EB-5 Immigrant Investor Programs and New Markets Tax Credits

For more information on these projects, see www.evanseb5.com

Key to symbols: N, new regional center, E, extension of existing center

- E ● Calculated the economic impact of construction and operation of hotel in the Hudson Yards section of mid-town Manhattan
- E ● Calculated the economic impact of construction of residential housing complex in Elko, NV
- E ● Calculated the economic impact of site preparation and drilling, and extraction of gold from gold mine in Jefferson County, MT.
- E ● Calculated the economic impact of construction and operation of mixed-use commercial project in Brooklyn
- E ● Calculated the economic impact of construction of residential housing complex near Rancho Cucamonga, CA
- E ● Calculated the economic impact of construction and operation of charter school in Pinellas County, FL.

- E ● Calculated the economic impact of renovation of existing mall into the Asia Expo Center in Milwaukee, WI
- E ● Calculated the economic impact of construction and operation of office building in Dallas, TX
- E ● Calculated the economic impact of construction and operation of senior living facilities in Orange County, FL and Polk County, FL (2 projects)
- E ● Calculated the economic impact of construction and operation of hotel in Long Island City, Queens, NY
- E ● Calculated the economic impact of construction and operation of shopping center in a planned residential community outside of Las Vegas, NV
- E ● Calculated the economic impact of construction and operation of supermarket and mixed-use building in Flushing, Queens, NY
- E ● Calculated the economic impact of acquiring and expanding existing professional service businesses in Southern Florida.
- E ● Calculated the economic impact of construction and operation of a winery and associated tourist attractions in Temecula, CA
- E ● Calculated the economic impact of construction and operations of a casino in Las Vegas
- N ● Calculated the economic impact of construction and operations of a biotechnical company in Tulare County, CA
- E ● Calculated the economic impact of construction and operations of a high-tech automotive company near Detroit, MI
- E ● Calculated the economic impact of construction and operations luxury condominium building in downtown Manhattan
- E ● Calculated the economic impact of construction and operations of a ski resort at Powder Mountain, UT
- E ● Calculated the economic impact of construction and operations of a hotel on Guam
- E ● Calculated the economic impact of construction and operations of two hotels in Dallas, TX (2 separate projects)
- E ● Calculated the economic impact of construction and operations of two hotels in Baltimore, MD, and College Park, MD (2 separate projects)
- E ● Calculated the economic impact of construction and operations of hotel in the Manhattan financial district
- E ● Calculated the economic impact of construction and operations of apartment building and mixed-use commercial project in the Harlem section of Manhattan (2 separate projects)
- E ● Calculated the economic impact of construction and operations of hotel in Brooklyn

- E • Calculated the economic impact of construction and operations of condominium in Queens
- E • Calculated the economic impact of construction and operations of hotel and conference center in College Park, MD
- E • Calculated the economic impact of construction and operations condominium building in Bellevue, WA
- E • Calculated the economic impact of construction and operations of urgent care centers in the Sacramento, CA area
- E • Calculated the economic impact of construction and operations of College of Osteopathic Medicine in New Mexico
- E • Calculated the economic impact of construction and operations of Medical College of Medicine in Sacramento
- E • Calculated the economic impact of construction and operations of chemical research complex in Houston, TX
- E • Calculated the economic impact of construction and operations of hotel in Hackensack NJ
- E • Calculated the economic impact of construction and operations of apartment building in Brooklyn
- E • Calculated the economic impact of drilling 18 oil wells in West Texas
- E • Calculated the economic impact of construction and operations of two apartment buildings in Queens (2 separate projects)
- E • Calculated the economic impact of construction and operations of assisted living facility in Sebastian, FL
- E • Calculated the economic impact of construction and operations of Waterpark entertainment facility in Phoenix, AZ
- E • Calculated the economic impact of construction and operations of musical entertainment facility in Irving, TX
- E • Calculated the economic impact of construction and operations of salt mine in East Texas
- E • Calculated the economic impact of construction and operations of hotel in Dallas, TX
- E • Calculated the economic impact of construction and operations of senior living facility in San Francisco, CA
- E • Calculated the economic impact of construction and operations of charter schools in Southeast Florida (2 separate projects)
- N • Calculated the economic impact of construction and operations of a yarn-spinning plant in Louisiana
- N • Calculated the economic impact of construction and operations of Chinese Christian charter school in California

- N ● Calculated the economic impact of construction and operations of data processing center in Pflugerville, TX
- E ● Calculated the economic impact of construction and operations of charter schools in Southeast Florida (3 separate projects)
- E ● Calculated the economic impact of construction and operations of hotel in mid-town Manhattan
- E ● Calculated the economic impact of construction and operations of hotel in Fresh Meadows, Queens, NY
- E ● Calculated the economic impact of operation of alternative taxicab service for outer boroughs of New York City
- E ● Calculated the economic impact of construction and operations of 17 restaurants throughout an area including parts of Louisiana and Texas
- E ● Calculated the economic impact of construction and operations of assisted living center in Des Plaines, IL
- E ● Calculated the economic impact of construction and operations of apartment building in Staten Island (Richmond County), NY
- E ● Calculated the economic impact of construction and operations of residential building in Dallas, TX
- E ● Calculated the economic impact of construction and operations of office building in Miramar, TX
- E ● Calculated the economic impact of construction and operations of hotel and resort on the Commonwealth of the Northern Mariana Islands (CHMI)
- E ● Calculated the economic impact of construction and operations of hotel in downtown Chicago, IL
- E ● Calculated the economic impact of construction and operations of hotel and mixed-use commercial buildings in Pittsburgh, PA, and Youngstown, OH (2 separate projects)
- E ● Calculated the economic impact of drilling oil wells in Northeast Pennsylvania
- E ● Calculated the economic impact of construction and operations of mixed-use commercial building in Seattle, WA
- E ● Calculated the economic impact of construction and operations of residential building in Dallas, TX
- E ● Calculated the economic impact of redesign and expansion of ski resort and lodge in New Hampshire
- E ● Calculated the economic impact of construction and operations of Downtown Village Square project in Cape Coral, FL
- E ● Calculated the economic impact of construction and operations of urgent care centers in the New York City area
- E ● Calculated the economic impact of construction and operations of charter school in Broward County, FL

- E • Calculated the economic impact of construction and operation of medical college in Sacramento, CA.
- E • Calculated the economic impact of construction and operation of mixed-use building in Madison County, AL.
- E • Calculated the economic impact of construction and operation of hotels in the Dallas/Fort Worth, Houston, San Antonio, and Austin metropolitan areas as part of the 43-county "Texas Triangle" (2 projects)
- E • Calculated the economic impact of construction and operation of boutique hotel in Flushing, Queens, NY
- E • Calculated the economic impact of construction and operation of several fast-food seafood restaurants in Miami/Dade County, FL
- N • Calculated the economic impact of construction and operation of technology incubator in the Boston, MA area.
- E • Calculated the economic impact of construction and operation of various hotels in Brooklyn and Queens, NY (3 projects)
- E • Calculated the economic impact of construction and operation of a hotel and restaurants in Rancho Cucamonga, FL (2 projects)
- E • Calculated the economic impact of construction and operation of assisted living center in Las Vegas, NV
- N • Calculated the economic impact of expansion of a manufacturing plant to produce electric vehicles and parts, Jackson County, OR
- E • Calculated the economic impact of construction and operation of residential housing development in South Florida (2 projects)
- E • Calculated the economic impact of construction and operation of the Orlando Skypark in Orlando, FL
- E • Calculated the economic impact of construction and operation of drilling and operating oil and gas wells in Texas (3 projects)
- E • Calculated the economic impact of construction and operation of senior living facility in Flushing, Queens, NY
- E • Calculated the economic impact of renovating and expanding the Queen Mary ship and adding various entertainment facilities
- E • Calculated the economic impact of construction and operation of a water park in Temecula, CA
- E • Calculated the economic impact of construction and operation of a hotel and conference center in Rockford, IL

- E ● Calculated the economic impact of construction and rental income from an apartment building in Portland, OR, and Glendale, CA (2 projects)
- E ● Calculated the economic impact of expansion of the Atlantic Yards project in Brooklyn, NY
- E ● Calculated the economic impact of construction and operation of a luxury office building and a luxury condominium building in mid-town Manhattan (2 projects)
- E ● Calculated the economic impact of construction and operation of a biofuels plant, converting sugar to fuels in South Florida
- E ● Calculated the economic impact of renovation and expansion of a Blue Cross Call center in Columbus, GA
- E ● Calculated the economic impact of construction and operation of the Brooklyn Bridge marina and yacht club
- E ● Calculated the economic impact of construction and rental income of an apartment building in Houston, TX
- E ● Calculated the economic impact of construction and operation of a hotel building in Nashville, TN
- E ● Calculated the economic impact of construction and operation of a hotel in the NoMad district of Manhattan
- E ● Calculated the economic impact of construction and rental income of a townhouse development in Dublin, CA
- E ● Calculated the economic impact of construction and rental income of a housing development in Dallas, TX
- E ● Calculated the economic impact of construction and operation of a Times Square hotel in Manhattan
- E ● Calculated the economic impact of construction and operation of hotels in various counties in the Permian Basin in West Texas
- E ● Calculated the economic impact of construction and operation of a hotel building in Houston, TX
- E ● Calculated the economic impact of construction and rental income of high-rise hotels in downtown Chicago (3 projects)
- N ● Calculated the economic impact of construction and operation of an amusement park in suburban Phoenix, AZ
- E ● Calculated the economic impact of construction and operation of a mixed-use building in Stamford, CT
- E ● Calculated the economic impact of construction and operation of a hotel, resort, and casino in the Commonwealth of the Mariana Islands (CNMI).

- E • Calculated the economic impact of construction and operation of a mixed-use building in Stamford, CT
- E • Calculated the economic impact of construction and operation of a combined hotel and day care center, Queens, NY
- E • Calculated the economic impact of construction and operation of a charter school in Broward County, FL
- E • Calculated the economic impact of construction and operation of a mixed-use building in Stamford, CT
- E • Calculated the economic impact of construction and rental income of an apartment building in Hollywood, CA.
- E • Calculated the economic impact of development of a sports stadium in Los Angeles
- E • Calculated the economic impact of construction and operation of a hotel in Tacoma, WA
- E • Calculated the economic impact of construction and operation of a hotel in Nyack, NY
- E • Calculated the economic impact of construction and operation of a mixed-use building in Atlanta, GA
- E • Calculated the economic impact of construction and operation of a charter school in Palm Beach County, FL
- E • Calculated the economic impact of construction and operation of mixed-use buildings in Chicago (2 projects)
- N • Calculated the economic impact of construction and operation of a sawmill in Arkansas
- E • Calculated the economic impact of construction and operation of a hotel in Miami, FL
- E • Calculated the economic impact of construction and operation of a hotel on the West Side of Manhattan
- E • Calculated the economic impact of construction and operation of a mixed-use building in Temecula, CA
- E • Calculated the economic impact of construction and operation of a charter school in Sarasota, FL
- E • Calculated the economic impact of construction and operation of a gold mine in Washoe County, NV
- E • Calculated the economic impact of construction of luxury housing development in Northern Virginia
- E • Calculated the economic impact of renovating part of the Oakland, CA waterfront
- E • Calculated the economic impact of construction and operation of a hotel in Puerto Rico
- E • Calculated the economic impact of construction and operation of a warehouse in Chicago

- E • Calculated the economic impact of renovation and expansion of the Nassau Coliseum, Nassau County, NY
- N • Calculated the economic impact of construction and operation of country and western Music center in Riverside County, CA
- E • Calculated the economic impact of construction and operation of mixed-use commercial building, Staten Island, NY
- E • Calculated the economic impact of construction and operation of hotel in Queens, NY
- N • Calculated the economic impact of construction and operation of hotel and resort on the U. S. Virgin Islands
- E • Calculated the economic impact of construction and operation of geothermal energy project in Nevada
- E • Calculated the economic impact of construction and operation of hotel in Kenosha, WI
- E • Calculated the economic impact of construction and operation of hotel in Hudson County, NJ (2 projects)
- E • Calculated the economic impact of construction and operation of hospital in Chicago
- E • Calculated the economic impact of renovation of old luxury hotel in Yonkers, NY
- E • Calculated the economic impact of construction and rental income of apartment in Seattle, WA
- E • Calculated the economic impact of construction and operation of restaurant in Las Vegas
- E • Calculated the economic impact of construction and operation of bottle cap manufacturing plant
- E • Calculated the economic impact of construction and operation of hotel in Michigan
- E • Calculated the economic impact of construction and operation of charter school in South Florida (2 projects)
- E • Calculated the economic impact of construction and rental income of apartment building in Jersey City
- E • Calculated the economic impact of construction and operation of hotel in Brooklyn
- E • Calculated the economic impact of construction and operation of hotel in Oakland, CA
- E • Calculated the economic impact of construction and operation of hotel in Queens, NY
- E • Calculated the economic impact of construction and operation of hotel and resort in the Mariana Islands
- E • Calculated the economic impact of renovation and operation of hotel in Adams Morgan section of Washington, DC
- E • Calculated the economic impact of construction and operation of hotel in Farmers Market section of Dallas

- E ● Calculated the economic impact of renovation of old Taystee Baking facility in Harlem, Manhattan, NY
- E ● Calculated the economic impact of development of master plan project for Treasure Island, San Francisco
- E ● Calculated the economic impact of construction and operation of hotel and resort in Puerto Rico
- E ● Calculated the economic impact of construction and operation of hotel in Yonkers, NY
- E ● Calculated the economic impact of construction and operation of “Discovery New York” entertainment center
- E ● Calculated the economic impact of construction and operation of hotel in Los Angeles (2 projects)
- N ● Calculated the economic impact of construction and operation of plant for steel fabrication in Alabama.
- E ● Calculated the economic impact of construction and operation of hotel and condominium in San Bernardino county, CA
- N ● Calculated the economic impact of construction and operation of a chain of frozen yogurt restaurants in the Gulf Coast area stretching from Florida to Texas
- E ● Calculated the economic impact of construction and operation of drilling for oil and gas wells in Texas
- E ● Calculated the economic impact of construction and operation of proton cancer center in Los Angeles County
- E ● Calculated the economic impact of construction and operation of hotels in Los Angeles (3 projects)
- E ● Calculated the economic impact of construction and operation former Deauville hotel in Miami Beach, FL
- E ● Calculated the economic impact of construction and operation of boutique hotel in Ontario, CA.
- E ● Calculated the economic impact of construction and operation of hotel in mid-town Manhattan.
- E ● Calculated the economic impact of renovation and operation of a commercial mixed-use building in San Francisco.
- E ● Calculated the economic impact of construction and operation of luxury condominium building in downtown Manhattan.
- E ● Calculated the economic impact of construction and rental income of a medical facility in Winston-Salem, NC
- E ● Calculated the economic impact of construction and rental income of office building in mid-town Manhattan.
- E ● Calculated the economic impact of construction and rental income of office building in downtown Cleveland, OH.

- E • Calculated the economic impact of construction and operation of mixed-use commercial and residential project in Tacoma, WA.
- E • Calculated the economic impact of construction and operation of senior living facility in Chicago.
- N • Calculated the economic impact of construction and operation of manufacturing plant to produce synthetic coke fuel for steel manufacturing in rural West Virginia.
- E • Calculated the economic impact of construction and operation of apartment building in Washington, DC.
- E • Calculated the economic impact of construction and operation of medical complex in Flushing, Queens, NY.
- E • Calculated the economic impact of construction and operation of hotel in Chicago
- E • Calculated the economic impact of construction and operation of insurance plan for pets, headquartered in New York City.
- E • Calculated the economic impact of construction and operation of hotel in the Gowanus district of Brooklyn.
- E • Calculated the economic impact of construction and operation of hotel near Times Square, Manhattan
- E • Calculated the economic impact of construction and operation of 3 senior living and residential facilities in Southeast FL.
- E • Calculated the economic impact of construction and operation of senior living and residential facilities in Seattle WA.(3 different projects)
- E • Calculated the economic impact of construction and operation of charter school in Palm Beach County, FL
- E • Calculated the economic impact of construction of mixed-use commercial project and infrastructure in New York City.
- N • Calculated the economic impact of construction and operation of pellet mill in Arkansas, used to make fuel pellets mainly for export to Europe.
- E • Calculated the economic impact of construction of senior living facilities in Houston, Texas
- E • Calculated the economic impact of construction of skilled nursing facility in Las Vegas, NV
- E • Calculated the economic impact of construction and operation of hotel in Chicago
- E • Calculated the economic impact of construction and operation of wholesale distribution center and retail outlets in Queens, NYC
- E • Calculated the economic impact of construction and operation of New Quincy Market in Quincy, MA.

- E ● Calculated the economic impact of operation of fund for providing capital for production of films in New Orleans, LA
- E ● Calculated the economic impact of renovation and operation of mixed-use facilities and rebuilding of infrastructure in Harlem, Manhattan, NYC
- E ● Calculated the economic impact of construction and operation of mixed-use residential and commercial buildings in New York City (2 projects)
- N ● Calculated the economic impact of construction and operation of sports complex in Attleboro, MA.
- E ● Calculated the economic impact of construction and operation of sports stadium and related retail ventures in Las Vegas, NV
- E ● Calculated the economic impact of construction and operation of resort complex in Hawaii
- E ● Calculated the economic impact of construction and operation of mixed-use commercial and residential property in Emerald Falls, OK
- E ● Calculated the economic impact of construction and operation of five hotels in rural Texas
- N ● Calculated the economic impact of developing and operating oil wells in the Bakken Formation in North Dakota.
- E ● Calculated the economic impact of construction and operation of 4 mixed-use buildings in the New York City metropolitan area.
- E ● Calculated the economic impact of construction and operation of a hotel in Queens, NYC
- E ● Calculated the economic impact of constructing and operating a hotel near LaGuardia airport, New York
- E ● Calculated the economic impact of constructing and operating a restaurant and wine bar on the Las Vegas strip.
- E ● Calculated the economic impact of constructing a medical complex in the Bronx, NY
- E ● Calculated the economic impact of constructing and operating a theme park restaurant in Downtown Disney World, Orlando, FL
- E ● Calculated the economic impact of constructing and operating an oil refinery in the Houston, TX metropolitan area
- N ● Calculated the economic impact of developing a planned town with single and multi-family residences, commercial space, and solar energy on a ranch in Hendry County, FL
- E ● Calculated the economic impact of developing a luxury condominium in Miami, FL
- E ● Calculated the economic impact of constructing and operating a hotel near Times Square, New York City

- E ● Calculated the economic impact of constructing and operating a hotel in Pascagoula, MS
- E ● Calculated the economic impact of constructing and operating a hotel in Orlando, FL
- E ● Calculated the economic impact of constructing and operating a senior living facility in suburban Atlanta, GA
- E ● Calculated the economic impact of expansion of commercial facilities in Cleveland, OH in (a) the area around University Circle, and (b) the downtown Flats area.
- N ● Calculated the economic impact of constructing and operating a geothermal power plant in Oregon.
- E ● Calculated the economic impact of constructing and operating a luxury apartment building in downtown Manhattan
- E ● Calculated the economic impact of constructing and operating a senior living facility in Palm Beach County, FL
- E ● Calculated the economic impact of constructing several multi-family residential buildings in Texas (3 separate projects)
- E ● Calculated the economic impact of operating a home insurance company to relieve the burden of Citizens Insurance in the State of Florida.
- E ● Calculated the economic impact of constructing and operating a restaurant chain specializing in high-quality health foods, Palm Beach County, FL
- E ● Calculated the economic impact of constructing and operating multi-family residential properties, hotels, and senior living facilities in the Denver metropolitan area.
- E ● Calculated the economic impact of constructing and operating multi-family residential properties, hotels, and senior living facilities in the Atlanta metropolitan area.
- E ● Calculated the economic impact of constructing and operating multi-family residential properties, hotels, and senior living facilities in the Miami metropolitan area.
- E ● Calculated the economic impact of producing a series of 10 major motion pictures (\$100 million or more each) in the New York City area.
- E ● Calculated the economic impact of constructing luxury homes on Key Largo, FL
- N ● Calculated the economic impact of construction and operation of three projects in Puerto Rico: a hotel in San Juan, a condo/hotel village in Arecibo, and a power plant in Loiza. Used Puerto Rico input/output model updated by ECA.
- N ● Calculated the economic impact of construction and operation of a time-sharing condominium in Hawaii.

