

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 10:51 a.m.
Elizabeth A. Brown
Dist. Ct. Case No: A-18-781084-B
Clerk of Supreme Court

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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	Plaintiff's Notice of Intent to Issue Amended	VII	01258-01273
2	Subpoena Duces Tecum to Wells Fargo Bank		
3	(08/06/2019)		
4	Plaintiff's Omnibus Opposition to Defendants'	VIII	01408-01591
5	Motions to Quash Subpoena and/or Motions for		
6	Protective Order Regarding Subpoenas		
7	(08/26/2019)		
8	Plaintiff's Reply to Opposition to Motion to Quash	XVI	03153-03268
9	Subpoenas (11/15/2019)		
10	Plaintiff's Second Motion for Temporary	III	00423-00489
11	Restraining Order and Preliminary Injunction,		
12	Motion for Order Shortening Time, and Order		
13	Shortening Time (03/01/19)		
14	Renewed Motion for an Accounting Related to	I	00064-00092
15	Defendants Las Vegas Development Fund LLC and		
16	Robert Dziubla and for Release of Funds, Motion		
17	for Order Shortening Time, and Order Shortening		
18	Time (11/13/2018)		
19	Reply to Opposition to Plaintiff's Motion for	XIV	02843-02907
20	Sanctions (10/18/2019)		
21	Reply to Opposition to Motion to Compel and for	XIV	02908-02938
22	Sanctions (10/18/2019)		
23	Reply to Opposition to Motion to Extinguish	XIV	02939-02949
24	LVDF's Deed of Trust, or Alternatively to Grant		
25	Senior Debt Lender Romspen a First Lien Position,		
26	and Motion to Deposit Funds Pursuant to NRCP 67		
27	(10/18/2019)		
28	Reporter's Transcript of Hearing (Preliminary	X	02085-02126
	Injunction Hearing) (09/20/2019)	XI	02127-02371

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

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. 105:**

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

8 **RESPONSE TO REQUEST NO. 105:**

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

21 **REQUEST NO. 106:**

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

27 **RESPONSE TO REQUEST NO. 106:**
28

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

13 **REQUEST NO. 107:**

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

15 **RESPONSE TO REQUEST NO. 107:**

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 **REQUEST NO. 108:**

28 Please provide copies of all documents which support, refute, or relate to each and every

1 Affirmative Defense you raised in Defendants' Answer to the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 108:**

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

15 **REQUEST NO. 109:**

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

19 **RESPONSE TO REQUEST NO. 109:**

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. 110:**

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

9 **RESPONSE TO REQUEST NO. 110:**

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. 111:**

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

25 **RESPONSE TO REQUEST NO. 111:**

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. 112:**

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

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

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. 113:**

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

1 every payment and/or transfer of money or property made to you by any foreign or immigrant investor
2 from 2012 to the present.

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

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

16 **REQUEST NO. 114:**

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

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

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

8
9 **REQUEST NO. 115:**

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

13 **RESPONSE TO REQUEST NO. 115:**

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

25 **REQUEST NO. 116:**

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

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

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

14 **REQUEST NO. 117:**

15 Please provide copies of all documents you have received from the USCIS regarding the Front
16 Sight Project.

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

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. 118:**

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

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

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. 119:**

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

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

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. 120:**

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

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

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. 121:**

Please produce a copy of all bank account statements, from each and every bank account's

1 initial opening date to the present time, for all account(s) used to receive, house, and/or distribute the
2 money from the actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

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

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

16 **REQUEST NO. 122:**

17 Please produce a copy of all manuals, operating procedures, memoranda, circulars,
18 announcements, emails, and/or other documents that establish, govern, amend, or otherwise control
19 EB5IC's receipt, handling, control, utilization, and/or distribution of the money received from the
20 actual, potential, or prospective EB-5 investors and/or EB-5 visa applicants.

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

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

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

5 **REQUEST NO. 123:**

6
7 Please produce a copy of all documents showing, recording, and/or memorializing EB5IC's
8 distributions to defendants Robert W. Dziubla, Jon Fleming, Linda Stanwood, and any members (as
9 defined in EB5IC's operating agreement) of EB5IC who are not already parties to this lawsuit.

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

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

22 **REQUEST NO. 124:**

23 Please produce a copy of all documents, writings, and/or communications showing or
24 demonstrating Defendant Linda Stanwood's involvement and/or professional history with LVDF,
25 EB5IA and EB5IC, specifically her history as a Senior Vice President and/or member and/or manager
26 and/or employee of LVDF, EB5IA, and EB5IC, including, but not limited to, her start date(s) and
27 participation in the management and operation of LVDF, EB5IA, and EB5IC and its affairs, and any
28 payments made from LVDF, EB5IA, and EB5IC to Defendant Stanwood.

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

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

14 **REQUEST NO. 125:**

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

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

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. 126:**

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

4 **RESPONSE TO REQUEST NO. 126:**

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. 127:**

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

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

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

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

4 **REQUEST NO. 128:**

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

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

8 Responding party objects to this Document Request because; individually, and in aggregate
9 with the other requests made herein and previously propounded, this request fails to meet the
10 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
11 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
12 contained herein and previously propounded; it seeks documents that are already in requesting
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. 129:**

20 Produce a copy of each and every version of the Private Placement Memorandum that EB5IC
21 delivered to any actual, potential, or prospective EB-5 investor(s) and/or EB-5 visa applicant(s) and/or
22 their agents.

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

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

9 **REQUEST NO. 130:**

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

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

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. 131:**

Please produce all communications between EB5IC and any other Defendant.

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

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

14 **REQUEST NO. 132:**

15 Please produce all communications between EB5IC and Sean Flynn.

16 **RESPONSE TO REQUEST NO. 132:**

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

REQUEST NO. 133:

1 Please produce all communications between EB5IC and Emyrean West and/or Dave Keller
2 or Jay Carter.

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

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

16 **REQUEST NO. 134:**

17 Please produce all communications between EB5IC and any agent and/or broker for any EB-
18 5 Investor.

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

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. 135:**

4 Please provide all documents related to any and all financial accounts at Bank of Hope
5 pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional
6 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March
7 2012 to the present date.