- E ● Calculated the economic impact of constructing and operating a large Ferris Wheel on the Las Vegas strip, including the impact of advertising revenues and ancillary retail space.
- E ● Calculated the impact of operating an insurance company in South Florida.
- N ● Calculated the economic impact of constructing and operating a medical complex in the Houston, TX metropolitan area.
- N ● Calculated the economic impact of constructing a new interchange for the Pennsylvania Turnpike and I-95.
- E ● Calculated the economic impact of constructing and operating a mixed-use commercial facility in Newark, NJ
- E ● Calculated the economic impact of improving the infrastructure at the waterfront in Oakland, CA
- E ● Calculated the economic impact of constructing and operating a hotel in San Diego CA.
- E ● Calculated the economic impact of constructing and operating a hotel in downtown Cleveland, OH
- E ● Calculated the economic impact of constructing three multi-family residential properties in Austin, TX.
- E ● Calculated the economic impact of renovating and operating the former Wilshire hotel in Los Angeles.
- E ● Calculated the economic impact of constructing and operating a luxury hotel in Austin, TX
- E ● Calculated the economic impact of constructing a mixed-use industrial facility in Pflugerville, TX
- E ● Calculated the economic impact of constructing and operating charter schools in several different locations in Florida, and in Chicago (5 separate projects).
- N ● Calculated the economic impact of constructing and operating a manufacturing plant for wood pellets used for heating in Southern Georgia
- E ● Calculated the economic impact of constructing and operating a wind farm in the Texas panhandle.
- E ● Calculated the economic impact of constructing several luxury apartment buildings and hotels in Manhattan (4 separate projects)
- E ● Calculated the economic impact of operating a steel distribution center in Palm Beach County, FL
- N ● Calculated the economic impact of operating a boat for cleaning and processing fish anchored off the Mississippi River in Kentucky.
- E ● Calculated the economic impact of constructing and operating hotels in Seattle, WA (2 separate projects)

- N ● Calculated the economic impact of operation of a facility for bio-science trials, Newark, NJ
- N ● Calculated the economic impact of building and operating a steel mill in Northeast Arkansas.
- E ● Calculated the economic impact of drilling and extracting oil, natural gas, and natural gas liquids, Oklahoma (2 projects)
- E ● Calculated the economic impact of expanding a golf and ski resort, and a furniture manufacturing plant, in Northern New Hampshire
- E ● Calculated the economic impact of constructing and operating a medical facility and student dormitory in Brooklyn, NY
- N ● Calculated the economic impact of oil drilling and extraction in Marion County, TX
- E ● Calculated the economic impact of developing and operating mixed-use facilities in Los Angeles
- N ● Updated an input/output model for Puerto Rico, and used this model to determine the economic impact of constructing and operating a resort in Boqueron Bay
- E ● Calculated the economic impact of renovating properties for Mississippi State University and adding a hotel
- E ● Calculated the economic impact of renovating an assisted living facility in Anniston, AL
- E ● Calculated the economic impact of constructing an apartment tower in Phoenix, AZ
- E ● Calculated the economic impact of constructing and operating a hotel in Dallas, TX. Also calculated the impact of two assisted living centers in Dallas.
- N ● Calculated the economic impact of a mixed-use commercial facility in New London, CT.
- N ● Calculated the economic impact of a mixed-use commercial facility in suburban Chicago, IL
- Calculated the economic impact of a hotel, casino, and commercial mixed-use properties on the island of Matsu, Taiwan Republic (not an EB-5 project but similar methodology was used)
- N ● Calculated the economic impact of extracting lithium compounds from the Salton Sea in Imperial County, CA
- N ● Calculated the economic impact of constructing and operating geothermal power plants in southern CA
- E ● Calculated the economic impact of constructing luxury hotels and condominiums in Manhattan (6 separate projects)
- N ● Calculated the economic impact of producing motion pictures and TV programs in Miami, FL

- E ● Calculated the economic impact of constructing and operating a hotel, shopping center, and residences in Boca Raton, FL
- E ● Calculated the economic impact of developing and operating a time-sharing resort on Lake Tahoe, CA
- N ● Calculated the economic impact of a series of child day care and learning centers in San Antonio and Austin, TX
- N ● Calculated the economic impact of a mixed-use commercial and cultural center in Chinatown, Philadelphia
- E ● Calculated the economic impact of developing and operating charter schools in Florida (4 projects)
- N ● Calculated the economic impact of developing the Boston Seaport project near the Boston Harbor.
- E ● Calculated the economic impact of a mixed-use hotel and commercial project in downtown Boston, MA
- E ● Calculated the economic impact of expanding the Hialeah racetrack, Hialeah, FL
- E ● Calculated the economic impact of developing and expanding a resort area in Benton Harbor, MI
- N ● Calculated the economic impact of developing and operating a Holiday Inn near the World Trade Center, Manhattan
- N ● Calculated the economic impact of developing and operating a Marriott Courtyard hotel in downtown Houston.
- N ● Calculated the economic impact of building a greenhouse in Central California.
- N. Calculated the economic impact of developing an aircraft manufacturing plant in Northeast Arkansas.
- N. Calculated the economic impact of developing and operating alternative fuels plant in Clark County, NV.
- N ● Calculated the economic impact of a destination winery and associated attractions in North Carolina.
- E ● Calculated the economic impact of building and operating a luxury hotel in Palm Beach, FL
- N ● Calculated the economic impact of operating a Kosher cheese plant in upstate New York
- E ● Calculated the economic impact of developing and operating a hotel in Chicago, IL
- N ● Calculated the economic impact of expanding the operations of a plumbing and HVAC contractor

- E ● Calculated the economic impact for 4 separate projects in Guam, based on the input/output model previously developed by ECA
- E ● Calculated the economic impact of a resort in the Commonwealth of the Northern Mariana Islands, based on the input/output model previously developed by ECA.
- E ● Calculated the economic impact of several mixed-use commercial projects in Southern California (4 such projects, each one covering 4 to 6 counties, including Clark County, NV)
- E ● Calculated the economic impact of a hotel in Norwalk, CT
- E ● Calculated the economic impact of copper mines throughout the state of Arizona
- E ● Calculated the economic impact of water park and hotel in Arlington Heights, IL (suburban Chicago)
- N ● Calculated the economic impact of renovation and expansion of Las Vegas casino (3 separate projects)
- N ● Calculated the economic impact of construction and operation of mixed-use shopping and commercial center in Hollywood Park, FL
- N ● Calculated the economic impact of development of office building in South Union Lake region of Seattle, WA
- E ● Calculated the economic impact of Development of mixed-use commercial and residential building in downtown Seattle, WA
- N ● Calculated the economic impact of commercial mixed-use projects in New York City, upstate New York, and Northern New Jersey (one project)
- N ● Calculated the economic impact of developing and operating a major amusement park complex (rival to Disney World) near Lake Okeechobee, FL
- N●. Calculated the economic impact of constructing and operating a hotel and conference center in Toledo, Ohio.
- N. ● Calculated the economic impact of renovating and expanding the New York Military Academy in Newburgh, NY
- N ● Calculated the economic impact of developing a mixed-use commercial project in downtown Philadelphia, PA (2 separate projects)
- N ● Calculated the economic impact of a film studio to produce motion pictures and TV programs in Los Angeles, CA.
- N ● Calculated the economic impact of building student housing in Arlington, TX

- N ● Calculated the economic impact of developing and operating a manufacturing plant for sports medical devices in suburban Chicago, IL
- N ● Calculated the economic impact of developing natural gas wells and wind farm in the Pocono Mountains section of Pennsylvania.
- N ● Calculated the economic impact of an assisted living center, hotel, and water park in Eastern CT.
- N ● Calculated the economic impact of producing movies in New Mexico
- N ● Calculated the economic impact of developing and operating a chain of child learning centers in Houston, TX
- N ● Calculated the economic impact of developing and operating a chain of medical research and supply centers in Houston.
- N ● Calculated the economic impact of developing and operating a chain of frozen yogurt stores in a wide area along the Gulf of Mexico, including locations in Florida, Alabama, Mississippi, Louisiana, and Texas
- N ● Calculated the economic impact of developing and operating assisted living centers and ancillary activities for several locations in Northeast Florida.
- N ● Calculated the economic impact of the construction and operation of an assisted living center in Santa Ana, CA
- N ● Calculated the economic impact of the construction and operation of several BBQ restaurants in South Florida.
- N ● Calculated the economic impact of the drilling oil wells in 8 counties in Texas and Louisiana.
- N ● Calculated the economic impact of operating coal mines for metallurgical coal in West Virginia.
- N ● Calculated the economic impact of operating gold mines in Alaska.
- N ● Calculated the economic impact of constructing and operating a mixed-use commercial center in Flushing, NY
- N ● Calculated the economic impact of constructing and operating two hotels, one in downtown San Diego, and one in Escondido, CA
- N ● Calculated the economic impact of expanding and operating an auto racing track in Palm Beach, FL
- N ● Calculated the economic impact of building and operating mobile housing villages for disaster relief.
- N ● Calculated the economic impact of operating an “incubator” for research on medical devices, preparations, and services in Houston, TX.

- N● Calculated the economic impact of constructing and operating a mixed-use commercial center in Denver, CO.
- N● Calculated the economic impact of constructing and operating a charter school in Miami/Dade County, FL
- E● Calculated the economic impact of constructing and operating a hotel in Manhattan, NY
- N● Calculated the economic impact of constructing and operating hotels, assisted living centers, and mixed-use commercial buildings in 8 counties in Southern California
- N● Calculated the economic impact of constructing and operating a charter school in Broward County, FL
- N● Calculated the economic impact of renovating a former public housing project in Chicago, IL
- N● Calculated the economic impact of starting a high-tech company for optical displays in Orlando and Gainesville, FL
- N● Calculated the economic impact of constructing and operating luxury hotels in four Southern California counties
- E● Calculated the economic impact of expanding a manufacturing company in Ann Arbor, MI
- N● Calculated the economic impact of reconvertng an old mill building into offices and other commercial uses in Bristol County, MA
- N● Calculated the economic impact of a film and TV production studio in Los Angeles, CA
- N● Calculated the economic impact of constructing and operating various residential and commercial buildings in 35 Texas counties.
- N● Calculated the economic impact of constructing and operating the world's tallest residential structure in Chicago, IL
- N● Calculated the economic impact of constructing and operating a mixed-use commercial and residential building in Seattle, WA
- N● Calculated the economic impact of constructing and operating a hotel in Cleveland, OH
- N● Calculated the economic impact of a research facility in Jupiter, FL
- N● Calculated the economic impact of constructing and operating an assisted living center in Horry County, SC
- N● Calculated the economic impact of constructing and operating a chain pharmacy in Chicago, IL

- E● Calculated the economic impact of constructing and operating a high-end hotel and resort in Aspen, CO
- N● Calculated the economic impact of constructing and operating an assisted living center in Dallas, TX
- E● Calculated the economic impact of constructing and operating a medical assistance company in Bronx, NY
- E● Calculated the economic impact of constructing and operating a mixed-use commercial building in Queens, NY
- E● Calculated the economic impact of operating a livery service in Queens, NY
- N● Calculated the economic impact of constructing and operating residential properties in Southern California
- N● Calculated the economic impact of operating a film and TV production studio in Los Angeles, CA
- N● Calculated the economic impact of drilling oil wells in Montana
- N● Calculated the economic impact of constructing and operating various residential and commercial buildings for 43 counties in Texas
- E● Calculated the economic impact of constructing and operating a restaurant and dinner theater in Guam
- N● Constructed an input/output model for the Commonwealth of the Northern Mariana Islands, and used it to calculate the economic impact of constructing and operating a restaurant in Saipan.
- E● Calculated the economic impact of constructing and operating a new hotel in Miami, FL
- E● Calculated the economic impact of constructing and operating a resort and wellness center in South Florida
- N● Calculated the economic impact of expanding and operating a ski resort in Vermont.
- N● Calculated the economic impact of constructing and operating residential and commercial buildings in 20 counties in South Central Texas
- N● Calculated the economic impact of constructing and operating a hotel near the Newark, NJ airport
- E● Calculated the economic impact of constructing and operating a company to process health insurance benefits in South Florida
- E● Calculated the economic impact of constructing and operating a veterinary hospital in Palm Beach County, FL

- N● Calculated the economic impact of constructing and operating various residential and commercial buildings for all counties in MA, CT, RI, and NH
- N● Calculated the economic impact of constructing and operating a residential construction company in Maryland
- N● Calculated the economic impact of constructing and operating various residential and commercial buildings for the entire state of Oklahoma
- N● Calculated the economic impact of constructing and operating a company for manufacturing dental implants in Cuyahoga County, OH
- N● Calculated the economic impact of constructing and operating a mixed-use commercial facility in Brooklyn, NY
- N● Calculated the economic impact of constructing and operating an office building for financial services in downtown Manhattan, NY
- N● Calculated the economic impact of constructing and operating a mixed-use facility in Southern California
- N● Calculated the economic impact of constructing and operating a retail shopping center in Tampa, FL
- N● Calculated the economic impact of constructing and operating a retail shopping center in Tampa, FL
- N● Calculated the economic impact of constructing and operating a mixed-use commercial building in Seattle, WA
- N● Calculated the economic impact of constructing and operating a charter school in Arizona
- N● Calculated the economic impact of constructing and operating a resort in northeastern Utah
- N● Calculated the economic impact of operating an online video game company
- N● Calculated the economic impact of constructing and operating a hotel in New York City
- N● Calculated the economic impact of constructing and operating a fashion mall in South Florida
- E● Calculated the economic impact of construction and operation of a new automobile assembly plant in Petersburg, VA
- N● Calculated the economic impact of operating a call center for the U.S. government in Muskogee, OK
- N● Calculated the economic impact of developing a mixed-use commercial and residential center in Scottsdale, AZ
- N● Calculated the economic impact of constructing and operating a “Green Box” facility in New Jersey to process waste material on a pollution-free basis.

- N● Calculated the economic impact of constructing and operating a “Green Box” facility in Washington State to process waste material on a pollution-free basis.
- E● Calculated the economic impact of constructing and operating a new hotel in Coral Gables, FL
- E● Calculated the economic impact of developing a new residential community in Brevard County, and retail stores and restaurants in St. Lucie County, FL
- N● Calculated the economic impact of a new business to store and process field crops in Madison, MS
- N● Calculated the economic impact of operating food service establishments and assisted living centers in 40 counties in Texas.
- E● Calculated the economic impact of developing a mixed-use commercial center in Miami, FL
- N● Calculated the economic impact of renovating a theater in New York City to show film highlights of previous Broadway hits.
- N● Calculated the economic impact of renovating and operating distressed buildings in the San Francisco Bay area.
- E● Calculated the economic impact of a mixed-use commercial center in Montgomery County, TX
- E● Calculated the economic impact of expanding a manufacturing facility to produce more energy-efficient lighting in Sarasota, FL
- N● Calculated the economic impact of developing facilities for amateur sporting events in northern GA
- N● Calculated the economic impact of developing a mixed-use commercial center in Missoula, MT
- N● Calculated the economic impact of operating call centers in Las Vegas, NV, and other western Nevada counties
- E● Calculated the economic impact of constructing and operating a proton cancer treatment center in Boca Raton, FL
- E● Calculated the economic impact of constructing and operating a “Green Box” facility in Detroit to process waste material on a pollution-free basis.
- E● Calculated the economic impact of renovating and expanding commercial property in Lower Manhattan
- N● Calculated the economic impact of constructing student housing and retail stores in Davie, FL
- E● Calculated the economic impact of constructing residential housing near Harvard University
- E● Calculated the economic impact of developing mixed-use commercial centers in Broward County, FL

- E● Calculated the economic impact of renovating a Dallas apartment building
- E● Calculated the economic impact of renovating and operating a nursing home in Las Vegas, NV
- E● Calculated the economic impact of constructing a hotel and shopping center in Miami, FL
- E● Calculated the economic impact of developing a design center in Miami/Dade county, FL
- E● Calculated the economic impact of developing and operating a chain of children's playrooms and party facilities in South Florida
- E● Calculated the economic impact of developing a new stadium for the Nets basketball team, to be located in Brooklyn, NY
- E● Calculated the economic impact of developing a Marriott hotel in Washington, D.C.
- E● Calculated the economic impact of developing and operating a casino for foreign patrons in Las Vegas, NV
- E● Calculated the economic impact of operating a series of yogurt fast-food restaurants in South Florida
- E● Calculated the economic impact of constructing steel homes and commercial buildings in South Florida
- N● Calculated the economic impact of construction and operation of a farm distillery in Vermont
- N● Calculated the economic impact of purchase and renovation of deeply discounted residential properties in South Florida
- N● Calculated the economic impact of a hotel to be built near LaGuardia Airport in Queens, NY
- N● Calculated the economic impact for several mixed-use commercial and residential properties for a regional center covering southern Wisconsin and northern Illinois.
- N● Calculated the economic impact for mixed-use commercial project in Flushing, NY
- E● Calculated the economic impact for major new hotel near the Washington, D. C. conference center
- N● Calculated the economic impact of an assisted living center in suburban Atlanta, GA
- N● Calculated the economic impact of an office tower in mid-town Manhattan for the diamond trade
- N● Calculated the economic impact of three mixed-use commercial and residential projects in Santa Clara County, CA

- N● Calculated the economic impact of six mixed-use commercial and residential projects in Los Angeles, Orange, Riverside, and San Bernardino counties
- N● Calculated the economic impact of operating a chain of pizza restaurants in southern Florida.
- N● Calculated the economic impact of constructing and operating an assisted living facility in Atlanta, GA
- E● Calculated the economic impact of constructing and operating an expansion of University Hospital in Cleveland, OH
- E● Calculated the economic impact of a wastewater treatment plant in Victorville, CA
- N● Calculated the economic impact of drilling for geothermal energy and constructing and operating power plants in several counties in Nevada
- E● Calculated the economic impact of a vacation club operation in Orlando, FL
- E● Calculated the economic impact of constructing and operating an extended-stay hotel in Boston, MA
- E● Calculated the economic impact of constructing and operating an assisted living facility in Walton County, FL
- N● Calculated the economic impact of manufacturing and constructing residential and commercial steel modular buildings in Lee County, FL
- E● Calculated the economic impact of a chain of yogurt and juice stores and restaurants in southern Florida
- E● Calculated the economic impact of two mixed-use commercial developments in Orange County, CA.
- E● Calculated a Targeted Employment Area by census tracts for six counties in the Houston, TX metropolitan area
- E● Calculated the expansion of new hybrid car manufacturing facility from Mississippi to Tennessee and Virginia.
- E● Calculated the economic impact of construction and operation of a skilled nursing facility in Las Vegas, NV.
- N● Calculated the economic impact of construction and operation of a proton cancer treatment center and medical offices buildings in Los Angeles County, CA.
- E● Determined the economic impact of improving facilities at the Port of Baltimore in order to attract more shipping from the Panama Canal when the locks are widened.
- N● Calculated the economic impact of a major hotel and resort area in Ft. Lauderdale, FL.

- N● Calculated the economic impact of building steel homes in South Florida, including the local manufacture of steel fabricated parts.
- E● Calculated the economic impact of constructing and operating a hotel at Times Square in New York City.
- N● Calculated the economic impact of a mixed-used residential and commercial project in Atlanta, GA.
- E● Calculated the economic impact of expanding and opening new restaurants in Dallas, TX. In a separate project, calculated the economic impact of renovating, refurbishing, and operating a boutique hotel in Dallas, TX.
- E● Calculated the economic impact of building and operating low-income housing in Boston, MA.
- N● Calculated the economic impact of constructing and operating assisted living facilities in eight rural Texas counties.
- N● Calculated the economic impact of a mixed-use commercial project in Riverside County, CA.
- E● Calculated the economic impact of opening a manufacturing plant for “green” motor vehicles in the Detroit, MI area.
- E● Calculated the economic impact of constructing and operating hotels and restaurants in Columbus, MS.
- E● Calculated the economic impact of operating restaurants in the Hotel W in Hollywood, CA.
- N● Calculated the economic impact of a mixed-use commercial project in McCook, IL (suburban Chicago).
- N● Calculated the economic impact of constructing and operating a water-based amusement facility in San Diego, CA.
- N● Calculated the economic impact of a mixed-use commercial facility in suburban Cincinnati, OH (project is in KY).
- E● Calculated the economic impact of constructing and operating a casino, hotel, and restaurant in Las Vegas, NV.
- N● Calculated the economic impact of a new academic institution for alternative energy in Santa Clarita, CA.
- N● Calculated the economic impact of several mixed-used projects in San Francisco, Alameda County, Santa Clara County, and Fresno County.
- N● Calculated the economic impact of a super energy store and solar farm in Riverside County, CA.
- N● Calculated the economic impact of a prostate cancer treatment center in South Carolina.

- E● Calculated the economic impact of refurbishing and expanding retail space at the George Washington Bridge in New York City.
- E● Calculated the economic impact of building Atlantic Yards, new stadium for the New York Nets, in Brooklyn, NY
- N● Calculated the economic impact of an assisted living center and several mixed-use commercial facilities in the Reno, NV area.
- E● Calculated the economic impact of buying residential properties at deep discount prices, refurbishing and selling them, in South Florida.
- N● Calculated the economic impact for a fractional-ownership marina in Port Charlotte, FL, plus office space, retail stores, restaurants, and a home brokerage office.
- N● Calculated the economic impact of construction and operation of four retirement homes in Vermont.
- E● Calculated the economic impact of an upscale retail shopping center in Vail, CO. and a medical office building in Edwards, CO (both in Eagle County).
- E● Calculated economic impact of a wind turbine manufacturing plant in Larimer County, CO
- N● Calculated economic impact of a hotel, retail stores, restaurants, office buildings, and bank facilities in Pasadena, CA
- N● Calculated economic impact of a luxury hotel and condominiums in Destin, FL
- N● Calculated economic impact of constructing and operating a mixed-use commercial project in Jupiter, FL
- E● Determined whether 17 possible restaurant locations in Miami/Dade and Broward Counties qualified as Targeted Employment Areas.
- E● Determined the economic impact of opening and operating a slot-machine casino in Hanover, MD, as part of a proposed EB-5 regional center for the Baltimore metropolitan area.
- N● Calculated the economic impact of renovating and expanding a restaurant on Martha's Vineyard, MA, as part of an EB-5 regional center in that state.
- N● Determined the economic impact of assembling and installing solar panels for residences in the state of LA.
- E● Determined a Targeted Employment Area for Dallas, TX as part of a proposed EB-5 regional center for the Dallas area.

- N• Calculated the economic impact for various mixed used projects for a proposed regional center for the entire State of Texas, including shopping centers, office buildings, restaurants, assisted living centers, medical technology facilities, and other personal and business services.
- N• Calculated the economic impact for the construction and operation of several fast-food restaurants in 10 counties in central California.
- N• Calculated the economic impact for the renovation and expansion of a shopping mall in Greenville, SC.
- E• Calculated the economic impact of buying existing apartment buildings at deep discount prices, renovating and operating them, in 21 counties in FL.
- N• Calculated the economic impact of building and operating an institute for proton cancer therapy for a proposed EB-5 regional center in Brooklyn, NY.
- N• Calculated the economic impact of building and operating a mixed-use facility with medical offices, hotels, and apartments for a proposed EB-5 regional center in Queens, NY.
- E• Determined a Targeted Employment Area for Philadelphia, PA as part of a proposed EB-5 regional center for the Philadelphia area.
- N• Calculated the economic impact of a proposed office building and mixed-use facility for an EB-5 regional center in Dallas, Texas
- N• Calculated the economic impact for various mixed-use projects for a proposed EB-5 regional center in the greater New York City area, including an extended stay hotel, urgent care center, financial lending firm for alternative assets, retail stores, apartments, office space, warehouses, industrial “flex” space, entertainment centers, restaurants, conference and convention centers, nursing home and assisted living facilities, medical offices, medical technology facilities, and high-tech manufacturing.
- N• Calculated the economic impact of “green” hotels in 10 counties in Central California.
- N• Calculated the economic impact of generic projects in manufacturing, financial services, health services, hotels, and restaurants for a proposed regional center for the state of Florida.
- E• Calculated the economic impact of 12 different types of economic activity for an expansion of the Palm Beach Regional Center to five contiguous counties.
- N• Calculated the economic impact of a new auto parts plant in Alabama to supply parts to Kia automobiles.
- N• Calculated the economic impact of opening fast-food restaurants in Miami/Dade and Broward counties in FL.
- N• Calculated the economic impact of a mixed-use commercial center in Flushing, Queens County, NY.
- E• Calculated the economic impact of revitalizing and renovating part of the Brooklyn Navy Yard for “green” manufacturing facilities.

- E• Calculated the economic impact of 12 different types of economic activity for various counties in Charlotte and Sarasota counties, FL
- E• Calculated the economic impact of four new manufacturing and distribution companies in Palm Beach County, FL.
- N• Calculated the economic impact of developing a resort area and building residences in rural Tennessee.
- N• Calculated the economic impact of developing and operating a resort area in Southern Arizona.
- N• Calculated the economic impact of revitalizing the depressed East Side of Cleveland, Ohio, with new commercial and industrial buildings.
- N• Determined the nationwide economic impact of a \$1 billion investment in Mississippi for a new hybrid motor vehicle plant.
- N• Determined the economic impact of expanding a shipyard in Southeastern Louisiana.
- N• Calculated the economic impact of a new shopping center in Buena Vista, California, and two other generic shopping centers in Los Angeles and San Bernardino counties.
- E• Calculated the economic impact of enhancing resort areas in eight rural counties in Colorado.
- N• Calculated the economic impact of the rehabilitation of Fitzsimons Village in Aurora, Colorado, by adding an office building with medical labs, hotel, shopping center, and residences.
- E• Determined the economic impact of a mixed-use commercial center for the Kansas City metropolitan area.
- N• Calculated the number of jobs created for a film production company in New York City.
- N• Calculated economic impact of small-scale rooftop solar panels in various counties in California.
- N• Calculated economic impact of 7 different types of proposed businesses for a proposed regional center in the Bay Area of California.
- N• Determined the economic impact of a new biological research park, office building, and logistics center in Wooster, Ohio.
- E• Calculated the economic effect of a mixed-use urban renewal project in Cleveland, Ohio.
- N• Calculated economic impact of dairy farm and cheese processing plant in Northern California.
- N• Determined economic impact of a shipyard, food processing plant, and semiconductor plant for a proposed regional center in Louisiana and Mississippi.

- N• Calculated the economic impact of a new gaming casino in Natchez, Mississippi.
- N• Developed an Input/output Model for Guam, which was then used to calculate the economic impact of several generic projects.
- N• Calculated the economic impact of a retail shopping center in suburban Los Angeles County.
- N• Prepared an economic impact analysis for the “timber to homes” project for a proposed regional center in Colorado.
- N• Calculated the economic impact for a proposed regional center in Baltimore, Maryland that would include the rebuilding of depressed areas in East Baltimore and along the riverfront.
- N• Prepared the economic analysis for a proposed EB-5 regional center for the entire state of Florida that included impact calculations for 14 different types of industries.
- N• Prepared the economic analysis for a proposed EB-5 regional center in the San Francisco Bay area that included calculations for 10 different types of industries.
- N• Prepared economic impact calculations for proposed EB-5 regional centers in New York City and Northeastern New Jersey.
 - Calculated the economic impact of a rehabilitated office building in Albuquerque, New Mexico, including the increase in high quality jobs.
 - Calculated the economic impact of a rehabilitated skilled nursing center in East Los Angeles, California, including the impact on nearby census tracts.
- N• Calculated the economic impact of development of warehouse and light industrial manufacturing space in Las Vegas, Nevada.
- N• Calculated the economic impact of rehabilitation and expansion of a vacation and health spa in Sharon Springs, New York
- N• Calculated economic impact of revitalizing an old resort hotel and adding new facilities for Lake Geneva, WI.
 - Calculated the employment and tax effects for a portfolio of projects undertaken under the New Market capital program.
- E• Calculated generic employment changes for proposed EB-5 project for an Inland Port in Palm Beach County, FL
- N• Calculated the economic impact of construction of El Monte Village in El Monte, CA.

- Calculated the economic impact of moving the Social Security Administration building in Birmingham, AL, and revitalizing the surrounding neighborhood.
 - Calculated the economic impact of rehabbing and expanding the Everett Mall in Everett, WA.
 - Determined the economic impact of building a new medical center in Charleston, SC
- N• Calculated economic impact of expanding Sugarbush resort in VT. Study included expansion of existing facilities and addition of new facilities.
- Calculated economic impact for new market tax credit program in Portsmouth, N.H. Study included both overall economic impact, and the increase in employment and income and the decrease in the unemployment rate and incidence of poverty in individual census tracts.
- N• Calculated the economic benefits of EB-5 programs for foreign investors for a mixed-use construction project, including a hotel, retail stores, apartments, and a sports stadium in the Washington, D. C. metropolitan area
- N• Calculated the economic benefits of EB-5 programs for a mixed-used retail shopping center in the New York City metropolitan area.
- N• Calculated the economic benefits of EB-5 programs for foreign investors for proposed shopping centers in five separate counties in Southern California, including differential impacts of building the shopping centers in different counties

B. Projects for State and Local Governments

- Constructed an econometric model, using both time-series regression equations and input/output analysis, for the Commonwealth of the Northern Mariana Islands (CNMI).
- Constructed an econometric model for the State of New York and determined the change in employment, labor income, and tax revenues for 43 different tax changes proposed by the Governor's office.
- Constructed a detailed econometric model for the State of Pennsylvania to determine the economic impact of the complete panoply of state taxes levied; the model contains over 1,000 equations. In cooperation with American Economics Group, the model was developed to simulate the effect of changes in any state tax rate on households and businesses by income deciles, household status, age of individuals, size of households, and many other demographic variables. The change in business taxes can also be simulated for detailed industry classifications.
- Determined whether the Washington, D.C. water and sewer authority should accept a high bid for a new waste disposal system. Decision to reject has saved the authority over \$200 million, as construction prices turned down sharply as predicted.

- Built an econometric model to determine the “tax gap” caused by Internet sales for the state of Minnesota.
- Determined appropriate levels of shelter grants individual counties in New York State, and for utility allowances in New York City. Reviewed and prepared testimony in ongoing court cases in these areas.
- Calculated the economic impact of the revitalization of downtown Milwaukee, Wisconsin.

C. Economic Impact of Casino Gaming

- Built an econometric model to predict the growth of the gaming industry over the next decade, and the economic impact of that industry on employment and tax revenues at the Federal and state levels.
- Estimated the economic impact of Indian casino gaming nationally and for the State of Wisconsin.
- Determined the economic impact of the Oneida Indian gaming casino on the Green Bay metropolitan area.
- Estimated the negative economic impact on the Milwaukee area if a new Indian gaming casino were to be built in Kenosha, Wisconsin.

D. Economic Impact of Smoking Bans and Higher Taxes

- Testified on economic impact of smoking bans in Canada; certified as an expert witness by the Court.
- Examined the impact of smoking bans on restaurant sales in several different locations in the U.S. to determine how much sales changed when these bans were imposed, and the differential effects depending on whether these bans were partial or total.
- Determined the cross-border effects on retail sales from differential rates in cigarette, gasoline, and alcohol excise taxes
- Determined the economic impact of higher cigarette taxes on minority group employment.

- Estimated the economic impact and loss of Federal and state tax revenues when higher cigarette prices lead to increased smuggling.

E. Consulting Projects for Travel and Tourism

- Determined the economic impact of a major casino development on the Island of Matsu, Republic of Taiwan.
- Built an econometric model to predict tourism trips and revenues for the major regions of the U.S. economy.
- Constructed econometric models to predict tourism in Las Vegas and Orlando.
- Using the IMPLAN model, predicted economic impact of tourism and travel expenditures for all counties in Pennsylvania.

F. Other Private Sector Consulting Projects

- Developed and estimated regional input/output models for Guam, and updated an input/output model for Puerto Rico.
- Determined the beneficial effects on productivity and reduced costs for the Phoenix Mart, which provides a central location for hundreds of small businesses to advertise and market their products and services.
- Calculated the revenue gain at the Federal, state and local level generated by domestic manufacturing of Airbus parts and equipment.
- Calculated the economic impact of proposed EPA bans on fluoropolymer production. Estimated the size and economic importance of the fluoropolymer industry, and calculated economic impact of shutting down domestic production.
- Built an econometric model to examine how U.S. tax and regulatory policies help determine whether the gold mining industry would invest in the U.S. or other countries. Testified before Congress to help defeat legislation inimical to the mining industry.
- Built an econometric model to predict consumer bankruptcies, based on recent growth in consumer credit outstanding, the overall economic environment, and recent changes in credit regulations
- Estimated the economic impact of the ethanol subsidy on the U.S. economy and Farm Belt States, including the impact on the balance of payments, employment, and tax receipts. Testified before Congress to help pass legislation to extent subsidies to the ethanol industry.

- Built an econometric model to determine the impact of updating and improving the system of locks on the Upper Mississippi River on corn prices and exports, farm income, and the overall economy.

Dave R. Evans

11556 Hemingway Drive
Reston, VA 20194

(703) 835-6978
devans@evanscarrollecon.com

EVANS, CARROLL & ASSOCIATES, INC.

2012 – Present

Principal

- Successfully authored over 100 Economic Impact reports for projects leveraging the U.S. Citizenship and Immigration Services (USCIS) EB-5 immigrant investor program.
 - Industries included: Construction, Manufacturing, Wholesale/Retail, Transportation, Real Estate, Architects/Engineers, Education, Assisted Living, Hotels, and Restaurants
 - Locations included: Many U.S. states, Puerto Rico, Guam, and N. Mariana Islands
- Authored several other Economic Impact reports, including a proposed casino in Maine, apartments/condos in FL, and Tax Increment Funding for a mixed-use development in FL

STARFISH RETENTION SOLUTIONS (Software to Improve College Student Retention)

2011 – 2012

Vice President, Analytics

- Built custom statistical models for universities, such as predicting students' 1st semester GPA, based on admissions and attitudinal data.
- Developed an approach for determining the value to institutions of "Early Alert" notifications to struggling students; provided results to numerous clients.

CAPITAL ONE

1999 – 2011

Chief Scoring Officer

2006 – 2011

- Provided critical review on the most important new models across the firm, typically for programs exceeding \$1 billion in credit exposure.
- Transformed Capital One's model validation policies, balancing increasing regulatory requirements with the need to ensure speed-to-market in the business units.
- Ensured the safety and soundness of the firm's 300+ models and demonstrated this to the Executive Committee and federal regulators.
- Selected, trained, led, and reviewed the firm's 50 Scoring Officers (model validators).

Vice President, Statistical Analysis, Subprime Card Division

2001 – 2006

- Delivered \$50 million per year in value through the development and implementation of credit risk, profitability, and response models for prospects, applicants, and customers.
- Designed a \$5 million foundational testing program, to measure consumer behavior on different products and develop robust samples for future model builds.
- Directed all aspects of team leadership (budgeting, recruiting, and development) for a team of 60.

Director, Statistical Analysis, Auto Finance Division

1999 – 2001

- Built the division's first custom credit risk models, enabling assets to double 3 years in a row.
- Championed and led the successful implementation of the Capstone automated scoring system, providing an environment to implement superior models.

D.K. SHIFFLET & ASSOCIATES (Market Research and Consulting, Tourism industry) **1993 – 1999****Vice President, Operations**

- Pioneered method for estimating origin and destination visitor volumes from consumer survey data.
- Built statistical models to estimate the economic impact of tourism for multiple clients, including State Tourism Boards (Pennsylvania, Illinois) and Theme Parks (Disney, Universal Studios Florida).
- Led the firm's Quality Assurance program for data collected from over 300,000 U.S. households.
- Led a staff of 15, including the Statistician, MIS, and Operations teams.

EVANS INVESTMENT ADVISORS **1991 – 1993****Vice President**

- Co-managed an investment portfolio exceeding \$1 million.
- Produced daily and bi-monthly reports providing recommendations on equities.
- Appeared on CNBC and was quoted in the *Wall Street Journal* regarding stock recommendations.

PRICE WATERHOUSE COOPERS **1989 – 1991****Senior Consultant, Office of Government Services**

- Built statistical models to forecast delinquency and prepayment rates for HUD mortgages.
- Developed cost estimation models that were approved as part of the 1990 U.S. Postal Service's Rate Case.
- Co-developed the sample design and quality metrics on a \$23-million initiative to measure the on-time performance of First Class mail.

EDUCATION**BROWN UNIVERSITY** **1985 – 1989****Bachelor of Arts, Economics** (Focus in Econometrics)

- Grade Point Average: 3.5 (out of 4.0)

CONTINUING EDUCATION

- Leadership Development Program for Executives, Darden School of Business, 2010
- Numerous training classes in statistics, including Logistic Regression in SAS, Competing Risks Hazard Modeling, and Design of Experiments

EXHIBIT 5

EXHIBIT 5

**Supplement to Addendum to the Report
“The Economic and Jobs-Creation Impacts of the
Exemplar Front Sight Firearms Training Institute
Expansion Project in the Applicant EB5 Impact
Capital Regional Center LLC”,
Prepared November 2013**

**Prepared for:
Front Sight Management, Inc.**

**Prepared by:
Michael K. Evans
David R. Evans
Evans, Carroll & Associates, Inc.
2785 NW 26th St.
Boca Raton, FL 33434
703-835-6978**

mevans@evanscarrollecon.com

devans@evanscarrollecon.com

September 19, 2019

The project received exemplar status from USCIS in July 2015. Even if we only count the hard construction costs and net increase in full-time employees since July 2015, **the project still generated 185 jobs – which would be sufficient for 18 alien entrepreneurs to invest up to \$9 million in EB-5 funds, well in excess of the \$6.5 million in EB-5 funds raised for the project.** Summary results are shown below in Table 1.

Table 1. Summary of Expenditure and Employment Estimates, July 2015 to Present				
Activity	Expenditures (mil curr \$)	Expenditures (mil 2010 \$)	Final Demand Multiplier	Total New Jobs
Hard Construction Costs	6.941	6.253	16.9800	106.2
Activity		Direct Jobs	Direct Effect Multiplier	Total New Jobs
Training Institute Operations		49	1.6046	78.6
Total New Jobs				184.8
All figures calculated from unrounded numbers				

The client first received EB-5 funds in October 2016. Even if we only count the hard construction costs and net increase in full-time employees since October 2016, the project still generated 135 jobs – which would be sufficient for 13 alien entrepreneurs to invest up to \$6.5 million in EB-5 funds, which meets the \$6.5 million in EB-5 funds raised for the project. Summary results are shown below in Table 2.