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

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

21 **REQUEST NO. 136:**

22 Please provide all documents related to any and all financial accounts at Signature Bank
23 pertaining to EB5 Impact Capital Regional Center LLC and/or for which EB5 Impact Capital Regional
24 Center LLC is the beneficiary, signatory, and/or account holder, for the time period beginning March
25 2012 to the present date.

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

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

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

11 **REQUEST NO. 137:**

12 Please provide all documents related to any and all financial accounts at Wells Fargo Bank
13 pertaining to EB5 Impact Capital Regional Center LLC, including but not limited to Account No.
14 3871099804, and/or for which EB5 Impact Capital Regional Center LLC is the beneficiary, signatory,
15 and/or account holder, for the time period beginning in March 2012 to the present date.

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

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

REQUEST NO. 138:

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

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

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

17 **REQUEST NO. 139:**

18 Please provide copies of any and all documents which support or relate to the truthfulness of
19 the representations made by Robert Dziubla to Front Sight that "With regard to your question about
20 the San Diego Hyatt deal, the EB5 funding was proceeding well, as we had many millions of dollars
21 in escrow with another 95 investors (\$47.5m) slated to fund by September 30," as set forth in
22 Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike Meacher (copied
23 to Jon Fleming and Sean Flynn), p. 0036.

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

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. 140:**

11 Please provide copies of all documents which demonstrate or relate to your involvement in the
12 San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert
13 Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

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

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

26 **REQUEST NO. 141:**

27 Please provide copies of all documents which relate to communications between LVDF and
28 the USCIS related to the Front Sight project.

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

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

14 **REQUEST NO. 142:**

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

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
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

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

Dated: November 13, 2019

FARMER CASE & FEDOR

/s/ Kathryn Holbert

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

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CERTIFICATE OF SERVICE and/or MAILING

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

**Defendant EB5 IMPACT CAPITAL REGIONAL CENTER, LLC'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 5

EXHIBIT 5

RRFP

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

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

17 FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
18)
Plaintiff,) **DEFENDANT, ROBERT W. DZIUBLA'S**
19 vs.) **RESPONSES TO PLAINTIFF'S FIFTH SET**
20) **OF REQUESTS FOR PRODUCTION OF**
21) **DOCUMENTS**
LAS VEGAS DEVELOPMENT FUND LLC, a)
21 Nevada Limited Liability Company; EB5)
IMPACT CAPITAL REGIONAL CENTER)
22 LLC, a Nevada Limited Liability Company; EB5)
23 IMPACT ADVISORS LLC, a Nevada)
Limited Liability Company; ROBERT W.)
24 DZIUBLA, individually and as President and)
CEO of LAS VEGAS DEVELOPMENT FUND)
25 LLC and EB5 IMPACT ADVISORS)
26 LLC; JON FLEMING, individually and as an)
agent of LAS VEGAS DEVELOPMENT)
27 FUND LLC and EB5 IMPACT ADVISORS)
as Senior Vice President of LAS VEGAS)
28 DEVELOPMENT FUND LLC and EB5)

1 IMPACT ADVISORS LLC; DOES 1-)
2 inclusive; and ROE CORPORATIONS 1-)
3 10, inclusive,)
4 Defendants.)

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LAS VEGAS DEVELOPMENT FUND LLC,
Counterclaimant,

vs.

FRONT SIGHT MANAGEMENT, LLC, a
Nevada Limited Liability Company;
IGNATIUS PIAZZA, as an individual and in
his capacity as Trustee and/or beneficiary of
VNV DYNASTY TRUST I and VNV
DYNASTY TRUST II; JENNIFER PIAZZA, as
an individual and in her capacity as Trustee
and/or beneficiary of VNV DYNASTY TRUST
I and VNV DYNASTY TRUST II; VNV
DYNASTY TRUST I, an irrevocable Nevada
trust; VNV DYNASTY TRUST II, an
irrevocable Nevada trust; and ROES 1 through
10, inclusive,
Counterdefendants.

PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC

RESPONDING PARTY: Defendant, ROBERT W. DZIUBLA

SET NO: FIFTH

GENERAL OBJECTIONS

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

Five) of Plaintiff ("Propounding party"):

1. Responding party objects to the requests generally, and to each and every individual request specifically, to the extent that the requests seek documents not currently in responding party's

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

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

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

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

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

26 6. The production of any documents or information by Responding Party is made
27 without waiver, and with preservation, of any privilege or protection against disclosure afforded to
28

1 documents containing confidential or proprietary information or trade secrets.

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

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

6 **REQUEST NO. 124:**

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

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

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

22 **REQUEST NO. 125:**

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

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

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

12 **REQUEST NO. 126:**

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

16 **RESPONSE TO REQUEST NO. 126:**

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
28

1 **REQUEST NO. 127:**

2 Please provide copies of all documents you have received from the USCIS regarding the
3 Front Sight Project.

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

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

16 **REQUEST NO. 128:**

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

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

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
26 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
27 documents that are not relevant to this issues presented; and it purports to require responding party to
28

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

4 **REQUEST NO. 129:**

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

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

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

21 **REQUEST NO. 130:**

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

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

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

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

10 **REQUEST NO. 131:**

11 Please produce a copy of all documents, writings, and/or communications showing or
12 demonstrating Defendant Linda Stanwood's involvement and/or professional history with LVDF,
13 EB5IA and EB5IC, specifically her history as a Senior Vice President and/or member and/or manager
14 and/or employee of LVDF, EB5IA and EB5IC, including, but not limited to, her start date(s) and
15 participation in the management and operation of LVDF, EB5IA and EB5IC and its affairs, and any
16 payments made from LVDF, EB5IA and EB5IC to Defendant Stanwood.

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

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

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. 132:**

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

6 **RESPONSE TO REQUEST NO. 132:**

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

18 **REQUEST NO. 133:**

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

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

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

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

6 **REQUEST NO. 134:**

7 Produce a copy of any and all communications between you and the actual, potential, or
8 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2017.

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

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

21 **REQUEST NO. 135:**

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

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

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

9 **REQUEST NO. 136:**

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

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

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

27 **REQUEST NO. 137:**

1 Please produce all communications between you and any other Defendant.

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

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

14 **REQUEST NO. 138:**

15 Please produce all communications between you and Sean Flynn.

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

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
28

1 **REQUEST NO. 139:**

2 Please produce all communications between you and Empyrean West and/or Dave Keller
3 or Jay Carter.

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

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

16 **REQUEST NO. 140:**

17 Please produce all communications between you and any agent and/or broker for any EB-
18 5 Investor.

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

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

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

4 **REQUEST NO. 141:**

5 Please provide all documents related to any and all financial accounts at Bank of Hope
6 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,
7 and/or account holder, for the time period beginning March 2012 to the present date.

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

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

21 **REQUEST NO. 142:**

22 Please provide all documents related to any and all financial accounts at Signature Bank
23 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,
24 and/or account holder, for the time period beginning March 2012 to the present date.

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

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

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

9 **REQUEST NO. 143:**

10 Please provide all documents related to any and all financial accounts at Wells Fargo
11 Bank pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary,
12 signatory, and/or account holder, for the time period beginning March 2012 to the present date.

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

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

25 **REQUEST NO. 144:**

26 Please provide all documents related to any and all financial accounts at Open Bank
27 pertaining to Robert W. Dziubla and/or for which Robert W. Dziubla is the beneficiary, signatory,
28

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

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

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

14 **REQUEST NO. 145:**

15 Please provide copies of any and all documents which support the truthfulness of the
16 representations made by you to Front Sight that "With regard to your question about the San
17 Diego Hyatt deal, the EB5 funding was proceeding well, as we had many millions of dollars in
18 escrow with another 95 investors (\$47.5m) slated to fund by September 30," as set forth in
19 Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike Meacher
20 (copied to Jon Fleming and Sean Flynn), p. 0036.

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

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

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

6 **REQUEST NO. 146:**

7 Please provide copies of all documents which demonstrate or relate to your involvement in
8 the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email from
9 Robert Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

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

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

22 **REQUEST NO. 147:**

23 Please provide an electronic backup copy of the QuickBooks attached to "Updated
24 Declaration of Robert W. Dziubla Re – Accounting" signed on April 3, 2019 (Evidentiary Hearing
25 Exhibit 46).

26 **RESPONSE TO REQUEST NO. 147:**

27
28

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

12 **REQUEST NO. 148:**

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

17 **RESPONSE TO REQUEST NO. 148:**

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

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
4
5
6 Dated: November 13, 2019

FARMER CASE & FEDOR

7
8 /s/ Kathryn Holbert

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LLC, EB6 IMPACT ADVISORS, LLC, ROBERT
W. DZIUBLA, JON FLEMING and LINDA
STANWOOD

EXHIBIT 6

EXHIBIT 6

RRFP

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13 IMPACT CAPITAL REGIONAL CENTER LLC,
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
14 JON FLEMING and LINDA STANWOOD

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

17 FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
18)
Plaintiff,) **DEFENDANT, JOHN FLEMING'S**
19) **RESPONSES TO PLAINTIFF'S FIFTH SET**
vs.) **OF REQUESTS FOR PRODUCTION OF**
20) **DOCUMENTS**
21 LAS VEGAS DEVELOPMENT FUND LLC, a)
Nevada Limited Liability Company; EB5)
22 IMPACT CAPITAL REGIONAL CENTER)
LLC, a Nevada Limited Liability Company; EB5)
23 IMPACT ADVISORS LLC, a Nevada)
Limited Liability Company; ROBERT W.)
24 DZIUBLA, individually and as President and)
CEO of LAS VEGAS DEVELOPMENT FUND)
25 LLC and EB5 IMPACT ADVISORS)
26 LLC; JON FLEMING, individually and as an)
agent of LAS VEGAS DEVELOPMENT)
27 FUND LLC and EB5 IMPACT ADVISORS)
as Senior Vice President of LAS VEGAS)
28 DEVELOPMENT FUND LLC and EB5)

1 IMPACT ADVISORS LLC; DOES 1-)
2 inclusive; and ROE CORPORATIONS 1-)
3 10, inclusive,)
4 Defendants.)

5)
6)
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LAS VEGAS DEVELOPMENT FUND LLC,
Counterclaimant,

vs.

FRONT SIGHT MANAGEMENT, LLC, a
Nevada Limited Liability Company;
IGNATIUS PIAZZA, as an individual and in
his capacity as Trustee and/or beneficiary of
VNV DYNASTY TRUST I and VNV
DYNASTY TRUST II; JENNIFER PIAZZA, as
an individual and in her capacity as Trustee
and/or beneficiary of VNV DYNASTY TRUST
I and VNV DYNASTY TRUST II; VNV
DYNASTY TRUST I, an irrevocable Nevada
trust; VNV DYNASTY TRUST II, an
irrevocable Nevada trust; and ROES 1 through
10, inclusive,
Counterdefendants.

PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC

RESPONDING PARTY: Defendant, JON FLEMING

SET NO: FIFTH

GENERAL OBJECTIONS

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

1. Responding party objects to the requests generally, and to each and every individual
request specifically, to the extent that the requests seek documents not currently in responding party's

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

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

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

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

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

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

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

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

6 **REQUEST NO. 95:**

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

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

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

25 **REQUEST NO. 96:**

26 Please provide copies of all documents which support or relate to the truthfulness of the
27
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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 **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 party’s
13 possession or equally accessible to the requesting party; it seeks information protected by the
14 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
15 documents that are not relevant to this issues presented; and it purports to require responding party to
16 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
17 information that is privileged or protected by rights of privacy regarding financial information and
18 tax records of responding party and/or third parties.