Table 2. Summary of Expenditure and Employment Estimates, October 2016 to Present				
Activity	Expenditures (mil curr \$)	Expenditures (mil 2010 \$)	Final Demand Multiplier	Total New Jobs
Hard Construction Costs	6.758	6.088	16.9800	103.4
Activity		Direct Jobs	Direct Effect Multiplier	Total New Jobs
Training Institute Operations		20	1.6046	32.1
Total New Jobs				135.5
All figures calculated from unrounded numbers				

This supplement submitted by:



David R. Evans, Principal
Evans, Carroll & Associates, Inc.

EXHIBIT 6

EXHIBIT 6

**2nd Supplement to Addendum to the Report
“The Economic and Jobs-Creation Impacts of the
Exemplar Front Sight Firearms Training Institute
Expansion Project in the Applicant EB5 Impact
Capital Regional Center LLC”,
Prepared November 2013**

**Prepared for:
Front Sight Management, Inc.**

**Prepared by:
Michael K. Evans
David R. Evans
Evans, Carroll & Associates, Inc.
2785 NW 26th St.
Boca Raton, FL 33434
703-835-6978**

mevans@evanscarrollecon.com

devans@evanscarrollecon.com

October 4, 2019

Upon signing a Memorandum of Understanding back in February of 2013, Front Sight had made the decision to engage in an EB-5 campaign and by the language of the USCIS statute below used its developer equity to fund construction. The project construction started with the equity the developer placed into the project, and therefore job creation started in February 2013, thus resulting in 254 new jobs created to date¹, more than satisfying the 130 jobs needed to satisfy Front Sight's obligation to 13 immigrant investors sourced through Las Vegas Development Fund's loan contract.

A developer or principal of a new commercial enterprise, either directly or through a separate job-creating entity, may use interim, temporary, or bridge financing, in the form of either debt or equity, prior to receipt of immigrant investor capital. If the project starts based on the interim or bridge financing prior to receiving immigrant investor capital and subsequently replaces that financing with immigrant investor capital, the new commercial enterprise may still receive credit for the job creation under the regulations.

Source: <https://www.uscis.gov/policy-manual/volume-6-part-g-chapter-2>, Section (D)(1)

Evans, Carroll & Associates has received approval from USCIS on many EB-5 economic impact reports. However, if someone were to make an argument that jobs creation should only start from first funding, it is a moot point: Front Sight has created 137 jobs from the first funding of the construction loan agreement in October 2016 to present², which is still 7 more jobs than the 130 jobs needed for completion for the 13 immigrant investors through Las Vegas Development Fund's loan contract.

This supplement submitted by:



David R. Evans, Principal
Evans, Carroll & Associates, Inc.

¹ Note that the Front Sight Econ Report Addendum (dated September 19, 2019) showed that the project had created 247 jobs since its inception in February 2013. After reviewing the detailed documentation of costs, we have now determined that the project has created 254 jobs since its inception in February 2013. The revised calculations are provided in Appendix A.

² Note that the Front Sight Econ Report Addendum (dated September 19, 2019) showed that the project created 135 jobs since first funding in October 2016. After reviewing the detailed documentation of costs, we have now determined that the project has created 137 jobs since first funding in October 2016. The revised calculations are provided in Appendix B.

Appendix A. Job Creation since Inception (February 2013)

As will be demonstrated below, this project has created 254 jobs since its inception in February 2013. Summary results are shown in Table 1.

Table 1. Summary of Expenditure and Employment Estimates, February 2013 - Present				
Activity	Expenditures (mil curr \$)	Expenditures (mil 2010 \$)	Final Demand Multiplier	Total New Jobs
Hard Construction Costs	8.140	7.333	16.9800	124.5
Activity		Direct Jobs	Direct Effect Multiplier	Total New Jobs
Training Institute Operations		81	1.6046	130.0
Total New Jobs				254.5

All figures calculated from unrounded numbers

The September 19, 2019 Addendum showed total job creation of 247: 117 from Hard Construction Costs and 130 from Training Institute Operations. While the job creation from Operations has remained unchanged, after reviewing the detailed documentation of the project costs, we have now determined that the Hard Construction Costs have generated 124 new jobs.

As shown in Table 2, construction costs for the project since February 2013 totaled about \$8.140 million; the detailed costs are provided in a separate exhibit.

Table 2. Summary of Construction Costs February 2013 – Present	
Total Payments to Contractors	\$ 8,171,141.78
Less Payments Made to American Express	\$ (313,976.72)
Less Payments Made to Home Depot	\$ (75,486.24)
Plus 90% of Home Depot Statements ¹	\$ 152,825.91
Plus Related American Express Charges	\$ 180,703.30
Plus Related City National Bank VISA Charges	\$ 24,537.16
GRAND TOTAL	\$ 8,139,745.19

¹ Per the developer, 90% of these charges were for construction and 10% were for maintenance. Thus, of the \$169,806.57 in costs on the Home Depot Statements, 90% – \$152,825.91 – are included here.

Consistent with the original report (from November 2013), as the RIMS II multipliers are from 2010, this figure must be deflated to a 2010-dollars basis. The deflator is approximately 1.11, thus the construction expenditures equal about \$7.333 million in 2010 dollars.

As the RIMS II final demand employment multiplier for Nonresidential Construction for the 8-county region is 16.9800, this activity has created 124 permanent, new jobs since February 2013.

Combined with the 130 jobs created from the Training Institute Operations, the project has created 254 permanent, new jobs since its inception in February 2013.

Appendix B. Job Creation since First Funding (October 2016)

As will be demonstrated below, this project has created 137 jobs since first funding in October 2016. Summary results are shown in Table 3.

Table 3. Summary of Expenditure and Employment Estimates, October 2016 – Present				
Activity	Expenditures (mil curr \$)	Expenditures (mil 2010 \$)	Final Demand Multiplier	Total New Jobs
Hard Construction Costs	6.851	6.172	16.9800	104.8
Activity		Direct Jobs	Direct Effect Multiplier	Total New Jobs
Training Institute Operations		20	1.6046	32.1
Total New Jobs				136.9

All figures calculated from unrounded numbers

The September 19, 2019 Addendum showed total job creation of 135 since first funding: 103 from Hard Construction Costs and 32 from Training Institute Operations. While the job creation from Operations has remained unchanged, after reviewing the detailed documentation of the project costs, we have now determined that the Hard Construction Costs since October 2016 have generated 105 new jobs.

As shown in Table 4, construction costs for the project since October 2016 totaled about \$6.851 million; the detailed costs are provided in a separate exhibit.

Table 4. Summary of Construction Costs October 2016 – Present	
Total Payments to Contractors	\$ 6,615,267.66
Less Payments Made to American Express	\$ -
Less Payments Made to Home Depot	\$ (22,045.37)
Plus 90% of Home Depot Statements ²	\$ 124,652.83
Plus Related American Express Charges	\$ 114,044.62
Plus Related City National Bank VISA Charges	\$ 21,006.16
GRAND TOTAL	\$ 6,852,925.90

² Per the developer, 90% of these charges were for construction and 10% were for maintenance. Thus, of the \$138,503.14 in costs on the Home Depot Statements, 90% – \$124,652.83 – are included here.

Consistent with the original report (from November 2013), as the RIMS II multipliers are from 2010, this figure must be deflated to a 2010-dollars basis. The deflator is approximately 1.11, thus the construction expenditures equal about \$6.172 million in 2010 dollars.

As the RIMS II final demand employment multiplier for Nonresidential Construction for the 8-county region is 16.9800, this activity has created 105 permanent, new jobs since October 2016.

Combined with the 32 jobs created from the Training Institute Operations, the project has created 137 permanent, new jobs since first funding in October 2016.

EXHIBIT 7

EXHIBIT 7



Annual Certification of Regional Center

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-924A
OMB No. 1615-0061
Expires 12/31/2018

If you need extra space to complete any section of this request or if you would like to provide additional information about your circumstances, use the space provided in **Part 11. Additional Information**. Complete and submit as many copies of **Part 11.**, as necessary, with your request.

▶ **START HERE - Type or print in black ink.**

Part 1. Information About the Regional Center

1. Name of Regional Center Entity
2. Name of Regional Center (if different from regional center entity)
3. Regional Center Identification Number
4. Regional Center Receipt Number

Regional Center Mailing Address

- 5.a. In Care Of Name (if any)
- 5.b. Street Number and Name or PO Box
- 5.c. Apt. Ste. Flr.
- 5.d. City or Town
- 5.e. State 5.f. ZIP Code

Regional Center Contact Information

6. Daytime Telephone Number
7. Fax Number
8. Email Address (if any)
9. Website Address (if any)

NOTE for Regional Center Mailing Address: If the regional center mailing address is different from the physical address, please provide the physical address of the regional center in the space provided in **Part 11. Additional Information**.

Part 2. Information About the Managing Company or Agency (if different from regional center entity)

1. Name of Managing Company or Agency

Managing Company or Agency Mailing Address

- 2.a. In Care Of Name (if any)
- 2.b. Street Number and Name or PO Box
- 2.c. Apt. Ste. Flr.
- 2.d. City or Town
- 2.e. State 2.f. ZIP Code

Contact Information for Managing Company or Agency

3. Daytime Telephone Number
4. Fax Number
5. Email Address (if any)
6. Website Address (if any)

NOTE for Multiple Managing Companies or Agencies: If more than one managing company or agency is associated with the regional center, provide the above information for all other managing companies or agencies in the space provided in **Part 11. Additional Information**.

Part 3. Reporting Period for Regional Center Activity

Select one box.

- 1. Reporting for the Federal fiscal year ending September 30, [] (yyyy).
- 2. Reporting for a series of Federal fiscal years beginning October 1, [] (yyyy) and ending September 30, [] (yyyy).

Part 4. Information About the Organizational Structure, Ownership, and Control of Regional Center Entity

Information About the Principal Owners of the Regional Center Entity

List and provide the required information for all persons or legal entities or organizations that own or have a percentage of ownership in the regional center entity.

- 1.a. Family Name (Last Name) []
- 1.b. Given Name (First Name) []
- 1.c. Middle Name []
- 2. Date of Birth (mm/dd/yyyy) []
- 3. Country of Birth []
- 4. U.S. Social Security Number (if any) []
- 5. Percentage of Ownership of the Regional Center Entity [] %
- 6. Position Held Within the Regional Center Entity (if any) []
- 7. Entity Name (for an owner of the Regional Center Entity that is an entity or organization) []
- 8. Federal Employer Identification Number (for an owner of the Regional Center Entity that is an entity or organization) []
- 9.a. Persons Having Ownership, Control or Beneficial Interest in the Entity Listed in Part 4., Item Number 7. []

- 9.b. Date of Birth (mm/dd/yyyy) []
- 9.c. Country of Birth []
- 9.d. Percentage of Ownership in the Entity Listed in Part 4., Item Number 7. [] %
- 9.e. Position Held (if any) in the Entity Listed in Part 4., Item Number 7. []

Other Names Used By the Principal Owner of the Regional Center Entity (if applicable)

- 10.a. Family Name (Last Name) []
- 10.b. Given Name (First Name) []
- 10.c. Middle Name []
- 11. Trade Name (DBA if any) (for the entity listed in Part 4., Item Number 7.) []

Mailing Address for the Principal Owner of the Regional Center Entity

- 12.a. In Care Of Name (if any) []
- 12.b. Street Number and Name or PO Box []
- 12.c. Apt. Ste. Flr. []
- 12.d. City or Town []
- 12.e. State [] 12.f. ZIP Code []
- 12.g. Province []
- 12.h. Postal Code []
- 12.i. Country []

Contact Information for the Principal Owner of the Regional Center Entity

- 13. Daytime Telephone Number []
- 14. Fax Number []

Part 4. Information About the Organizational Structure, Ownership, and Control of Regional Center Entity (continued)

- 15. Email Address (if any)
- 16. Website Address (if any)

Information About the Principal Non-Owner of the Regional Center Entity

List and provide the required information for all principals associated with the regional center, other than those already identified in **Part 4., Item Numbers 1.a. - 11.**

- 17.a. Family Name (Last Name)
- 17.b. Given Name (First Name)
- 17.c. Middle Name
- 18. Date of Birth (mm/dd/yyyy)
- 19. Country of Birth
- 20. U.S. Social Security Number (if any)
- 21. Position Held Within the Regional Center Entity
- 22. Entity Name (for a principal of the Regional Center Entity that is an entity or organization)
- 23. Federal Employer Identification Number (for a principal of the Regional Center Entity that is an entity or organization)
- 24.a. Persons Having Ownership, Control, or Beneficial Interest in the Entity Listed in **Part 4., Item Number 26.**
- 24.b. Date of Birth (mm/dd/yyyy)
- 24.c. Country of Birth
- 24.d. Percentage of Ownership in the Entity Listed in **Part 4., Item Number 26.** %
- 24.e. Position Held (if any) in the Entity Listed in **Part 4., Item Number 26.**

Other Names Used By the Principal Non-Owner of the Regional Center Entity (if applicable)

- 25.a. Family Name (Last Name)
- 25.b. Given Name (First Name)
- 25.c. Middle Name
- 26. Trade Name (DBA if any) (for the entity listed in **Part 4., Item Number 26.**)

Mailing Address for the Principal Non-Owner of the Regional Center Entity

- 27.a. In Care Of Name (if any)
- 27.b. Street Number and Name or PO Box
- 27.c. Apt. Ste. Flr.
- 27.d. City or Town
- 27.e. State 27.f. ZIP Code
- 27.g. Province
- 27.h. Postal Code
- 27.i. Country

Contact Information for the Principal Non-Owner of the Regional Center Entity

- 28. Daytime Telephone Number
- 29. Fax Number
- 30. Email Address (if any)
- 31. Website Address (if any)

Part 5. Information About the Regional Center's Operations

Aggregate Capital Investment and Job Creation

Provide the aggregate capital investment and job creation that has been the focus of the EB-5 capital investments sponsored through the regional center.

NOTE: Please indicate the number of jobs maintained through investments in "troubled businesses" separate from aggregate job creation as indicated below.

1. Aggregate EB-5 Capital Investment From All Sponsored Projects
2. Aggregate Non-EB-5 Capital Investment From All Sponsored Projects
3. Aggregate Number of Direct, Indirect, and/or Induced Jobs Created For All Sponsored Projects
4. Aggregate Number of Jobs Maintained Through Investment in Troubled Businesses

Industries and Resulting Aggregate Capital Investment and Job Creation

Identify each industry and the resulting aggregate capital investment and job creation from the EB-5 capital investments sponsored through the regional center.

5. Name of Industry
6. North American Industry Classification System (NAICS) Code for the Industry Category
7. Aggregate EB-5 Capital Investment
8. Aggregate Non-EB-5 Capital Investment
9. Aggregate Number of Direct, Indirect, and/or Induced Jobs Created
10. Aggregate Number of Jobs Maintained Through Investment in Troubled Businesses

11. Name of Industry
12. NAICS Code for the Industry Category
13. Aggregate EB-5 Capital Investment
14. Aggregate Non-EB-5 Capital Investment
15. Aggregate Number of Direct, Indirect, and/or Induced Jobs Created
16. Aggregate Number of Jobs Maintained Through Investment in Troubled Businesses

Part 6. Information About the New Commercial Enterprise

Provide the following information for each new commercial enterprise associated with the regional center that has received EB-5 investor capital. If the regional center oversees more than one new commercial enterprise, provide the information below for each additional new commercial enterprise in **Part 11. Additional Information.**

NOTE: Please indicate the number of jobs maintained through investments in "troubled businesses" separate from aggregate job creation as indicated below.

1. Name of the New Commercial Enterprise
2. New Commercial Enterprise Federal Employer Identification Number

New Commercial Enterprise Mailing Address

- 3.a. In Care Of Name (if any)
- 3.b. Street Number and Name or PO Box
- 3.c. Apt. Ste. Flr.
- 3.d. City or Town
- 3.e. State 3.f. ZIP Code

Part 6. Information About the New Commercial Enterprise (continued)

NOTE for New Commercial Enterprise Mailing Address: If the new commercial enterprise mailing address is different from the physical address, please provide the physical address of the new commercial enterprise in the space provided in **Part 11. Additional Information.**

Other Information

4. Name of Industry Receiving Investment Capital From the New Commercial Enterprise

5. NAICS Code for the Industry Category

If more than one industry is receiving investment capital from the new commercial enterprise, provide the name and NAICS code for each additional industry category in the space provided in **Part 11. Additional Information.**

6. Aggregate EB-5 Capital Investment

7. Aggregate Non-EB-5 Capital Investment

8. Aggregate Number of Direct, Indirect, and/or Induced Jobs Created

9. Aggregate Number of Jobs Maintained Through Investments in Troubled Businesses

10. Does the new commercial enterprise serve as a vehicle for investment into other job creating entities that have or will create or maintain jobs for EB-5 purposes?

Yes No

If you answered "Yes" to **Item Number 10.**, identify the name and address of each job creating entity, its industry, as well as the aggregate capital investment and job creation associated with each job creating entity.

NOTE: Please indicate the number of jobs maintained through investments in "troubled businesses" separate from aggregate job creation as indicated below.

Information About the Job Creating Entity

11. Entity Name

12. Job Creating Entity Federal Employer Identification Number

13. Name of Industry

If more than one industry is associated with the job creating entity, provide the name for each additional industry category in the space provided in **Part 11. Additional Information.**

Mailing Address

14.a. In Care Of Name

14.b. Street Number and Name or PO Box

14.c. Apt. Ste. Flr.

14.d. City or Town

14.e. State

14.f. ZIP Code

15. Aggregate EB-5 Capital Investment

16. Aggregate Non-EB-5 Capital Investment

17. Aggregate Number of Jobs Created

18. Aggregate Number of Jobs Maintained Through Investment in Troubled Businesses

NOTE: If the address in **Item Numbers 14.a. - 14.f.** of this section refers to the mailing address of the job creating entity, please provide the physical address of the new commercial enterprise in the space provided in **Part 11. Additional Information.**

Part 7. Petitions Filed by EB-5 Investors

Immigrant Petition by Alien Entrepreneur (Form I-526)

Provide the total number of approved, denied, and revoked Form I-526, Immigrant Petition by Alien Entrepreneur, petitions filed by EB-5 investors making capital investments in each new commercial enterprise associated with the regional center.

NOTE: If an adverse action was ultimately reversed and the petition was approved, then list the case as approved.

Form I-526 Petition Final Case Actions

- 1. Name of the New Commercial Enterprise
- 2. Select **only one** result.
 Approved Denied Revoked

Petition By Entrepreneur to Remove Conditions (Form I-829)

Provide the total number of approved and denied Form I-829, Petition by Entrepreneur to Remove Conditions, petitions filed by EB-5 investors making capital investments in each new commercial enterprise associated with the regional center.

Form I-829 Petition Final Case Actions

- 3. Name of New Commercial Enterprise
- 4. Select **only one** result.
 Approved Denied

Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Authorized Individual

NOTE: Read the **Penalties** section of the Form I-924A Instructions before completing this part.

Applicant's or Authorized Individual's Statement

Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. I can read and understand English, and I have read and understand each and every question and instruction on this form and my answer to each question.
- 1.b. The interpreter named in **Part 9.** has read to me every question and instruction on this form and my answer to every question in , a language in which I am fluent. I understood all of this information as interpreted.
- 2. At my request, the preparer named in **Part 10.**, , prepared this form for me based only upon information I provided or authorized.

Authorized Individual's Contact Information

- 3.a. Authorized Individual's Family Name (Last Name)
- 3.b. Authorized Individual's Given Name (First Name)
- 4. Authorized Individual's Title
- 5. Authorized Individual's Daytime Telephone Number
- 6. Authorized Individual's Mobile Telephone Number (if any)
- 7. Authorized Individual's Email Address (if any)

Authorized Individual's Declaration and Certification

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the authorized individual's, I may be required to submit original documents to USCIS at a later date.