19 **REQUEST NO. 97:**

20
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 **RESPONSE TO REQUEST NO. 97:**

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

12 **REQUEST NO. 98:**

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

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

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

4 **REQUEST NO. 99:**

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

10 **RESPONSE TO REQUEST NO. 99:**

11 Responding party objects to this Document Request because; individually, and in aggregate
12 with the other requests made herein and previously propounded, this request fails to meet the
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
15 contained herein and previously propounded; it seeks documents that are already in requesting party’s
16 possession or equally accessible to the requesting party; it seeks information protected by the
17 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
18 documents that are not relevant to this issues presented; and it purports to require responding party to
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
20 information that is privileged or protected by rights of privacy regarding financial information and
21 tax records of responding party and/or third parties. **REQUEST NO. 100:**

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
24 successfully raised the \$65m...” as set forth in Evidentiary Hearing Exhibit 3, p. 0007.

25 **RESPONSE TO REQUEST NO. 100:**

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

10 **REQUEST NO. 101:**

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

16 **RESPONSE TO REQUEST NO. 101:**

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
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1 **REQUEST NO. 102:**

2 Please provide copies of all documents which support or relate to the truthfulness of the
3 representations made to Front Sight that Defendant Dziubla and his 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
5 to \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in
6 Evidentiary Hearing Exhibit 4, p. 0010.

7 **RESPONSE TO REQUEST NO. 102:**

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

19 **REQUEST NO. 103:**

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
23 forth in Evidentiary Hearing Exhibit 6, pp. 0020, 0026.

24 **RESPONSE TO REQUEST NO. 103:**

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

9 **REQUEST NO. 104:**

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

14 **RESPONSE TO REQUEST NO. 104:**

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

26 **REQUEST NO. 105:**

27 Please provide copies of all documents which support or relate to the truthfulness of
28

1 Defendants Dziubla and Fleming’s representations to Front Sight that the approval process for
2 the new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing
3 Exhibit 7, p. 0029.

4 **RESPONSE TO REQUEST NO. 105:**

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

16 **REQUEST NO. 106:**

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
19 tranche of \$25m into escrow and ready for disbursement to the project (at the 75% level, i.e.
20 \$18.75m, as discussed) within 4 – 5 months,” as set forth in Evidentiary Hearing Exhibit 9, p.
21 0036.

22 **RESPONSE TO REQUEST NO. 106:**

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

7 **REQUEST NO. 107:**

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

13 **RESPONSE TO REQUEST NO. 107:**

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

25 **REQUEST NO. 108:**

26 Please provide copies of all documents which support or relate to the truthfulness of the
27 representations made to Front Sight that “As we mentioned in an earlier email, the uncertainty
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1 surrounding what Congress was going to do has really sidelined the investors. We have been in
2 contact with our agents in China over night, and they are ecstatic with this news and assure us
3 that with this logjam now cleared, the investors will be signing up. We were, of course, dismayed
4 by the slow sales progress, but now expect the sales pace to increase substantially,” as set forth
5 in Evidentiary Hearing Exhibit 13, p. 0052.

6 **RESPONSE TO REQUEST NO. 108:**

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

18 **REQUEST NO. 109:**

19 Please provide copies of all documents which support or relate to the truthfulness of the
20 representations made to Front Sight that “With regard to the timeline, we may still be able to
21 achieve the minimum raise of \$25m by January 31 and thereupon begin disbursing the
22 construction loan proceeds to you, but a more realistic date might be February 8. Why that date
23 you ask? Because the Christmas holidays and January 1st new year holiday are rather
24 insignificant in China and, importantly, February 8 is the start of the Chinese New Year. Chinese
25 people like to conclude their major business decisions before the start of that 2 – 3 week holiday
26 period, so we expect to see interest in the FS project growing rapidly over the next couple of
27 weeks with interested investors getting their source and path of funds verification completed in
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1 January so that they can make the investment by February 8,” as set forth in Evidentiary Hearing
2 Exhibit 13, p. 0052.

3 **RESPONSE TO REQUEST NO. 109:**

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

15 **REQUEST NO. 110:**

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
18 agents over the past few days, including today, it looks like we may have 5 – 10 investors into
19 escrow by February 8, with an additional 20 – 30 in the pipeline,” as set forth in Evidentiary
20 Hearing Exhibit 14, p. 0056.

21 **RESPONSE TO REQUEST NO. 110:**

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

6 **REQUEST NO. 111:**

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

11 **RESPONSE TO REQUEST NO. 111:**

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

23 **REQUEST NO. 112:**

24 Please provide copies of all documents which support the representations made to Front
25 Sight that "we are legally and ethically bound by confidentiality restrictions in all of our
26 contracts with our Chinese agents (and all others) not to disclose the terms thereof. The EB-5
27 business is highly and increasingly competitive, and the agents absolutely will not tolerate the
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1 disclosure of the terms of their compensation,” as set forth in Evidentiary Hearing Exhibit 16, p.
2 0065.

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

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

15 **REQUEST NO. 113:**

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

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

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

2 **REQUEST NO. 114:**

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

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

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

17 **REQUEST NO. 115:**

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

21 **RESPONSE TO REQUEST NO. 115:**

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

6 **REQUEST NO. 116:**

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

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

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

25 **REQUEST NO. 117:**

26 Please provide copies of all documents which show or relate to each and every financial
27 transaction and/or transfer of money or property made by you to any other Defendant from 2012
28

1 to the present.