I authorize the release of any information from my records, or from the petitioning organization's records, to USCIS or other entities and persons where necessary to determine eligibility for the immigration benefit sought or where authorized by law. I recognize the authority of USCIS to conduct audits of this form using publicly available open source information. I also recognize that any supporting evidence submitted in support of this form may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

I am filing this form on behalf of the regional center entity, and I certify that I am authorized to do so by the regional center entity.

I certify, under penalty of perjury, that I have reviewed this form, I understand all of the information contained in, and submitted with, this form, and all of this information is complete, true, and correct.

Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Authorized Individual (continued)

Authorized Individual's Signature

- 8.a. Authorized Individual's Signature
- 8.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL REGIONAL CENTERS AND AUTHORIZED INDIVIDUALS: If you do not completely fill out this form or fail to submit required documents listed in the Instructions, USCIS may reject your form. USCIS will issue a notice of intent to terminate the participation of the regional center in the Immigrant Investor Program if a regional center fails to submit the required information or upon a determination that the regional center no longer serves the purpose of promoting economic growth.

Part 9. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
- 2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

- 4. Interpreter's Daytime Telephone Number
- 5. Interpreter's Mobile Telephone Number (if any)
- 6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language provided in **Part 8., Item Number 1.b.**, and I have read to the authorized individual in the identified language every question and instruction on this form and his or her answer to every question. The authorized individual informed me that he or she understands every instruction, question, and answer on the form, including the **Authorized Individual's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Authorized Individual

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
- 2. Preparer's Business or Organization Name (if any)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Authorized Individual (continued)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this form on behalf of the authorized individual and with the authorized individual's consent.
- 7.b. I am an attorney or accredited representative and my representation of the authorized individual in this case extends does not extend beyond the preparation of this form.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this form.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this form at the request of the authorized individual. The authorized individual has reviewed this completed form, including the **Authorized Individual's Declaration and Certification**, and informed me that all of this information in the form and in the supporting documents is complete, true, and correct.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)

Part 11. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print the regional center entity's name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Name of Regional Center Entity

2. Regional Center Identification Number

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

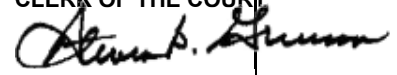
5.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d.

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d.



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

SUPP

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

ALDRICH LAW FIRM, LTD.

7866 West Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 853-5490
Facsimile: (702) 227-1975

Attorneys for Plaintiff/Counterdefendants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

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

Defendants.

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

**SUPPLEMENT TO MOTION TO
COMPEL AND FOR SANCTIONS**

AND ALL RELATED COUNTERCLAIMS.

Plaintiff FRONT SIGHT MANAGEMENT LLC (“Plaintiff”) by and through its attorneys, John P. Aldrich, Esq., Catherine Hernandez, Esq. and Matthew B. Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby supplements its Motion to Compel and for Sanctions previously filed on September 19, 2019.

///

///

1 **Additional Facts**

2 Plaintiff originally filed its Motion to Compel and for Sanctions on September 19, 2019.
3 The Motion was fully briefed. The Court heard argument on October 23, 2019. At that time, the
4 Court indicated it would grant relief, but asked counsel for the parties to meet and confer further
5 to see if agreement on at least some of the requests for production could be reached. (To the best
6 of counsel's recollection, this portion of the discussion occurred after the court reporter had to
7 leave.) The Court then stated that if the parties could not agree, Plaintiff could send additional
8 requests that addressed some of the issues discussed during the hearing, and if Defendants'
9 responses were still insufficient, Plaintiff's counsel could request that the Motion to Compel and
10 for Sanctions regarding the new requests be placed on calendar on Order Shortening Time to be
11 heard before the next evidentiary hearing. The prior Motion to Compel and for Sanctions will be
12 properly heard by the Court at the next hearing, November 20, 2019, regardless.

13 Plaintiff's counsel, Mr. Aldrich, reviewed Plaintiff's prior requests for production to all
14 Defendants and Defendants' repeated objections and non-responses, as well as the fact that, as
15 set forth in the Motion to Compel and for Sanctions, Defendants' counsel had repeatedly agreed
16 to supplement Defendants' responses to requests for production of documents but had failed to
17 do so. Mr. Aldrich also considered that the Court indicated Defendants would have 14 days to
18 respond to any new requests for production sent by Plaintiff to Defendants. As Mr. Aldrich
19 considered these factors, and in order to avoid further delay, he decided to just send additional
20 requests for production of documents to all Defendants. On October 30, 2019, another set of
21 Requests for Production of Documents was served on each of the six Defendants in this case.

22 Shortly before serving the new sets of Requests for Production of Documents, Mr.
23 Aldrich sent Defendants' counsel an e-mail explaining how he would proceed and why. (E-mail
24

1 dated October 30, 2019 from John Aldrich, Esq., to Keith Greer, Esq. and Kathryn Holbert, Esq.,
2 attached hereto as **Exhibit 1.**) The e-mail advised Defendants’ counsel that Plaintiff could not
3 grant an extension of time to respond because: (1) Plaintiff needs the responses and
4 accompanying information for the continued evidentiary hearings on November 20 and 21, (2)
5 Mr. Aldrich was assured several times that supplemental responses to the first groups of requests
6 Plaintiff sent would be provided but never were, and (3) Mr. Aldrich needed time to prepare and
7 file a Motion for Order Shortening Time to have the Motion to Compel heard again on
8 November 20 if Defendants’ responses were again incomplete. Mr. Aldrich received no
9 response to the e-mail or objection to proceeding in that fashion.

10 Late in the evening on Wednesday, November 13, 2019, Defendants served their
11 responses to the latest set of requests for production of documents. Mr. Aldrich’s concerns that
12 Defendants would simply seek to cause further delay came to fruition – and his ultimate
13 conclusion that Defendants would not ultimately properly supplement the prior discovery
14 responses was proven true. Yet again, Defendants did not properly respond to a single request.
15 Rather, Defendants sent “responses” that contained only objections – and the same series of
16 objections to each and every request at that. Not one Defendant identified or provided a single
17 document in response to the requests for production of documents. Not one Defendant actually
18 provided a single good faith response to any request.

19 The prior briefing on Plaintiff’s Motion to Compel and for Sanctions addresses the
20 deficiencies in Defendants’ latest discovery responses as well. This supplement to Plaintiff’s
21 Motion to Compel and for Sanctions sets forth the facts related to the latest round of non-
22 responses from Defendants and provides copies of the latest discovery requests sent by Plaintiff
23 and responses by Defendants, as well as brief additional analysis related to a party’s repeated
24

1 frivolous assertion of boilerplate objections – and the proper relief when a party asserts repeated,
2 frivolous objections instead of legitimate discovery responses.

3 Front Sight has separately requested that, as agreed at the hearing on October 23, 2019,
4 the Court hear this Motion on **November 20, 2019**, at the same time as it is set to hear other
5 discovery and substantive motions. That hearing is currently scheduled to begin at 1:30 p.m.

6 **Additional Requests for Production of Documents Sent to Defendants**

7 As mentioned above, on October 30, 2019, additional requests for production of
8 documents were sent to each Defendant. On November 13, 2019, Defendants served
9 “responses” to those requests. For the Court’s convenience, attached as Exhibits 2-7 are the
10 following “responses” from Defendants:

- 11 • **Exhibit 2** – Las Vegas Development Fund LLC’s Responses to Plaintiff’s Third Set of
12 Requests for Production of Documents to Defendant Las Vegas Development Fund LLC;
- 13 • **Exhibit 3** – EB5 Impact Advisors LLC’s Responses to Plaintiff’s Fourth Set of Requests
14 for Production of Documents;
- 15 • **Exhibit 4** – EB5 Impact Capital Regional Center LLC’s Responses to Plaintiff’s Third
16 Set of Requests for Production of Documents;
- 17 • **Exhibit 5** – Robert W. Dziubla’s Responses to Plaintiff’s Fifth Set of Requests for
18 Production of Documents;
- 19 • **Exhibit 6** – Jon Fleming’s Responses to Plaintiff’s Fifth Set of Requests for Production
20 of Documents; and
- 21 • **Exhibit 7** – Linda Stanwood’s Responses to Plaintiff’s Third Set of Requests for
22 Production of Documents.

1 After reviewing the “responses” from Defendants, Mr. Aldrich sent Defendants’ counsel
2 an e-mail explaining how he intended to file a Motion for Order Shortening Time to have
3 Plaintiff’s Motion to Compel and for Sanctions heard again on November 20, 2019. Mr. Aldrich
4 also pointed out a few deficiencies (requests not responded to) in the “responses” sent by
5 Defendants. (E-mail dated November 14, 2019 from John Aldrich, Esq., to Keith Greer, Esq.
6 and Kathryn Holbert, Esq., attached hereto as **Exhibit 8**.) Mr. Aldrich received no response to
7 the e-mail, however, shortly after the email was sent, Defendants served supplemental
8 “responses.” For the Court’s convenience, attached as Exhibits 9-10 are the following
9 supplemental “responses” from Defendants:

- 10 • **Exhibit 9** – Defendant Robert Dziubla’s Responses to Plaintiff’s 5th Set of Requests for
11 Production – Requests Nos. 101-123; and
- 12 • **Exhibit 10** – Defendant EB5 Impact Advisors’ Supplemental Responses to Plaintiff’s
13 Fourth Set of Requests for Production of Documents.

14 Among the categories of items requested but objected to were documents directly related
15 to Defendants’ various affirmative defenses, denials of specific factual allegations, and
16 documents relating to Defendants’ nefarious and wrongful conduct. Here is a sampling of some
17 of the requests Defendants refused to properly respond to (using the requests sent to LVDF):

- 18 • Documents related to misrepresentations made by Defendant Dziubla on behalf of
19 himself and/or the entity Defendants about specific statements in documents that have
20 already been admitted during evidentiary hearing testimony. *See, e.g.*, Request Nos. 113-
21 121, 123-128, 130, 198 to LVDF.
- 22 • Documents related to Defendants’ affirmative defenses. *See, e.g.*, Request No. 132 to
23 LVDF.

- 1 • Documents related to Defendant LVDF’s Counterclaims. *See* Request No. 133 to LVDF.
- 2 • Documents to show what Defendants did with money taken from Front Sight under the
3 pretense of raising EB-5 funds for Front Sight’s project and/or related to Defendants’
4 handling/use of investor money. *See, e.g.*, Request Nos. 134-138, 160-161, 163, 172, 202
5 to LVDF.
- 6 • Documents identifying the immigrant investors and representations made to them by
7 Defendants. *See, e.g.*, Request Nos. 139-140, 158-159, 167-171, 186 to LVDF.
8 (Defendant LVDF claims Front Sight cannot pay off the loan because of the status of
9 immigrant investors’ applications but refuse to provide any proof the condition exists – or
10 that immigrant investors even exist.)
- 11 • Documents that have been provided to Defendants by Plaintiff. *See* Request Nos. 143-
12 144, 153 to LVDF. (Defendants continue to claim Plaintiff has not provided sufficient
13 documentation, but refuse to properly respond to the requests despite representations by
14 Defendants’ counsel that such documents would be provided.)
- 15 • Copies of the Exhibits to the Construction Loan Agreement, which Defendant LVDF
16 claims to be attempting to enforce, and which is the basis for the Notice of Default and
17 Election to Sell. *See* Request Nos. 145-151 to LVDF.
- 18 • Documents to support the Notice of Default and Election to Sell recorded on January 18,
19 2019. *See* Request No. 157 to LVDF.
- 20 • Documents to substantiate the several breaches Defendant LVDF has asserted throughout
21 this litigation. *See* Request Nos. 173-182 to LVDF.
22
23
24

- 1 • Documents that relate to communications between Defendants and/or persons Dziubla
2 called “partners” or who actually are partners in some fashion. *See* Request Nos. 183-
3 185.
- 4 • Requests for financial documents to show monies potentially used and/or taken by
5 Defendants. *See* Request Nos. 187-194 to LVDF.
- 6 • Documents to support representations of Defendant Dziubla and/or Defendants’ counsel
7 during hearings in this case. *See* Request Nos. 195-197 to LVDF.
- 8 • Documents related to the status of petitions filed with the USCIS on behalf of the alleged
9 immigrant investors and/or communications between Defendants and USCIS. *See*
10 Request Nos. 160, 199-201 to LVDF.
- 11 • Documents to substantiate the amounts claimed to be past due in the October 2019 Loan
12 Statement and Invoice sent by NES on behalf of LVDF. *See* Request Nos. 203-208 to
13 LVDF.

14 As the Court can see, all of these categories, and the individual requests, are tailored to
15 specific issues in this case, many of which have been raised by Defendants and/or regarding
16 which the Defendants have the burden of proof.

17 **Additional Legal Analysis**

18 Plaintiff incorporates the previous arguments from its Motion to Compel and for
19 Sanctions and adds the following:

20 Including the set of requests for production of documents sent on October 30, 2019,
21 Plaintiff has sent the following Rule 34 requests to Defendants:
22
23
24

PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANTS							
DATE PROPOUNDED	LVDF	EB5IA	EB5IC	DZIUBLA	FLEMING	STANWOOD	
7/10/2019	1-111	1-95	1-87	1-93	1-91	1-91	Objections to all requests received 7/24/19
7/17/2019				94-98			Objections to all requests received 8/14/19
8/1/2019	112	96	88	99	92	92	Objections to all requests received 8/14/19
9/4/2019					93		Objections to all requests received 9/18/19
9/19/2019		97		100	94		Objections to all requests received 10/3/19
10/30/2019	113-208	98-150	89-142	101-148	95-141	93-137	Objections to all requests received 11/13/19
11/1/2019	209-215	151-157	143-149	149-154	142-147	138-143	

This table makes it clear that Plaintiff has sent several hundred requests for production of documents (collectively) to Defendants. Defendants did not properly respond to a single request. Rather, Defendants sent “responses” that contained only objections – and essentially the same series of boilerplate objections to each and every request at that. Not one Defendant identified or provided a single document in response to the requests for production of documents. Not one response indicated responsive documents did or did not exist. Not one Defendant actually provided a single good faith response to any request.

In *Kristensen v. Credit Payment Servs.*, 2014 U.S. Dist. LEXIS 165489, 2014 WL 6675748 (D. Nev. November 24, 2014), the Nevada federal district court dealt with a similar situation:

The court has carefully reviewed and considered the voluminous moving and responsive papers and finds that [defendant, non-moving party] CPS’s supplemental discovery responses are still grossly deficient in several regards. CPS resists discovery arguing the requests are overly broad and burdensome, and that Plaintiff’s requested discovery regarding alter ego liability is irrelevant to this lawsuit. **As the party resisting discovery, CPS has the burden of showing these discovery requests are unduly burdensome or oppressive.** See, e.g., *Bible v. Rio Props., Inc.*, 246 F.R.D. 614, 618 (C.D. Cal. 2010) (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975)). CPS’s unsupported allegations of undue burden are improper especially when it has **failed to submit any evidentiary declaration supporting these objections.** *Farber and Partners, Inc. v. Garber*, 234 F.R.D. 186, 188 (C.D. Cal. 2006).

CPS’s Amended Answers to Second Request for Production of Documents contain nearly three pages of “general objections” which it purports to incorporate into each response as if set forth in full. The general objections are followed by additional objections to the specific requests. **The court finds that CPS’s**

1 **general and additional objections are boilerplate objections which are**
2 **designed to evade, obfuscate, and obstruct discovery.** Black’s Law Dictionary
3 defines the word “boilerplate” as “Ready-made or all-purpose language that will
4 fit in a variety of documents.” *Black’s Law Dictionary*, Ninth Ed.

5 Federal courts have routinely held that boilerplate objections are improper. *St.*
6 *Paul Reinsurance Company, Ltd. v. Commercial Financial Corp.*, 198 F.R.D.
7 508, 512 (N.D. Iowa 2000) (collecting cases and sanctioning a lawyer for using
8 boilerplate objections in response to requests for production of documents).
9 **“Boilerplate, generalized objections are inadequate and tantamount to not**
10 **making any objection at all.”** *Walker v. Lakewood Condo. Owners Ass’n*, 186
11 F.R.D. 584, 587 (C.D. Cal. 1999) (citations omitted). The Ninth Circuit has held
12 **“that boilerplate objections or blanket refusals inserted into a response to a**
13 **Rule 34 request for production of document are insufficient to assert a**
14 **privilege.”** *Burlington N. & Santa Fe Ry. Co. v. U.S. District Court for the Dist.*
15 *of Mont.*, 408 F.3d 1142, 1149 (9th Cir. 2005).

16 *Kristensen* at *11-12 (emphasis added). The federal district court continued its analysis:

17 As indicated, CPS asserted three pages and twelve separate paragraphs of
18 voluminous boilerplate objections to **all** of the discovery requests at issue. CPS
19 objected to the instructions and definitions “to the extent they are vague,
20 ambiguous, overbroad, overly burdensome, do not describe the information
21 sought with requisite particularity, and/or require compliance and responses
22 beyond the requirements of and/or at variance with the Federal Rules of Civil
23 Procedures and the Local Rules of the District of Nevada. The general objections
24 object to the requests to the extent they seek information protected from
disclosure by any privileged doctrine, seek confidential information, trade secret,
proprietary, financial or commercially sensitive information, information outside
Defendant’s possession, custody or control, or matters of public record or
otherwise equally available to Plaintiff. In paragraph 10 of the general objections,
CPS indicates that it “will withhold all privileged documents created or prepared
by any of its employees, attorneys, agents, or representatives on or after March
12, 2012.” It states that this categorical identification is “considered sufficient to
satisfy any identification requirement necessary to properly assert privilege or
immunity for those documents.” It is wrong.

These boilerplate objections are improper, fail to preserve any privilege, and
are no justification for failing to withhold responsive documents. The
objections are therefore overruled and stricken. CPS’s boilerplate relevancy
objections are also overruled and stricken.

Id. at *12-14 (emphasis added). Finally, the court ruled: “The court will compel CPS to provide
supplemental responses **without objections**. The court finds that CPS’s boilerplate objections

1 are insufficient to preserve privilege and tantamount to no objection at all.” *Id.* at *15 (emphasis
2 in original).

3 In the instant case, all of Defendants’ Responses to Requests for Production of
4 Documents are grossly insufficient, and the repeated boilerplate objections are tantamount to no
5 responses at all. As the federal court did in *Kristensen*, this Court should find that “[t]hese
6 boilerplate objections are improper, fail to preserve any privilege, and are no justification for
7 failing to [produce] responsive documents.” The Court should further find that Defendants’
8 “objections are therefore overruled and stricken . . . [and Defendants’] boilerplate relevancy
9 objections are also overruled and stricken.” Finally, as the court did in *Kristensen*, this Court
10 should “compel [all Defendants] to provide supplemental responses **without objections.**”

11 DATED this 15th day of November, 2019.

12 **ALDRICH LAW FIRM, LTD.**

13 /s/ John P. Aldrich

14 John P. Aldrich, Esq.

15 Nevada Bar No. 6877

16 Catherine Hernandez, Esq.

17 Nevada Bar No. 8410

18 Matthew B. Beckstead, Esq.

19 Nevada Bar No. 14168

20 7866 West Sahara Avenue

21 Las Vegas, NV 89117

22 Tel (702) 853-5490

23 Fax (702) 226-1975

24 *Attorneys for Plaintiff/Counterdefendant*

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of November, 2019, I caused the foregoing **SUPPLEMENT TO MOTION TO COMPEL AND FOR SANCTIONS** to be electronically filed and served with the Clerk of the Court using Wiznet which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the Electronic Mail Notice List, to the following parties:

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

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

Attorneys for Defendants

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

EXHIBIT 1

EXHIBIT 1

Traci Bixenmann

From: John Aldrich <jaldrich@johnaldrichlawfirm.com>
Sent: Wednesday, October 30, 2019 3:59 PM
To: keith.greer@greerlaw.biz; kholbert@farmercase.com
Cc: traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com
Subject: Additional requests for production of documents

Keith and Kathryn,

As you know, at the hearing on October 23, 2019, while arguing the Motion to Compel, the Court requested that we get together and discuss which requests for production Defendants would agree to respond to, and then if we could not agree, the Court instructed me to send new requests for production of documents, and then Defendants would have 14 days to respond. Because the Court is giving Defendants 14 days regardless of whether Defendants agree or I send new requests, I decided to just go ahead and send new requests. I reiterate that I stand by the requests already sent and our position that Defendants should have and have not properly answered them (despite repeated assurances supplemental responses were forthcoming), but I am hopeful that Defendants will actually answer the requests I am sending today. It is also quite possible that I will have a couple of follow up requests in the next day or two.