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

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

14 **REQUEST NO. 118:**

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

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

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

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. 119:**

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 **RESPONSE TO REQUEST NO. 119:**

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

19 **REQUEST NO. 120:**

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

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

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

8 **REQUEST NO. 121:**

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

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

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

23 **REQUEST NO. 122:**

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

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

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

11 **REQUEST NO. 123:**

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

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

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

2 **REQUEST NO. 124:**

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

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

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

19 **REQUEST NO. 125:**

20 Please produce a copy of all documents, writings, and/or communications showing or
21 demonstrating Defendant Linda Stanwood's involvement and/or professional history with
22 LVDF, EB5IA, and EB5IC, specifically her history as a Senior Vice President and/or member
23 and/or manager and/or employee of LVDF, EB5IA, and EB5IC including, but not limited to, her
24 start date(s) and participation in the management and operation of LVDF, EB5IA, and EB5IC
25 and its affairs, and any payments made from LVDF, EB5IA, and EB5IC to Defendant Stanwood.

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

10 **REQUEST NO. 126:**

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

13 **RESPONSE TO REQUEST NO. 126:**

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

25 **REQUEST NO. 127:**

26 Produce a copy of any and all communications between you and the actual, potential, or
27 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2018.
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1 **RESPONSE TO REQUEST NO. 127:**

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

13 **REQUEST NO. 128:**

14 Produce a copy of any and all communications between you and the actual, potential, or
15 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2017.

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

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
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1 **REQUEST NO. 129:**

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

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

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

16 **REQUEST NO. 130:**

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

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

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

7 **REQUEST NO. 131:**

8 Please produce all communications between you and any other Defendant.

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

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

21 **REQUEST NO. 132:**

22 Please produce all communications between you and Sean Flynn.

23 **RESPONSE TO REQUEST NO. 132:**

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

8 **REQUEST NO. 133:**

9 Please produce all communications between you and Empyrean West and/or Dave Keller
10 or Jay Carter.

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

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

23 **REQUEST NO. 134:**

24 Please produce all communications between you and any agent and/or broker for any EB-
25 5 Investor.

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

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

11 **REQUEST NO. 135:**

12 Please provide all documents related to any and all financial accounts at Bank of Hope
13 pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,
14 and/or account holder, for the time period beginning March 2012 to the present date.

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

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

27 **REQUEST NO. 136:**

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

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

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

16 **REQUEST NO. 137:**

17 Please provide all documents related to any and all financial accounts at Wells Fargo
18 Bank pertaining to Jon D. Fleming and/or for which Jon D. Fleming is the beneficiary, signatory,
19 and/or account holder, for the time period beginning March 2012 to the present date.

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

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

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

5 **REQUEST NO. 138:**

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

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

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

21 **REQUEST NO. 139:**

22 Please provide copies of all documents which demonstrate or relate to your involvement
23 in the San Diego Hyatt deal referenced in Evidentiary Hearing Exhibit 9, June 29, 2014 Email
24 from Robert Dziubla to Mike Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

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

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

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

10 **REQUEST NO. 140:**

11 Please provide copies of any and all documents which support or relate to the truthfulness
12 of the representations made by Robert Dziubla to Front Sight that "With regard to your question
13 about the San Diego Hyatt deal, the EB5 funding was proceeding well, as we had many millions
14 of dollars in escrow with another 95 investors (\$47.5m) slated to fund by September 30," as set
15 forth in Evidentiary Hearing Exhibit 9, June 29, 2014 Email from Robert Dziubla to Mike
16 Meacher (copied to Jon Fleming and Sean Flynn), p. 0036.

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

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

2 **REQUEST NO. 141:**

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

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

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

20
21 Dated: November 13, 2019

FARMER CASE & FEDOR

22
23 /s/ Kathryn Holbert

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28 FARMER CASE & FEDOR

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

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CERTIFICATE OF SERVICE and/or MAILING

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

Defendant Jon Fleming’s Responses to Plaintiff’s 5th 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.
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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 7

EXHIBIT 7

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

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

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

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

) CASE NO.: A-18-781084-B
) DEPT NO.: 16
)
) **DEFENDANT, LINDA STANDWOOD'S**
) **RESPONSES TO PLAINTIFF'S THIRD**
) **SET OF REQUESTS FOR PRODUCTION**
) **OF DOCUMENTS**

1 DEVELOPMENT FUND LLC and EB5)
 2 IMPACT ADVISORS LLC; DOES 1-)
 3 inclusive; and ROE CORPORATIONS 1-)
 4 10, inclusive,)
 5 Defendants.)
 6 _____)
 7 LAS VEGAS DEVELOPMENT FUND LLC,)
 8 Counterclaimant,)
 9 vs.)
 10 FRONT SIGHT MANAGEMENT, LLC, a)
 11 Nevada Limited Liability Company;)
 12 IGNATIUS PIAZZA, as an individual and in)
 13 his capacity as Trustee and/or beneficiary of)
 14 VNV DYNASTY TRUST I and VNV)
 15 DYNASTY TRUST II; JENNIFER PIAZZA, as)
 16 an individual and in her capacity as Trustee)
 17 and/or beneficiary of VNV DYNASTY TRUST)
 18 I and VNV DYNASTY TRUST II; VNV)
 19 DYNASTY TRUST I, an irrevocable Nevada)
 20 trust; VNV DYNASTY TRUST II, an)
 21 irrevocable Nevada trust; and ROES 1 through)
 22 10, inclusive,)
 23 Counterdefendants.)
 24 _____)

18 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**
 19 **RESPONDING PARTY: Defendant, LINDA STANWOOD**
 20 **SET NO: THREE**

23 **GENERAL OBJECTIONS**

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

- 28 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 party's
2 possession, custody or control, or refers to persons, entities, or events not known to them, on the
3 grounds that such requests seek to require more of this defendant than any obligation imposed by law,
4 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 or
6 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 following
11 document demands are based on documents currently known to responding party and are given
12 without prejudice to responding party right to produce evidence of any subsequently discovered
13 documents.