Later today, we will be serving additional requests for production of documents. By our calculation, Defendants' responses will be due on or before Wednesday, November 13, 2019. Please be advised that, even though I always try to extend professional courtesies and grant a reasonable extension when requested, I simply cannot do so in this instance for a few reasons: (1) I need this information for the continued evidentiary hearings on November 20 and 21, (2) I was assured several times that supplemental responses to the first groups of requests Plaintiff sent would be provided but never were, and (3) I need time to prepare and file a Motion for Order Shortening Time to have my Motion to Compel heard again on November 20 if Defendants' responses are again incomplete.

Please let me know if you have any questions. Thanks.

John P. Aldrich, Esq.
ALDRICH LAW FIRM, LTD.
7866 West Sahara Avenue
Las Vegas, Nevada 89117
jaldrich@johnaldrichlawfirm.com
Tel (702) 853-5490
Fax (702) 227-1975
Visit us online at <http://www.johnaldrichlawfirm.com>

WE HAVE MOVED! Please note our new address above.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and destroy all copies of the original message.

If you are a client or work for a client of Aldrich Law Firm, or have consulted with the law firm for potential representation, this e-mail is protected by the attorney-client privilege and the work product doctrine. This e-mail is not intended for release to opposing parties, opposing counsel or any other third person or entity. Caution should be used when forwarding this e-mail to others as the privilege may be lost. Copies of this e-mail should not be kept in your regular files. If you print a copy of this e-mail, place it in a separate file labeled "Attorney-Client Privilege." DO NOT PRODUCE A COPY OF THIS E-MAIL IN DISCOVERY.

EXHIBIT 2

EXHIBIT 2

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

RRFP
ANTHONY T. CASE, ESQ.
Nevada Bar No. 6589
tcase@farmercase.com
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

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

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

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
)
Plaintiff,) **DEFENDANT, DEFENDANT LAS VEGAS**
) **DEVELOPMENT FUND, LLC'S**
vs.) **RESPONSES TO PLAINTIFF'S THIRD**
) **SET OF REQUESTS FOR PRODUCTION**
) **OF DOCUMENTS**
LAS VEGAS DEVELOPMENT FUND LLC, a)
Nevada Limited Liability Company; EB5)
IMPACT CAPITAL REGIONAL CENTER)
LLC, a Nevada Limited Liability Company; EB5)
IMPACT ADVISORS LLC, a Nevada)
Limited Liability Company; ROBERT W.)
DZIUBLA, individually and as President and)
CEO of LAS VEGAS DEVELOPMENT FUND)
LLC and EB5 IMPACT ADVISORS)
LLC; JON FLEMING, individually and as)
agent of LAS VEGAS DEVELOPMENT)
FUND LLC and EB5 IMPACT ADVISORS)
LLC; LINDA STANWOOD, individually and)
as Senior Vice President of LAS VEGAS)

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

5 Defendants.)

6

LAS VEGAS DEVELOPMENT FUND LLC,)

7 Counterclaimant,)

8 vs.)

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

22 Counterdefendants.)

23

PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC

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

25 **SET NO: THREE**

26 **GENERAL OBJECTIONS**

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

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

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

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

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

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

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

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

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

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

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

8 **REQUEST NO. 113:**

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

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

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

27 ///
28

1 **REQUEST NO. 114:**

2 Please provide copies of all documents which support or relate to the truthfulness of the
3 representations made to Front Sight that Defendant Dziubla and his associates “have been
4 underwriting over a dozen hospitality transaction during the past 8 months, with two of them located
5 in the desert just like Front Sight, so we have a keen appreciation and understanding of the peculiarities
6 of that market and how to structure the transaction appropriately,” as set forth in Evidentiary Hearing
7 Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.
8

9 **RESPONSE TO REQUEST NO. 114:**

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

21 **REQUEST NO. 115:**

22 Please provide copies of all documents which support or relate to the truthfulness of the
23 representations made to Front Sight that Defendant Dziubla and his associates had the ability,
24 experience and networking breadth with Chinese investors to enable Defendant Dziubla “to put
25 together a financing package for some, or perhaps, all, of the \$150 million you were seeking to raise,”
26 as set forth in Evidentiary Hearing Exhibit 2, August 27, 2012 Email from Robert Dziubla to Mike
27 Meacher, p. 0002.
28

RESPONSE TO REQUEST NO. 115:

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

13 **REQUEST NO. 116:**

14 Please provide copies of any and all documents which support the truthfulness of the
15 representations made to Front Sight that "EB-5 funding initiatives typically take 5 – 8 months before
16 first funds are placed into escrow with the balance of the funds being deposited during the next 6 – 8
17 months. This sort of extended timing seems to be compatible with Front Sight's development timeline
18 given our discussions," as set forth in Evidentiary Hearing Exhibit 3, p. 0006.

19 **RESPONSE TO REQUEST NO. 116:**

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

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

3 **REQUEST NO. 117:**

4 Please provide copies of all documents which support or relate to the truthfulness of the
5 representations made to Front Sight that “Our partners, Emyrean West (Dave Keller and Jay Carter),
6 are the owners and managers of a USCIS-approved regional center, Liberty West Regional Center,
7 through which we will invest the \$65m of EB-5 funding,” as set forth in Evidentiary Hearing Exhibit
8 3, p. 0006.

9 **RESPONSE TO REQUEST NO. 117:**

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

21 **REQUEST NO. 118:**

22 Please provide copies of all documents which support or relate to the truthfulness of the
23 representations made to Front Sight that “... we don’t make any money until we have successfully
24 raised the \$65m...,” as set forth in Evidentiary Hearing Exhibit 3, p. 0007.

25 **RESPONSE TO REQUEST NO. 118:**

26 Responding party objects to this Document Request because; individually, and in aggregate
27 with the other requests made herein and previously propounded, this request fails to meet the
28

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

11 **REQUEST NO. 119:**

12 Please provide copies of all documents which support or relate to the truthfulness of the
13 representations made to Front Sight that "In addition to the Chinese EB-5 funding, Emphyrean West
14 has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam and
15 has been exempted from the \$5,000 limit on international money transfers," as set forth in Evidentiary
16 Hearing Exhibit 3, p. 0006.

17 **RESPONSE TO REQUEST NO. 119:**

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

1 **REQUEST NO. 120:**

2 Please provide copies of all documents which support or relate to the truthfulness of the
3 representations made to Front Sight that Defendant Dziubla and his partners were working on a
4 proposal for “the creation of a new regional center for the Front Sight project and the raise of up to
5 \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in Evidentiary
6 Hearing Exhibit 4, p. 0010.

7 **RESPONSE TO REQUEST NO. 120:**

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

19 **REQUEST NO. 121:**

20 Please provide copies of all documents which support or relate to the truthfulness of the
21 statement in the February 14, 2013 engagement letter that Professor Sean Flynn will “prepare the
22 business plan” and that Professor Flynn will be paid \$20,000 to prepare the business plan, as set forth
23 in Evidentiary Hearing Exhibit 6, pp. 0020, 0026.

24 **RESPONSE TO REQUEST NO. 121:**

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

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

10 **REQUEST NO. 122:**

11 Please provide copies of all documents which demonstrate how Professor Sean Flynn was
12 compensated for the creation of the business plan referenced in the February 14, 2013 engagement
13 letter, including all communications between any party to this litigation and Professor Flynn related
14 to how and when the terms of that compensation were agreed upon.

15 **RESPONSE TO REQUEST NO. 122:**

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

27 ///
28

1 **REQUEST NO. 123:**

2 Please provide copies of all documents which support or relate to the truthfulness of
3 Defendants Dziubla and Fleming’s representations to Front Sight that the approval process for the
4 new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing Exhibit 7, p.
5 0029.

6 **RESPONSE TO REQUEST NO. 123:**

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

18 **REQUEST NO. 124:**

19 Please provide copies of all documents which support or relate to the truthfulness of the
20 representations made to Front Sight that “... a very big advantage – we should have the first tranche
21 of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e. \$18.75m, as
22 discussed) within 4 – 5 months,” as set forth in Evidentiary Hearing Exhibit 9, p. 0036.

23 **RESPONSE TO REQUEST NO. 124:**

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

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

8
9 **REQUEST NO. 125:**

10 Please provide copies of all documents which support or relate to the truthfulness of the
11 representations made to Front Sight that "We look forward to having the \$53.5k deposited into our
12 Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and of course
13 receives our full and diligent attention..." as set forth in Evidentiary Hearing Exhibit 11, p. 0044.

14 **RESPONSE TO REQUEST NO. 125:**

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

26 **REQUEST NO. 126:**

27 Please provide copies of all documents which support or relate to the truthfulness of the
28 representations made to Front Sight that "As we mentioned in an earlier email, the uncertainty

1 surrounding what Congress was going to do has really sidelined the investors. We have been in contact
2 with our agents in China over night, and they are ecstatic with this news and assure us that with this
3 logjam now cleared, the investors will be signing up. We were, of course, dismayed by the slow sales
4 progress, but now expect the sales pace to increase substantially,” as set forth in Evidentiary Hearing
5 Exhibit 13, p. 0052.

6
7 **RESPONSE TO REQUEST NO. 126:**

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

19 **REQUEST NO. 127:**

20 Please provide copies of all documents which support or relate to the truthfulness of the
21 representations made to Front Sight that “With regard to the timeline, we may still be able to achieve
22 the minimum raise of \$25m by January 31 and thereupon begin disbursing the construction loan
23 proceeds to you, but a more realistic date might be February 8. Why that date you ask? Because the
24 Christmas holidays and January 1st new year holiday are rather insignificant in China and,
25 importantly, February 8 is the start of the Chinese New Year. Chinese people like to conclude their
26 major business decisions before the start of that 2 – 3 week holiday period, so we expect to see interest
27 in the FS project growing rapidly over the next couple of weeks with interested investors getting their
28 source and path of funds verification completed in January so that they can make the investment by

1 February 8,” as set forth in Evidentiary Hearing Exhibit 13, p. 0052.

2 **RESPONSE TO REQUEST NO. 127:**

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

15 **REQUEST NO. 128:**

16 Please provide copies of all documents which support or relate to the truthfulness of the
17 representations made to Front Sight that “With regard to timing, based on discussions with our agents
18 over the past few days, including today, it looks like we may have 5 – 10 investors into escrow by
19 February 8, with an additional 20 – 30 in the pipeline,” as set forth in Evidentiary Hearing Exhibit 14,
20 p. 0056.

21 **RESPONSE TO REQUEST NO. 128:**

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

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

5 **REQUEST NO. 129:**

6 Please provide copies of all documents which relate to representations made to Front Sight
7 that USCIS would not allow Front Sight to be an owner of EB5IC because USCIS would look
8 unfavorably on a developer owning a regional center, as alleged in Paragraph 43 of the Second
9 Amended Complaint.

10 **RESPONSE TO REQUEST NO. 129:**

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

22 **REQUEST NO. 130:**

23 Please provide copies of all documents which support the representations made to Front Sight
24 that "we are legally and ethically bound by confidentiality restrictions in all of our contracts with our
25 Chinese agents (and all others) not to disclose the terms thereof. The EB-5 business is highly and
26 increasingly competitive, and the agents absolutely will not tolerate the disclosure of the terms of their
27 compensation," as set forth in Evidentiary Hearing Exhibit 16, p. 0065.
28

1 **RESPONSE TO REQUEST NO. 130:**

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

14 **REQUEST NO. 131:**

15 Please provide copies of all documents which relate to the dissolution of Defendant EB5IA.

16 **RESPONSE TO REQUEST NO. 131:**

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

1
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. 132:

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

RESPONSE TO REQUEST NO. 132:

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

REQUEST NO. 133:

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

RESPONSE TO REQUEST NO. 133:

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

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

4 **REQUEST NO. 134:**

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

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

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

21 **REQUEST NO. 135:**

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

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

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

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

11
12 **REQUEST NO. 136:**

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

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

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

1 **REQUEST NO. 137:**

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

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

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

17 **REQUEST NO. 138:**

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

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

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

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

7 **REQUEST NO. 139:**

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

15 **RESPONSE TO REQUEST NO. 139:**

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

27 ///
28

1 **REQUEST NO. 140:**

2 Please provide copies of all documents which demonstrate each and every representation you
3 have made to any potential EB-5 investor of the Front Sight project, or agent of any potential EB-5
4 investor, including representations prior to investment and updates since investment.
5

6 **RESPONSE TO REQUEST NO. 140:**

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

18 **REQUEST NO. 141:**

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

22 **RESPONSE TO REQUEST NO. 141:**

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

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

6 **REQUEST NO. 142:**

7
8 Please provide copies of all documents you have received from the USCIS regarding the Front
9 Sight Project.

10 **RESPONSE TO REQUEST NO. 142:**

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

22 **REQUEST NO. 143:**

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

25 **RESPONSE TO REQUEST NO. 143:**

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

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

10 **REQUEST NO. 144:**

11 Please provide a copy of all of the documents you received in the 23-lb. box of documents
12 received from Front Sight by FedEx on or about June 20, 2018.

13 **RESPONSE TO REQUEST NO. 144:**

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

25 **REQUEST NO. 145:**

26 Please produce a copy of Exhibit A (entitled "Budget") to the Construction Loan Agreement
27 dated October 6, 2016.

28 .///

1 **RESPONSE TO REQUEST NO. 145:**

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

14 **REQUEST NO. 146:**

15 Please produce a copy of Exhibit B (entitled "Draw Request") to the Construction Loan
16 Agreement dated October 6, 2016.

17 **RESPONSE TO REQUEST NO. 146:**

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

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. 147:

Produce a copy of Exhibit C (entitled “Draw Request Certificate”) to the Construction Loan Agreement dated October 6, 2016.

RESPONSE TO REQUEST NO. 147:

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

REQUEST NO. 148:

Please produce a copy of Exhibit D (entitled “Legal Description”) to the Construction Loan Agreement dated October 6, 2016.

RESPONSE TO REQUEST NO. 148:

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

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

5 **REQUEST NO. 149:**

6 Please produce a copy of Exhibit E (entitled “Estimated Construction Cost Statement”) to the
7 Construction Loan Agreement dated October 6, 2016.

8 **RESPONSE TO REQUEST NO. 149:**

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

21 **REQUEST NO. 150:**

22 Please produce a copy of Exhibit F (entitled “Improvements”) to the Construction Loan
23 Agreement dated October 6, 2016.

24 **RESPONSE TO REQUEST NO. 150:**

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

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

8
9 **REQUEST NO. 151:**

10 Please produce a copy of Exhibit G (entitled "Ownership and Control") to the Construction
11 Loan Agreement dated October 6, 2016.

12 **RESPONSE TO REQUEST NO. 151:**

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

24 **REQUEST NO. 152:**

25 Please produce a copy of the Note, as defined on page 1 of the document entitled Construction
26 Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture Filing (recorded on
27 October 13, 2016, as Document #860867 in the Nye County Official Records).

28 ///

1 **RESPONSE TO REQUEST NO. 152:**

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

14 **REQUEST NO. 153:**

15 Please produce a copy of the eight binders of documents described as "EB-5 Documents" you
16 received as set forth in Evidentiary Hearing Exhibit 20, July 30, 2018 Correspondence from Las Vegas
17 Development Fund LLC to Ignatius Piazza regarding Notice of Multiple Defaults, etc., Bates-labeled
18 0079-0085.

19 **RESPONSE TO REQUEST NO. 153:**

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

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

3 **REQUEST NO. 154:**

4 Please produce a copy of all documents, writings, and/or communications that were authored
5 by, sent or received by, and/or in possession or control of LVDF, that discuss, memorialize, and/or
6 mention the formation of, or the terms and conditions of, the CLA and other Loan Documents (as
7 defined in the CLA).

8 **RESPONSE TO REQUEST NO. 154:**

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

21 **REQUEST NO. 155:**

22 Please produce a copy of all documents, writings, and/or communications that discuss,
23 memorialize, and/or mention the loan disbursements that LVDF made to Front Sight pursuant to the
24 CLA and/or other Loan Documents.

25 **RESPONSE TO REQUEST NO. 155**

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

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

9
10 **REQUEST NO. 156:**

11 Please produce a copy of all documents, writings, and/or communications that discuss,
12 memorialize, and/or mention the loan payments that Front Sight made to LVDF pursuant to the CLA
13 and/or other Loan Documents.

14 **RESPONSE TO REQUEST NO. 156:**

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

26 **REQUEST NO. 157:**

27 Please produce a copy of all documents, writings, and/or communications that LVDF used to
28 calculate, support, or otherwise establish the amount of \$345,787.24 allegedly owed to LVDF as stated

1 in the document entitled Notice of Breach, Default and Election to Sell Under Deed of Trust (recorded
2 on Jan. 18, 2019, as Document #905512 in the Nye County Official Records).

3 **RESPONSE TO REQUEST NO. 157:**

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

16 **REQUEST NO. 158:**

17 Please produce a copy of all documents, writings, and/or communications showing the names
18 and other demographical information pertaining to LVDF's Class B Members, as defined in LVDF's
19 Operating Agreement dated March 26, 2014, and including but not limited to the identity of the Class
20 B Members, the address of the Class B Member, the country of origin of the Class B Member, the
21 contact information for the agent of the Class B Member, the date of the transaction, the amount of
22 the investment, the source of the funds for the investment, the current immigration status of the Class
23 B Member, and the current status of the investment.

24 **RESPONSE TO REQUEST NO. 158:**

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

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

8
9 **REQUEST NO. 159:**

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

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

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

25 **REQUEST NO. 160:**

26 Please produce a copy of all bank account statements, from each and every bank account's
27 initial opening date to the present time, for all account(s) used to hold the 25% of the actual, potential,
28

1 or prospective EB-5 investors' and/or EB-5 visa applicants' investments that was earmarked for
2 refunds in the event of a USCIS rejection of a particular investor's I-829 petition.

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

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

16 **REQUEST NO. 161:**

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

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

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

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

4 **REQUEST NO. 162:**

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

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

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

21 **REQUEST NO. 163:**

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

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

26 Responding party objects to this Document Request because; individually, and in aggregate
27 with the other requests made herein and previously propounded, this request fails to meet the
28

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

10
11 **REQUEST NO. 164:**

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

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

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

1 **REQUEST NO. 165:**

2 Please produce a copy of all communications between LVDF and Kathryn Holbert, Esq., in
3 her capacity as prospective and/or actual substitute trustee under the Construction Deed of Trust,
4 Security Agreement, Assignment of Leases and Rents and Fixture Filing (recorded on Oct. 13, 2016,
5 as Document #860867 in the Nye County Official Records).

6 **RESPONSE TO REQUEST NO. 165:**

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

18 **REQUEST NO. 166:**

19 Produce a copy of all communications between LVDF and Chicago Title Company, in its
20 capacity as trustee under the Construction Deed of Trust, Security Agreement, Assignment of Leases
21 and Rents and Fixture Filing (recorded on Oct. 13, 2016, as Document #860867 in the Nye County
22 Official Records).