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

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

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

27 6. The production of any documents or information by Responding Party is made without
28 waiver, and with preservation, of any privilege or protection against disclosure afforded to documents

1 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. 93:**

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

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

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

27 **REQUEST NO. 94:**

28 Please provide copies of all documents which support or relate to the truthfulness of the

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 located
3 in the desert just like Front Sight, so we have a keen appreciation and understanding of the peculiarities
4 of that market and how to structure the transaction appropriately,” as set forth in Evidentiary Hearing
5 Exhibit 2, April 7, 2015 Email from Robert Dziubla to Mike Meacher, p. 0004.

6
7 **RESPONSE TO REQUEST NO. 94:**

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. 95:**

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

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

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

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
3 contained herein and previously propounded; it seeks documents that are already in requesting 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. 96:**

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

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

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.

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REQUEST NO. 97:

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

RESPONSE TO REQUEST NO. 97:

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. 98:

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

RESPONSE TO REQUEST NO. 98:

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

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. 99:**

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

15 **RESPONSE TO REQUEST NO. 99:**

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.

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1 **REQUEST NO. 100:**

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. 100:**

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. 101:**

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. 101:**

25 Responding party objects to this Document Request because; individually, and in aggregate
26 with the other requests made herein and previously propounded, this request fails to meet the
27 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
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1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
2 contained herein and previously propounded; it seeks documents that are already in requesting 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. 102:**

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. 102:**

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.

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1 **REQUEST NO. 103:**

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. 103:**

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. 104:**

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. 104:**

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. 105:**

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. 105:**

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. 106:**

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 **RESPONSE TO REQUEST NO. 106:**

7
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. 107:**

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. 107:**

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. 108:**

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. 108:**

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. 109:**

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. 109:**

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. 110:**

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. 110:**

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. 111:**

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

16 **RESPONSE TO REQUEST NO. 111:**

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. 112:**

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

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

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 **REQUEST NO. 113:**

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

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

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

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

5 **REQUEST NO. 114:**

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

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

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

23 **REQUEST NO. 115:**

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

27 **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 all documents which show or relate to each and every financial
15 transaction and/or transfer of money or property made by you to any other Defendant from 2012 to
16 the present.

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

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. 117:**

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. 117:**

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. 118:**

19 Please provide copies of all documents which support or relate to each and every representation you
20 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. 118:**

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. 119:**

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. 119:**

11 Responding party objects to this Document Request because; individually, and in aggregate
12 with the other requests made herein and previously propounded, this request fails to meet the
13 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
14 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
15 contained herein and previously propounded; it seeks documents that are already in requesting party's
16 possession or equally accessible to the requesting party; it seeks information protected by the 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. 120:**

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. 120:**

26 Responding party objects to this Document Request because; individually, and in aggregate
27 with the other requests made herein and previously propounded, this request fails to meet the
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. 121:**

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

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

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 **REQUEST NO. 122:**

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

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

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 **REQUEST NO. 123:**

17 Please produce a copy of all documents, writings, and/or communications showing or
18 demonstrating your involvement and/or professional history with LVDF, EB5IA, and EB5IC,
19 specifically your history as a Senior Vice President and/or member and/or manager and/or employee
20 of LVDF, EB5IA, and EB5IC, including, but not limited to, your start date(s) and participation in the
21 management and operation of LVDF, EB5IA, and EB5IC and its affairs, and any payments made
22 from LVDF, EB5IA, and EB5IC to you.

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

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. 124:**

10 Produce a copy of any and all communications between you 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. 124:**

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. 125:**

25 Produce a copy of any and all communications between you 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 **RESPONSE TO REQUEST NO. 125:**

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. 126:**

13 Produce a copy of any and all communications between you and the actual, potential, or
14 prospective EB-5 investors and/or EB-5 visa applicants and/or their agents, for the year 2017..

15 **RESPONSE TO REQUEST NO. 126:**

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 **REQUEST NO. 127:**
28

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

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

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. 128:**

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

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

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

7 **REQUEST NO. 129:**

8 Please produce all communications between you and any other Defendant.

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

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. 130:**

22 Please produce all communications between you and Sean Flynn.

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

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. 131:**

9 Please produce all communications between you and Empyrean West and/or Dave Keller or
10 Jay Carter.

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

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

23 **REQUEST NO. 132:**

24 Please produce all communications between you and any agent and/or broker for any EB-5
25 Investor.

26 **RESPONSE TO REQUEST NO. 132:**

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

1 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
2 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
3 contained herein and previously propounded; it seeks documents that are already in requesting 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. 133:**

12 Please provide all documents related to any and all financial accounts at Bank of Hope
13 pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or
14 account holder, for the time period beginning March 2012 to the present date.

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

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 **REQUEST NO. 134:**

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

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

5 Responding party objects to this Document Request because; individually, and in aggregate
6 with the other requests made herein and previously propounded, this request fails to meet the
7 proportionality requirements of proper discovery and thus is over burdensome and harassing; it is
8 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
9 contained herein and previously propounded; it seeks documents that are already in requesting 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 **REQUEST NO. 135:**

17 Please provide all documents related to any and all financial accounts at Wells Fargo Bank
18 pertaining to Linda Stanwood and/or for which Linda Stanwood is the beneficiary, signatory, and/or
19 account holder, for the time period beginning March 2012 to the present date.