23 **RESPONSE TO REQUEST NO. 166:**

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

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

8
9 **REQUEST NO. 167:**

10 Produce a copy of any and all communications between LVDF and the actual, potential, or
11 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

12 **RESPONSE TO REQUEST NO. 167:**

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

24 **REQUEST NO. 168:**

25 Produce a copy of any and all communications between LVDF and the actual, potential, or
26 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2018.

27 ///
28

1 **RESPONSE TO REQUEST NO. 168:**

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

14 **REQUEST NO. 169:**

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 and/or their agents, for the year 2017.

17 **RESPONSE TO REQUEST NO. 169:**

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

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. 170:

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

RESPONSE TO REQUEST NO. 170:

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

REQUEST NO. 171:

Produce a copy of each and every version of the Private Placement Memorandum that LVDF delivered to any actual, potential, or prospective EB-5 investor(s) and/or EB-5 visa applicant(s) and/or their agents.

RESPONSE TO REQUEST NO. 171:

Responding party objects to this Document Request because; individually, and in aggregate with the other requests made herein and previously propounded, this request fails to meet the proportionality requirements of proper discovery and thus is over burdensome and harassing; it is compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests contained herein and previously propounded; it seeks documents that are already in requesting party’s possession or equally accessible to the requesting party; it seeks information protected by the attorney-

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

6 **REQUEST NO. 172:**

7
8 Please provide all documents which relate to and/or account for any and all funds you have
9 received from Front Sight directly or which you know to originate from Front Sight, including all
10 money received by you from Plaintiff, how said funds were spent, identification of who received any
11 portion of the funds, and any and all documentation to support or justify payments made or funds
12 spent.

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

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

25 **REQUEST NO. 173:**

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

28 ///

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

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

14 **REQUEST NO. 174:**

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

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

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

1 responding party and/or third parties.

2 **REQUEST NO. 175:**

3 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to comply
4 with its performance obligations under the CLA section 5.1 –Failure to Timely Complete
5 Construction.

6 **RESPONSE TO REQUEST NO. 175:**

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

18 **REQUEST NO. 176:**

19 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to comply
20 with its performance obligations under the CLA section 5.2 –Material Change of Costs, Scope, or
21 Timing of Work.

22 **RESPONSE TO REQUEST NO. 176:**

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

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

8 **REQUEST NO. 177:**

9 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply
10 with its performance obligations under the CLA section 5.27 –Refusal to Comply Regarding Senior
11 Debt.

12 **RESPONSE TO REQUEST NO. 177:**

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

24 **REQUEST NO. 178:**

25 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply
26 with its performance obligations under the CLA section 3.2(a) –Failure to Provide Monthly Project
27 Costs.

28 ///

1 **RESPONSE TO REQUEST NO. 178:**

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

14 **REQUEST NO. 179:**

15 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply
16 with its performance obligations under the CLA section 5.10 –Failure to Notify in Event of Default.

17 **RESPONSE TO REQUEST NO. 179:**

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

1 **REQUEST NO. 180:**

2 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to comply
3 with its performance obligations under the CLA section 5.4 –Refusal to Allow Inspection of Records.

4 **RESPONSE TO REQUEST NO. 180:**

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

17 **REQUEST NO. 181:**

18 Please produce all documents that relate to LVDF’s allegation that Front Sight failed to comply
19 with its performance obligations under the CLA section 3.3 –Refusal to Allow Inspection of the
20 Project.

21 **RESPONSE TO REQUEST NO. 181:**

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

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

5 **REQUEST NO. 182:**

6 Please produce all documents that relate to LVDF's allegation that Front Sight failed to comply
7 with its performance obligations under the CLA section 1.7(f) –Failure to Provide EB-5 Information.

8 **RESPONSE TO REQUEST NO. 182:**

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

21 **REQUEST NO. 183:**

22 Please produce all communications between LVDF and any other Defendant.

23 **RESPONSE TO REQUEST NO. 183:**

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

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

8 **REQUEST NO. 184:**

9 Please produce all communications between LVDF and Sean Flynn.

10 **RESPONSE TO REQUEST NO. 184:**

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

22 **REQUEST NO. 185:**

23 Please produce all communications between LVDF and Emphyrean West and/or Dave Keller
24 or Jay Carter.

25 **RESPONSE TO REQUEST NO. 185:**

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

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

9
10 **REQUEST NO. 186:**

11 Please produce all communications between LVDF and any agent and/or broker for any EB-5
12 Investor.

13 **RESPONSE TO REQUEST NO. 186:**

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

25 **REQUEST NO. 187:**

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

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

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

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

26 **REQUEST NO. 188:**

27 Please provide all documents related to any and all financial accounts at Bank of Hope
28 pertaining to Las Vegas Development Fund LLC and/or for which Las Vegas Development Fund LLC

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

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

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

16 **REQUEST NO. 189:**

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

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

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

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

5 **REQUEST NO. 190:**

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

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

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

21 **REQUEST NO. 191:**

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

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

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

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

11
12 **REQUEST NO. 192:**

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

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

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

1 **REQUEST NO. 193:**

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

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

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

18 **REQUEST NO. 194:**

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

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

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

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

8
9 **REQUEST NO. 195:**

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

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

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

26 ///

27 ///

28

1 **REQUEST NO. 196:**

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

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

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

17 **REQUEST NO. 197:**

18 Please provide all documents that support or relate to the representation made by LVDF's
19 counsel, Keith Greer, Esq., at the hearing on October 23, 2019 that LVDF recently received additional
20 inquiries from potential immigrant investors regarding investment into the Front Sight project.

21 **RESPONSE TO REQUEST NO. 197:**

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

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

6 **REQUEST NO. 198:**

7
8 Please provide copies of all documents which demonstrate or relate to your involvement in the
9 San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, p. 0036.

10 **RESPONSE TO REQUEST NO. 198:**

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

22 **REQUEST NO. 199:**

23 Please provide copies of all documents which demonstrate or relate to the status of the I- 829
24 petition for each immigrant investor who has invested funds in the Front Sight Project.

25 **RESPONSE TO REQUEST NO. 199:**

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

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

9
10 **REQUEST NO. 200:**

11 Please provide copies of all documents which demonstrate or relate to the status of the I- 526
12 petition for each immigrant investor who has invested funds in the Front Sight Project.

13 **RESPONSE TO REQUEST NO. 200:**

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

25 **REQUEST NO. 201:**

26 Please provide copies of all documents which relate to communications between LVDF and
27 the USCIS related to the Front Sight project.

28 **RESPONSE TO REQUEST NO. 201:**

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

13 **REQUEST NO. 202:**

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

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

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

1 responding party and/or third parties.

2 **REQUEST NO. 203:**

3 Please provide copies of all documents which support, relate to, or substantiate the “Current
4 Interest Due” of \$63,614.58 as claimed on the Loan Statement & Invoice for the period 10/1/2019-
5 10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached
6 hereto as **Exhibit 1**.

7 **RESPONSE TO REQUEST NO. 203:**

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

19 **REQUEST NO. 204:**

20 Please provide copies of all documents which support, relate to, or substantiate the “Past Due
21 Interest” of \$389,177.00 as claimed on the Loan Statement & Invoice for the period 10/1/2019-
22 10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached
23 hereto as **Exhibit 1**.

24 **RESPONSE TO REQUEST NO. 204:**

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

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

10 **REQUEST NO. 205:**

11 Please provide copies of all documents which support, relate to, or substantiate the "Current
12 Legal/Attorneys' Fees" of \$85,376.16 as claimed on the Loan Statement & Invoice for the period
13 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC,
14 attached hereto as **Exhibit 1**.

15 **RESPONSE TO REQUEST NO. 205:**

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

27 ///

28 ///

1 **REQUEST NO. 206:**

2 Please provide copies of all documents which support, relate to, or substantiate the “Past Due
3 Legal/Attorneys’ Fees” of \$226,848.75 as claimed on the Loan Statement & Invoice for the period
4 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC,
5 attached hereto as **Exhibit 1**.

6 **RESPONSE TO REQUEST NO. 206:**

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

18 **REQUEST NO. 207:**

19 Please provide copies of all documents which support, relate to, or substantiate the “Past Due
20 Foreclosure Costs” of \$15,000.00 as claimed on the Loan Statement & Invoice for the period
21 10/1/2019-10/31/2019 sent by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC,
22 attached hereto as **Exhibit 1**.

23 **RESPONSE TO REQUEST NO. 207:**

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

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

8
9 **REQUEST NO. 208:**

10 Please provide copies of all documents which support, relate to, or substantiate the "Late Fee"
11 of \$96,273.10 as claimed on the Loan Statement & Invoice for the period 10/1/2019-10/31/2019 sent
12 by NES Financial Corp. on behalf of Las Vegas Development Fund, LLC, attached hereto as **Exhibit**
13 **1.**

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

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

24 ///

25 ///

26 ///

27 ///

28 ///

1 is privileged or protected by rights of privacy regarding financial information and tax records of
2 responding party and/or third parties.
3
4

5 Dated: November 13, 2019

FARMER CASE & FEDOR

6
7 /s/ Kathryn Holbert
8 _____

9 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

10 tcase@farmercase.com

KATHRYN HOLBERT, ESQ.

11 Nevada Bar No. 10084

12 kholbert@farmercase.com

FARMER CASE & FEDOR

13 2190 E. Pebble Rd., Suite #205

14 Las Vegas, NV 89123

Telephone: (702) 579-3900

15 Facsimile: (702) 739-3001

16 C. KEITH GREER, ESQ.

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

17 Keith.Greer@greerlaw.biz

18 GREER & ASSOCIATES, A.P.C.

16855 West Bernardo Dr., STE 255

19 San Diego, California 92127

20 Telephone: (858) 613-6677

Facsimile: (858) 613-6680

21 Attorneys for Defendants

22 LAS VEGAS DEVELOPMENT FUND LLC.

23 EB5 IMPACT CAPITAL REGIONAL CENTER,

24 LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

W. DZIUBLA, JON FLEMING and LINDA

25 STANWOOD
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

CERTIFICATE OF SERVICE and/or MAILING

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

Defendant Las Vegas Development Fund’s Responses to Plaintiff’s 3rd Set of Requests for Production

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

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

By:

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

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

Dated: November 13, 2019

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

EXHIBIT 3

EXHIBIT 3

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

RRFP
ANTHONY T. CASE, ESQ.
Nevada Bar No. 6589
tcase@farmercase.com
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

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

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

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

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

) CASE NO.: A-18-781084-B
) DEPT NO.: 16
)
) **DEFENDANT, DEFENDANT EB5**
) **IMPACT ADVISORS LLC'S RESPONSES**
) **TO PLAINTIFF'S FOURTH SET OF**
) **REQUESTS FOR PRODUCTION OF**
) **DOCUMENTS**

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

Defendants.)

5 LAS VEGAS DEVELOPMENT FUND LLC,)
6 Counterclaimant,)

7 vs.)

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

Counterdefendants.)

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

22 **RESPONDING PARTY: Defendant, DEFENDANT EB5 IMPACT ADVISORS LLC**

23 **SET NO: FOUR**

GENERAL OBJECTIONS

24 Defendant, DEFENDANT EB5 IMPACT ADVISORS LLC ("Responding Party" or
25 "Defendant"), makes the following general objections, whether or not separately set forth in response
26 to each document demand, to each and every definition and document demand in the Request for
27 Production of Documents (Set No. Four of Plaintiff ("Propounding party")):

- 28 1. Responding party objects to the requests generally, and to each and every individual
request specifically, to the extent that the requests seek documents not currently in responding party's

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

6
7 2. Responding party objects to the requests on the ground that they have not completed
8 investigation of the facts related to this matter, have not completed discovery in this action and have
9 not completed preparation for any trial that may be held in this action. Any responses to the following
10 document demands are based on documents currently known to responding party and are given
11 without prejudice to responding party right to produce evidence of any subsequently discovered
12 documents.

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

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

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

27 6. The production of any documents or information by Responding Party is made
28 without waiver, and with preservation, of any privilege or protection against disclosure afforded to

1 documents containing confidential or proprietary information or trade secrets.

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

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

7 **REQUEST NO. 98:**

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

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

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

26 **REQUEST NO. 99:**

27 Please provide copies of all documents which support or relate to the truthfulness of the
28

1 representations made to Front Sight that Defendant Dziubla and his associates “have been
2 underwriting over a dozen hospitality transaction during the past 8 months, with two of them
3 located in the desert just like Front Sight, so we have a keen appreciation and understanding of
4 the peculiarities of that market and how to structure the transaction appropriately,” as set forth in
5 Evidentiary Hearing Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p.
6 0004.

7
8 **RESPONSE TO REQUEST NO. 99:**

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

20 **REQUEST NO. 100:**

21 Please provide copies of all documents which support or relate to the truthfulness of the
22 representations made to Front Sight that Defendant Dziubla and his associates had the ability,
23 experience and networking breadth with Chinese investors to enable Defendant Dziubla “to put
24 together a financing package for some, or perhaps, all, of the \$150 million you were seeking to
25 raise,” as set forth in Evidentiary Hearing Exhibit 2, August 27, 2012 Email from Robert Dziubla
26 to Mike Meacher, p. 0002.

27 ///

28 ///

1 **RESPONSE TO REQUEST NO. 100:**

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

14 **REQUEST NO. 101:**

15 Please provide copies of any and all documents which support the truthfulness of the
16 representations made to Front Sight that “EB-5 funding initiatives typically take 5 – 8 months
17 before first funds are placed into escrow with the balance of the funds being deposited during the
18 next 6 – 8 months. This sort of extended timing seems to be compatible with Front Sight’s
19 development timeline given our discussions,” as set forth in Evidentiary Hearing Exhibit 3, p.
20 0006.

21 **RESPONSE TO REQUEST NO. 101:**

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

1 relevant to this issues presented; and it purports to require responding party to disclose information that
2 is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or
3 protected by rights of privacy regarding financial information and tax records of responding party
4 and/or third parties.

5 **REQUEST NO. 102:**

6 Please provide copies of all documents which support or relate to the truthfulness of the
7 representations made to Front Sight that “Our partners, Empyrean West (Dave Keller and Jay
8 Carter), are the owners and managers of a USCIS-approved regional center, Liberty West
9 Regional Center, through which we will invest the \$65m of EB-5 funding,” as set forth in
10 Evidentiary Hearing Exhibit 3, p. 0006.

11 **RESPONSE TO REQUEST NO. 102:**

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

23 **REQUEST NO. 103:**

24 Please provide copies of all documents which support or relate to the truthfulness of the
25 representations made to Front Sight that “... we don’t make any money until we have
26 successfully raised the \$65m...,” as set forth in Evidentiary Hearing Exhibit 3, p. 0007.
27
28

1 **RESPONSE TO REQUEST NO. 103:**

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

14 **REQUEST NO. 104:**

15 Please provide copies of all documents which support or relate to the truthfulness of the
16 representations made to Front Sight that “In addition to the Chinese EB-5 funding, Empyrean
17 West has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in
18 Vietnam and has been exempted from the \$5,000 limit on international money transfers,” as set
19 forth in Evidentiary Hearing Exhibit 3, p. 0006.
20

21 **RESPONSE TO REQUEST NO. 104:**

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

1 relevant to this issues presented; and it purports to require responding party to disclose information that
2 is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or
3 protected by rights of privacy regarding financial information and tax records of responding party
4 and/or third parties.

5 **REQUEST NO. 105:**

6 Please provide copies of all documents which support or relate to the truthfulness of the
7 representations made to Front Sight that Defendant Dziubla and his partners were working on a
8 proposal for “the creation of a new regional center for the Front Sight project and the raise of up
9 to \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in
10 Evidentiary Hearing Exhibit 4, p. 0010.

11 **RESPONSE TO REQUEST NO. 105:**

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

23 **REQUEST NO. 106:**

24 Please provide copies of all documents which support or relate to the truthfulness of the
25 statement in the February 14, 2013 engagement letter that Professor Sean Flynn will “prepare the
26 business plan” and that Professor Flynn will be paid \$20,000 to prepare the business plan, as set
27 forth in Evidentiary Hearing Exhibit 6, pp. 0020, 0026
28

1 **RESPONSE TO REQUEST NO. 106:**

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

13 **REQUEST NO. 107:**

14 Please provide copies of all documents which demonstrate how Professor Sean Flynn was
15 compensated for the creation of the business plan referenced in the February 14, 2013
16 engagement letter, including all communications between any party to this litigation and
17 Professor Flynn related to how and when the terms of that compensation were agreed upon

18 **RESPONSE TO REQUEST NO. 107:**

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

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

3 **REQUEST NO. 108:**

4 Please provide copies of all documents which support or relate to the truthfulness of
5 Defendants Dziubla and Fleming's representations to Front Sight that the approval process for
6 the new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing
7 Exhibit 7, p. 0029.

8 **RESPONSE TO REQUEST NO. 108:**

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

21 **REQUEST NO. 109:**

22 Please provide copies of all documents which support or relate to the truthfulness of the
23 representations made to Front Sight that "... a very big advantage – we should have the first
24 tranche of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e.
25 \$18.75m, as discussed) within 4 – 5 months," as set forth in Evidentiary Hearing Exhibit 9, p.
26 0036.

27 **RESPONSE TO REQUEST NO. 109:**

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

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

11
12 **REQUEST NO. 110:**

13 Please provide copies of all documents which support or relate to the truthfulness of the
14 representations made to Front Sight that "We look forward to having the \$53.5k deposited into
15 our Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and
16 of course receives our full and diligent attention..." as set forth in Evidentiary Hearing Exhibit
17 11, p. 0044.

18 **RESPONSE TO REQUEST NO. 110:**

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

1 and/or third parties.

2 **REQUEST NO. 111:**

3 Please provide copies of all documents which support or relate to the truthfulness of the
4 representations made to Front Sight that “As we mentioned in an earlier email, the uncertainty
5 surrounding what Congress was going to do has really sidelined the investors. We have been in
6 contact with our agents in China over night, and they are ecstatic with this news and assure us
7 that with this logjam now cleared, the investors will be signing up. We were, of course, dismayed
8 by the slow sales progress, but now expect the sales pace to increase substantially,” as set forth
9 in Evidentiary Hearing Exhibit 13, p. 0052

10 **RESPONSE TO REQUEST NO. 111:**

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

22 **REQUEST NO. 112:**

23 Please provide copies of all documents which support or relate to the truthfulness of the
24 representations made to Front Sight that “With regard to the timeline, we may still be able to
25 achieve the minimum raise of \$25m by January 31 and thereupon begin disbursing the
26 construction loan proceeds to you, but a more realistic date might be February 8. Why that date
27 you ask? Because the Christmas holidays and January 1st new year holiday are rather
28

1 insignificant in China and, importantly, February 8 is the start of the Chinese New Year. Chinese
2 people like to conclude their major business decisions before the start of that 2 – 3 week holiday
3 period, so we expect to see interest in the FS project growing rapidly over the next couple of
4 weeks with interested investors getting their source and path of funds verification completed in
5 January so that they can make the investment by February 8,” as set forth in Evidentiary Hearing
6 Exhibit 13, p. 0052.

7
8 **RESPONSE TO REQUEST NO. 112:**

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

20 **REQUEST NO. 113:**

21 Please provide copies of all documents which support or relate to the truthfulness of the
22 representations made to Front Sight that “With regard to timing, based on discussions with our agents
23 over the past few days, including today, it looks like we may have 5 – 10 investors into escrow by
24 February 8, with an additional 20 – 30 in the pipeline,” as set forth in Evidentiary Hearing Exhibit 14,
25 p. 0056.

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

27 Responding party objects to this Document Request because; individually, and in aggregate
28 with the other requests made herein and previously propounded, this request fails to meet the

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

10
11 **REQUEST NO. 114:**

12 Please provide copies of all documents which relate to representations made to Front
13 Sight that USCIS would not allow Front Sight to be an owner of EB5IC because USCIS would
14 look unfavorably on a developer owning a regional center, as alleged in Paragraph 43 of the
15 Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 114:**

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

28 ///

1 Please provide copies of all documents which support the representations made to Front
2 Sight that “we are legally and ethically bound by confidentiality restrictions in all of our
3 contracts with our Chinese agents (and all others) not to disclose the terms thereof. The EB-5
4 business is highly and increasingly competitive, and the agents absolutely will not tolerate the
5 disclosure of the terms of their compensation,” as set forth in Evidentiary Hearing Exhibit 16, p.
6 0065.
7

8 **RESPONSE TO REQUEST NO. 115:**

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

20 **REQUEST NO. 116:**

21 Please provide copies of all documents which relate to the dissolution of Defendant
22 EB5IA.

23 **RESPONSE TO REQUEST NO. 116:**

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

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

7
8 **REQUEST NO. 117:**

9
10 Please provide copies of all documents which support, refute, or relate to each and every
11 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 117:**

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

24 **REQUEST NO. 118:**

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

28 ///

1 **RESPONSE TO REQUEST NO. 118:**

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

13 **REQUEST NO. 119:**

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

21 **RESPONSE TO REQUEST NO. 119:**

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

1 relevant to this issues presented; and it purports to require responding party to disclose information that
2 is a trade secret, confidential, proprietary, commercially sensitive, or information that is privileged or
3 protected by rights of privacy regarding financial information and tax records of responding party
4 and/or third parties.

5 **REQUEST NO. 120:**

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

9 **RESPONSE TO REQUEST NO. 120:**

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

21 **REQUEST NO. 121:**

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

25 **RESPONSE TO REQUEST NO. 121:**

26 Responding party objects to this Document Request because; individually, and in aggregate
27 with the other requests made herein and previously propounded, this request fails to meet the
28

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

10
11 **REQUEST NO. 122:**

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

19 **RESPONSE TO REQUEST NO. 122:**

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

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

3 **REQUEST NO. 123:**

4 Please provide copies of all documents which demonstrate each and every representation
5 you have made to any potential EB-5 investor of the Front Sight project, or agent of any potential
6 EB-5 investor, including representations prior to investment and updates since investment
7

8 **RESPONSE TO REQUEST NO. 123:**

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

20 **REQUEST NO. 124:**

21 Please provide copies of all documents which support or relate to each and every
22 representation you have made to the USCIS regarding the loan at issue in this case, including any
23 and all documents provided to USCIS at any time

24 **RESPONSE TO REQUEST NO. 124:**

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

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

8
9 **REQUEST NO. 125:**

10 Please provide copies of all documents you have received from the USCIS regarding the
11 Front Sight Project

12 **RESPONSE TO REQUEST NO. 125:**

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

24 **REQUEST NO. 126:**

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

27 **RESPONSE TO REQUEST NO. 126:**

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

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

11
12 **REQUEST NO. 127:**

13 Please produce a copy of all documents, writings, and/or communications showing the
14 names and other demographical information pertaining to LVDF's Immigrant Investors, as
15 defined in LVDF's Operating Agreement dated March 26, 2014, and including but not limited to
16 the identity of the Immigrant Investors, the address of the Immigrant Investor, the country of origin
17 of the Immigrant Investor, the contact information for the agent of the Immigrant Investor, the date of
18 the transaction, the amount of the investment, the source of the funds for the investment, the current
19 immigration status of the Immigrant Investor, and the current status of the investment.

20 **RESPONSE TO REQUEST NO. 127:**

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

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

4 **REQUEST NO. 128:**

5 Please produce a copy of all bank account statements, from each and every bank
6 account's initial opening date to the present time, for all account(s) used to hold the 25% of the
7 actual, potential, or prospective EB-5 investors' and/or EB-5 visa applicants' investments that
8 was earmarked for refunds in the event of a USCIS rejection of a particular investor's I-829
9 petition.
10

11 **RESPONSE TO REQUEST NO. 128:**

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

23 **REQUEST NO. 129:**

24 Please produce a copy of all bank account statements, from each and every bank
25 account's initial opening date to the present time, for all account(s) used to receive, house, and/or
26 distribute the money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa
27 applicants.
28

///

1 **RESPONSE TO REQUEST NO. 129:**

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

13 **REQUEST NO. 130:**

14 Please produce a copy of all manuals, operating procedures, memoranda, circulars,
15 announcements, emails, and/or other documents that establish, govern, amend, or otherwise
16 control EB5IA's receipt, handling, control, utilization, and/or distribution of the money received
17 from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants

18 **RESPONSE TO REQUEST NO. 130:**

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

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

3 **REQUEST NO. 131:**

4 Please produce a copy of all documents showing, recording, and/or memorializing
5 EB5IA's distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any
6 members (as defined in EB5IA's operating agreement) of EB5IA who are not already parties to
7 this lawsuit.

8 **RESPONSE TO REQUEST NO. 131:**

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

20 **REQUEST NO. 132:**

21 Please produce a copy of all documents, writings, and/or communications showing or
22 demonstrating Defendant Linda Stanwood's involvement and/or professional history with
23 EB5IA, specifically her history as a Senior Vice President and/or member and/or manager and/or
24 employee of EB5IA, including, but not limited to, her start date(s) and participation in the
25 management and operation of EB5IA and its affairs, and any payments made from EB5IA to
26 Defendant Stanwood
27

28 **RESPONSE TO REQUEST NO. 132:**

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

12
13 **REQUEST NO. 133:**

14 Produce a copy of any and all communications between EB5IA and the actual, potential,
15 or prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2019.

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

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

1 **REQUEST NO. 134:**

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 and/or their agents, for the year 2018

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

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

16 **REQUEST NO. 135:**

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 and/or their agents, for the year 2017.

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

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

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

4 **REQUEST NO. 136:**

5 Produce a copy of any and all communications between EB5IA and the actual, potential,
6 or prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2016.

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

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

19 **REQUEST NO. 137:**

20 Produce a copy of each and every version of the Private Placement Memorandum that
21 EB5IA delivered to any actual, potential, or prospective EB-5 investor(s) and/or EB-5 visa
22 applicant(s) and/or their agents

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

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

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

8
9 **REQUEST NO. 138:**

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

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

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

27 **REQUEST NO. 139:**

28 Please produce all communications between EB5IA and any other Defendant.

1 **RESPONSE TO REQUEST NO. 139:**

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

14 **REQUEST NO. 140:**

15 Please produce all communications between EB5IA and Sean Flynn

16 **RESPONSE TO REQUEST NO. 140:**

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

///

1 **REQUEST NO. 141:**

2 Please produce all communications between EB5IA and Empyrean West and/or Dave
3 Keller or Jay Carter.

4 **RESPONSE TO REQUEST NO. 141:**

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

16 **REQUEST NO. 142:**

17 Please produce all communications between EB5IA and any agent and/or broker for any
18 EB-5 Investor

19 **RESPONSE TO REQUEST NO. 142:**

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

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

4 **REQUEST NO. 143:**

5 Please provide all documents related to any and all financial accounts at Bank of Hope
6 pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the
7 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the
8 present date.

9 **RESPONSE TO REQUEST NO. 143:**

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

21 **REQUEST NO. 144:**

22 Please provide all documents related to any and all financial accounts at Signature Bank
23 pertaining to EB5 Impact Advisors LLC and/or for which EB5 Impact Advisors LLC is the
24 beneficiary, signatory, and/or account holder, for the time period beginning March 2012 to the
25 present date.

26 **RESPONSE TO REQUEST NO. 144:**

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

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

11
12 **REQUEST NO. 145:**

13 Please provide all documents related to any and all financial accounts at Wells Fargo
14 pertaining to EB5 Impact Advisors LLC, including but not limited to Account No. 7197291581,
15 and/or for which EB5 Impact Advisors LLC is the beneficiary, signatory, and/or account holder,
16 for the time period beginning March 2012 to the present date.

17 **RESPONSE TO REQUEST NO. 145:**

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

1 **REQUEST NO. 146:**

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

6 **RESPONSE TO REQUEST NO. 146:**

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

18 **REQUEST NO. 147:**

19 Please provide copies of all documents which demonstrate or relate to your involvement
20 in the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email
21 from Robert Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

22 **RESPONSE TO REQUEST NO. 147:**

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

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

7
8 **REQUEST NO. 148:**

9 Please provide copies of any and all documents which support or relate to the truthfulness
10 of the representations made by Robert Dziubla to Front Sight that “With regard to your question
11 about the San Diego Hyatt deal, the EB5 funding was proceeding well, as we had many millions
12 of dollars in escrow with another 95 investors (\$47.5m) slated to fund by September 30,” as set
13 forth in Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike
14 Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

15 **RESPONSE TO REQUEST NO. 148:**

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

27 **RESPONSE TO REQUEST NO. 148:**

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

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

11
12 **REQUEST NO. 149:**

13 Please provide an electronic backup copy of the QuickBooks attached to "Updated
14 Declaration of Robert W. Dziubla Re – Accounting" signed on April 3, 2019 (Evidentiary
15 Hearing Exhibit 46).

16 **RESPONSE TO REQUEST NO. 149:**

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

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

Dated: November 13, 2019

FARMER CASE & FEDOR

/s/ Kathryn Holbert

ANTHONY T. CASE, ESQ.
Nevada Bar No. 6589
tcase@farmercase.com
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

C. KEITH GREER, ESQ.
Cal. Bar. No. 135537 (Pro Hac Vice)
Keith.Greer@greerlaw.biz
GREER & ASSOCIATES, A.P.C.
16855 West Bernardo Dr., STE 255
San Diego, California 92127
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

CERTIFICATE OF SERVICE and/or MAILING

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

Defendant EB5 IMPACT ADVISOR's Responses to Plaintiff's 4th Set of Requests for Production

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

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

By:

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

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

Dated: November 13, 2019

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

EXHIBIT 4

EXHIBIT 4

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

RRFP
ANTHONY T. CASE, ESQ.
Nevada Bar No. 6589
tcase@farmercase.com
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

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

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

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
)
Plaintiff,) **DEFENDANT, EB5 IMPACT CAPITAL**
) **REGIONAL CENTER LLC'S RESPONSES**
vs.) **TO PLAINTIFF'S THIRD SET OF**
) **REQUESTS FOR PRODUCTION OF**
) **DOCUMENTS**
LAS VEGAS DEVELOPMENT FUND LLC, a)
Nevada Limited Liability Company; EB5)
IMPACT CAPITAL REGIONAL CENTER)
LLC, a Nevada Limited Liability Company; EB5)
IMPACT ADVISORS LLC, a Nevada)
Limited Liability Company; ROBERT W.)
DZIUBLA, individually and as President and)
CEO of LAS VEGAS DEVELOPMENT FUND)
LLC and EB5 IMPACT ADVISORS)
LLC; JON FLEMING, individually and as)
agent of LAS VEGAS DEVELOPMENT)
FUND LLC and EB5 IMPACT ADVISORS)
LLC; LINDA STANWOOD, individually and)
as Senior Vice President of LAS VEGAS)

1 DEVELOPMENT FUND LLC and EB5)
 2 IMPACT ADVISORS LLC; DOES 1-)
 3 inclusive; and ROE CORPORATIONS 1-)
 4 10, inclusive,)
 5 Defendants.)
 6 _____)
 7 LAS VEGAS DEVELOPMENT FUND LLC,)
 8 Counterclaimant,)
 9 vs.)
 10 FRONT SIGHT MANAGEMENT, LLC, a)
 11 Nevada Limited Liability Company;)
 12 IGNATIUS PIAZZA, as an individual and in)
 13 his capacity as Trustee and/or beneficiary of)
 14 VNV DYNASTY TRUST I and VNV)
 15 DYNASTY TRUST II; JENNIFER PIAZZA, as)
 16 an individual and in her capacity as Trustee)
 17 and/or beneficiary of VNV DYNASTY TRUST)
 18 I and VNV DYNASTY TRUST II; VNV)
 19 DYNASTY TRUST I, an irrevocable Nevada)
 20 trust; VNV DYNASTY TRUST II, an)
 21 irrevocable Nevada trust; and ROES 1 through)
 22 10, inclusive,)
 23 Counterdefendants.)
 24 _____)

18 **PROPOUNDING PARTY:** Plaintiff, FRONT SIGHT MANAGEMENT LLC
 19
 20 **RESPONDING PARTY:** Defendant, EB5 IMPACT CAPITAL REGIONAL
 21 CENTER LLC
 22
 23 **SET NO:** THREE

24 **GENERAL OBJECTIONS**

25 Defendant, EB5 IMPACT CAPITAL REGIONAL CENTER LLC, ("Responding Party" or
 26 "Defendant"), makes the following general objections, whether or not separately set forth in
 27 response to each document demand, to each and every definition and document demand in the
 28 Request for Production of Documents (Set No. Three of Plaintiff ("Propounding party")):

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

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

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

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

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

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

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

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

8 **REQUEST NO. 89:**

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

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

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

1 **REQUEST NO. 90:**

2 Please provide copies of all documents which support or relate to the truthfulness of the
3 representations made to Front Sight that Defendant Dziubla and his associates “have been
4 underwriting over a dozen hospitality transaction during the past 8 months, with two of them located
5 in the desert just like Front Sight, so we have a keen appreciation and understanding of the peculiarities
6 of that market and how to structure the transaction appropriately,” as set forth in Evidentiary Hearing
7 Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.
8

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

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

21 **REQUEST NO. 91:**

22 Please provide copies of all documents which support or relate to the truthfulness of the
23 representations made to Front Sight that Defendant Dziubla and his associates had the ability,
24 experience and networking breadth with Chinese investors to enable Defendant Dziubla “to put
25 together a financing package for some, or perhaps, all, of the \$150 million you were seeking to raise,”
26 as set forth in Evidentiary Hearing Exhibit 2, August 27, 2012 Email from Robert Dziubla to Mike
27 Meacher, p. 0002.
28

RESPONSE TO REQUEST NO. 91:

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

13 **REQUEST NO. 92:**

14 Please provide copies of any and all documents which support the truthfulness of the
15 representations made to Front Sight that "EB-5 funding initiatives typically take 5 – 8 months before
16 first funds are placed into escrow with the balance of the funds being deposited during the next 6 – 8
17 months. This sort of extended timing seems to be compatible with Front Sight's development timeline
18 given our discussions," as set forth in Evidentiary Hearing Exhibit 3, p. 0006.

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

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

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

3 **REQUEST NO. 93:**

4 Please provide copies of all documents which support or relate to the truthfulness of the
5 representations made to Front Sight that “Our partners, Emyrean West (Dave Keller and Jay Carter),
6 are the owners and managers of a USCIS-approved regional center, Liberty West Regional Center,
7 through which we will invest the \$65m of EB-5 funding,” as set forth in Evidentiary Hearing Exhibit
8 3, p. 0006.

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

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

21 **REQUEST NO. 94:**

22 Please provide copies of all documents which support or relate to the truthfulness of the
23 representations made to Front Sight that “... we don’t make any money until we have successfully
24 raised the \$65m...,” as set forth in Evidentiary Hearing Exhibit 3, p. 0007.

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

26 Responding party objects to this Document Request because; individually, and in aggregate
27 with the other requests made herein and previously propounded, this request fails to meet the
28

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

10
11 **REQUEST NO. 95:**

12 Please provide copies of all documents which support or relate to the truthfulness of the
13 representations made to Front Sight that "In addition to the Chinese EB-5 funding, Emphyrean West
14 has been authorized by the Vietnamese government to act as the exclusive EB-5 firm in Vietnam and
15 has been exempted from the \$5,000 limit on international money transfers," as set forth in Evidentiary
16 Hearing Exhibit 3, p. 0006.

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

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

1 **REQUEST NO. 96:**

2 Please provide copies of all documents which support or relate to the truthfulness of the
3 representations made to Front Sight that Defendant Dziubla and his partners were working on a
4 proposal for “the creation of a new regional center for the Front Sight project and the raise of up to
5 \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in Evidentiary
6 Hearing Exhibit 4, p. 0010.

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

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

19 **REQUEST NO. 97:**

20 Please provide copies of all documents which support or relate to the truthfulness of the
21 statement in the February 14, 2013 engagement letter that Professor Sean Flynn will “prepare the
22 business plan” and that Professor Flynn will be paid \$20,000 to prepare the business plan, as set forth
23 in Evidentiary Hearing Exhibit 6, pp. 0020, 0026.

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

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

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

10 **REQUEST NO. 98:**

11 Please provide copies of all documents which demonstrate how Professor Sean Flynn was
12 compensated for the creation of the business plan referenced in the February 14, 2013 engagement
13 letter, including all communications between any party to this litigation and Professor Flynn related
14 to how and when the terms of that compensation were agreed upon.

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

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

28 **REQUEST NO. 99:**

Please provide copies of all documents which support or relate to the truthfulness of

1 Defendants Dziubla and Fleming’s representations to Front Sight that the approval process for the
2 new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing Exhibit 7, p.
3 0029.

4 **RESPONSE TO REQUEST NO. 99:**

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

16 **REQUEST NO. 100:**

17 Please provide copies of all documents which support or relate to the truthfulness of the
18 representations made to Front Sight that “... a very big advantage – we should have the first tranche
19 of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e. \$18.75m, as
20 discussed) within 4 – 5 months,” as set forth in Evidentiary Hearing Exhibit 9, p. 0036.

21 **RESPONSE TO REQUEST NO. 100:**

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

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

6
7 **REQUEST NO. 101:**

8 Please provide copies of all documents which support or relate to the truthfulness of the
9 representations made to Front Sight that “We look forward to having the \$53.5k deposited into our
10 Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and of course
11 receives our full and diligent attention...,” as set forth in Evidentiary Hearing Exhibit 11, p. 0044.

12 **RESPONSE TO REQUEST NO. 101:**

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

24 **REQUEST NO. 102:**

25 Please provide copies of all documents which support or relate to the truthfulness of the
26 representations made to Front Sight that “As we mentioned in an earlier email, the uncertainty
27 surrounding what Congress was going to do has really sidelined the investors. We have been in contact
28 with our agents in China over night, and they are ecstatic with this news and assure us that with this

1 logjam now cleared, the investors will be signing up. We were, of course, dismayed by the slow sales
2 progress, but now expect the sales pace to increase substantially,” as set forth in Evidentiary Hearing
3 Exhibit 13, p. 0052.

4 **RESPONSE TO REQUEST NO. 102:**

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

16
17 **REQUEST NO. 103:**

18 Please provide copies of all documents which support or relate to the truthfulness of the
19 representations made to Front Sight that “With regard to the timeline, we may still be able to achieve
20 the minimum raise of \$25m by January 31 and thereupon begin disbursing the construction loan
21 proceeds to you, but a more realistic date might be February 8. Why that date you ask? Because the
22 Christmas holidays and January 1st new year holiday are rather insignificant in China and,
23 importantly, February 8 is the start of the Chinese New Year. Chinese people like to conclude their
24 major business decisions before the start of that 2 – 3 week holiday period, so we expect to see interest
25 in the FS project growing rapidly over the next couple of weeks with interested investors getting their
26 source and path of funds verification completed in January so that they can make the investment by
27 February 8,” as set forth in Evidentiary Hearing Exhibit 13, p. 0052.

28 **RESPONSE TO REQUEST NO. 103:**

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

13 **REQUEST NO. 104:**

14 Please provide copies of all documents which support or relate to the truthfulness of the
15 representations made to Front Sight that "With regard to timing, based on discussions with our agents
16 over the past few days, including today, it looks like we may have 5 – 10 investors into escrow by
17 February 8, with an additional 20 – 30 in the pipeline," as set forth in Evidentiary Hearing Exhibit 14,
18 p. 0056.

19 **RESPONSE TO REQUEST NO. 104:**

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