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

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

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

5 **REQUEST NO. 136:**

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

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

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. 137:**

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

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

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
13 Dated: November 13, 2019

FARMER CASE & FEDOR

14
15 /s/ Kathryn Holbert

16 ANTHONY T. CASE, ESQ.

Nevada Bar No. 6589

tcase@farmercase.com

17 KATHRYN HOLBERT, ESQ.

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

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CERTIFICATE OF SERVICE and/or MAILING

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

**Defendant Linda Stanwood’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 8

EXHIBIT 8

Traci Bixenmann

From: John Aldrich <jaldrich@johnaldrichlawfirm.com>
Sent: Thursday, November 14, 2019 11:41 AM
To: keith.greer@greerlaw.biz; kholbert@farmercase.com
Cc: traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com
Subject: Discovery responses served last night

Keith and Kathryn,

We are in receipt of Defendants' Responses to Requests for Production of Documents that we served last night. I am sure it comes as no surprise that I intend to go ahead and file the Motion for Order Shortening Time to have my Motion to Compel and for Sanctions put back on calendar for next week, to be argued with the other motions that are already on calendar on November 20, 2019.

However, I also write to note two deficiencies in the Responses that we received. First, regarding Mr. Dziubla's Responses to Plaintiff's Fifth Set of Requests for Production of Documents, your client has not responded to Request Nos. 101-123. If you go back to the notifications that came through on October 30, 2019, the first set of Requests for Production of Documents to Mr. Dziubla that went through somehow had a defect in the PDF and omitted the first several pages, which included Request Nos. 101-123. Traci immediately noticed the problem and re-served them, noting that they were "[corrected]" on the court notification. Therefore, Mr. Dziubla needs to respond to these additional Requests immediately. I suspect that will not be a problem, given that all of the other responses are identical objections.

With regard to Defendant EB5 Impact Advisors' Responses to Plaintiff's Fourth Set of Requests for Production of Documents, that Defendant did not respond to Request No. 150. Defendant EB5IA needs to immediately respond to that request as well.

If you have any questions about these items, please let me know.

John P. Aldrich, Esq.
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EXHIBIT 9

EXHIBIT 9

RRFP

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Telephone: (858) 613-6677

11 Facsimile: (858) 613-6680

12 Attorneys for Defendants

LAS VEGAS DEVELOPMENT FUND LLC, EB5

13 IMPACT CAPITAL REGIONAL CENTER LLC,

14 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

JON FLEMING and LINDA STANWOOD

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

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

18 Plaintiff,

19 vs.

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

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

) **DEFENDANT, ROBERT W. DZIUBLA'S**
) **SUPPLEMENTAL RESPONSES TO**
) **PLAINTIFF'S FIFTH SET OF REQUESTS**
) **FOR PRODUCTION OF DOCUMENTS**
) **(101-123)**

1 IMPACT ADVISORS LLC; DOES 1-)
2 inclusive; and ROE CORPORATIONS 1-)
3 10, inclusive,)
4 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,)
21 Counterdefendants.)

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

23 **RESPONDING PARTY: Defendant, ROBERT W. DZIUBLA**

24 **SET NO: FIFTH (CORRECTED REQUESTS 101-123)**

25 **GENERAL OBJECTIONS**

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

1. Responding party objects to the requests generally, and to each and every individual
request specifically, to the extent that the requests seek documents not currently in responding party's

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

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

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

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

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

26 6. The production of any documents or information by Responding Party is made
27 without waiver, and with preservation, of any privilege or protection against disclosure afforded to
28

1 documents containing confidential or proprietary information or trade secrets.

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

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

6 **REQUEST NO. 101:**

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

13 **RESPONSE TO REQUEST NO. 101:**

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

25 **REQUEST NO. 102:**

26 Please provide copies of all documents which support or relate to the truthfulness of the
27
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 located
3 in the desert just like Front Sight, so we have a keen appreciation and understanding of the
4 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. 0004.

6 **RESPONSE TO REQUEST NO. 102:**

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

18 **REQUEST NO. 103:**

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

25 **RESPONSE TO REQUEST NO. 103:**

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

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

10 **REQUEST NO. 104:**

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

16 **RESPONSE TO REQUEST NO. 104:**

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
28

1 **REQUEST NO. 105:**

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

7 **RESPONSE TO REQUEST NO. 105:**

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

19 **REQUEST NO. 106:**

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

23 **RESPONSE TO REQUEST NO. 106:**

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

8 **REQUEST NO. 107:**

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

14 **RESPONSE TO REQUEST NO. 107:**

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

26 **REQUEST NO. 108:**

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 partners were working on a
2 proposal for “the creation of a new regional center for the Front Sight project and the raise of up
3 to \$75m (interest reserve included) of EB-5 immigrant investor financing,” as set forth in Evidentiary
4 Hearing Exhibit 4, p. 0010.

5 **RESPONSE TO REQUEST NO. 108:**

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

17 **REQUEST NO. 109:**

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

22 **RESPONSE TO REQUEST NO. 109:**

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

7 **REQUEST NO. 110:**

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

12 **RESPONSE TO REQUEST NO. 110:**

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

24 **REQUEST NO. 111:**

25 Please provide copies of all documents which support or relate to the truthfulness of
26 Defendants Dziubla and Fleming's representations to Front Sight that the approval process for the
27 new regional center could be as short as 3-4 months, as set forth in Evidentiary Hearing Exhibit 7, p.
28

1 0029.

2 **RESPONSE TO REQUEST NO. 111:**

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

14 **REQUEST NO. 112:**

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

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

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
26 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
27 documents that are not relevant to this issues presented; and it purports to require responding party to
28

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

4 **REQUEST NO. 113:**

5 Please provide copies of all documents which support or relate to the truthfulness of the
6 representations made to Front Sight that “We look forward to having the \$53.5k deposited into
7 our Wells Fargo account tomorrow. Front Sight is the ONLY EB5 project we are handling and
8 of course receives our full and diligent attention...,” as set forth in Evidentiary Hearing Exhibit
9 11, p. 0044.

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

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

22 **REQUEST NO. 114:**

23 Please provide copies of all documents which support or relate to the truthfulness of the
24 representations made to Front Sight that “As we mentioned in an earlier email, the uncertainty
25 surrounding what Congress was going to do has really sidelined the investors. We have been in
26 contact with our agents in China over night, and they are ecstatic with this news and assure us that
27 with this logjam now cleared, the investors will be signing up. We were, of course, dismayed by the
28

1 slow sales progress, but now expect the sales pace to increase substantially,” as set forth in
2 Evidentiary Hearing Exhibit 13, p. 0052.

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

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

15 **REQUEST NO. 115:**

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 the timeline, we may still be able to achieve
18 the minimum raise of \$25m by January 31 and thereupon begin disbursing the construction loan
19 proceeds to you, but a more realistic date might be February 8. Why that date you ask? Because the
20 Christmas holidays and January 1st new year holiday are rather insignificant in China and,
21 importantly, February 8 is the start of the Chinese New Year. Chinese people like to conclude their
22 major business decisions before the start of that 2 – 3 week holiday period, so we expect to see
23 interest in the FS project growing rapidly over the next couple of weeks with interested investors
24 getting their source and path of funds verification completed in January so that they can make the
25 investment by February 8,” as set forth in Evidentiary Hearing Exhibit 13, p. 0052.

26 **RESPONSE TO REQUEST NO. 115:**

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

11 **REQUEST NO. 116:**

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

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

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

1 tax records of responding party and/or third parties.

2 **REQUEST NO. 117:**

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

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

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

19 **REQUEST NO. 118:**

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

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

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

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

10 **REQUEST NO. 119:**

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

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

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

24 **REQUEST NO. 120:**

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

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

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

12 **REQUEST NO. 121:**

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

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

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
23 attorney-client privilege and/or attorney work product doctrine; it calls for the production of
24 documents that are not relevant to this issues presented; and it purports to require responding party to
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or
26 information that is privileged or protected by rights of privacy regarding financial information and
27 tax records of responding party and/or third parties.
28

1 **REQUEST NO. 122:**

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

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

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

20 **REQUEST NO. 123:**

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

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

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

9 Dated: November 14, 2019

FARMER CASE & FEDOR

11 /s/ Kathryn Holbert

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LAS VEGAS DEVELOPMENT FUND LLC.

EB5 IMPACT CAPITAL REGIONAL CENTER,

LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

W. DZIUBLA, JON FLEMING and LINDA

STANWOOD

EXHIBIT 10

EXHIBIT 10

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14 IMPACT CAPITAL REGIONAL CENTER LLC,
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
JON FLEMING and LINDA STANWOOD
15

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

18 FRONT SIGHT MANAGEMENT LLC, a) CASE NO.: A-18-781084-B
Nevada Limited Liability Company,) DEPT NO.: 16
19 Plaintiff,)
20 vs.) **DEFENDANT, EB5 IMPACT ADVISORS**
21 LAS VEGAS DEVELOPMENT FUND LLC, a) **LLC'S SUPPLEMENTAL RESPONSES**
Nevada Limited Liability Company; EB5) **TO PLAINTIFF'S FOURTH SET OF**
22 IMPACT CAPITAL REGIONAL CENTER) **REQUESTS FOR PRODUCTION OF**
23 LLC, a Nevada Limited Liability Company; EB5) **DOCUMENTS**
IMPACT ADVISORS LLC, a Nevada)
24 Limited Liability Company; ROBERT W.)
DZIUBLA, individually and as President and)
25 CEO of LAS VEGAS DEVELOPMENT FUND)
LLC and EB5 IMPACT ADVISORS)
26 LLC; JON FLEMING, individually and as an)
agent of LAS VEGAS DEVELOPMENT)
27 FUND LLC and EB5 IMPACT ADVISORS)
LLC; LINDA STANWOOD, individually and)
28 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-)
10, inclusive,)

4 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,)

21 Counterdefendants.)

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

23 **RESPONDING PARTY: Defendant, DEFENDANT EB5 IMPACT ADVISORS LLC**

24 **SET NO: FOUR (SUPPLEMENTAL)**

25 **GENERAL OBJECTIONS**

26 Defendant, DEFENDANT EB5 IMPACT ADVISORS LLC ("Responding Party" or
27 "Defendant"), makes the following general objections, whether or not separately set forth in response
28 to each document demand, to each and every definition and document demand in the Request for
Production of Documents (Set No. Four of Plaintiff ("Propounding party")):

1. Responding party objects to the requests generally, and to each and every individual
request specifically, to the extent that the requests seek documents not currently in responding party's

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

6
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. 150:**

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

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

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 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

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

3 Dated: November 14, 2019

FARMER CASE & FEDOR

4
5 /s/ Kathryn Holbert

6
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28 Attorneys for Defendants
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EB5 IMPACT CAPITAL REGIONAL CENTER,
LLC, EB6 IMPACT ADVISORS, LLC, ROBERT
W. DZIUBLA, JON FLEMING and LINDA
STANWOOD

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CERTIFICATE OF SERVICE and/or MAILING

Pursuant to 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 Supplemental 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

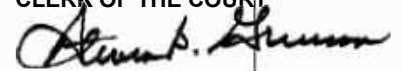
By:

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 14, 2019

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



1 **MOT**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

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13 *Attorneys for Plaintiff/Counterdefendants*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

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

22 Defendants.

23 _____
24 AND ALL RELATED COUNTERCLAIMS.

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

EX PARTE MOTION FOR ORDER
SHORTENING TIME ON
PLAINTIFF'S MOTION TO
COMPEL AND FOR SANCTIONS
AND
ORDER SHORTENING TIME

DEPARTMENT XVI
NOTICE OF HEARING
DATE 11/20/19 TIME 1:30 PM
APPROVED BY CG

18 Plaintiff FRONT SIGHT MANAGEMENT LLC ("Plaintiff"), by and through
19 undersigned counsel, hereby applies ex parte and moves this Honorable Court for an Order
20 Shortening Time on its Motion to Compel and for Sanctions, which was previously filed on
21 September 19, 2019 and argued on October 23, 2019. The prior-filed Motion to Compel and for
22 Sanctions will properly be on calendar on November 20, 2019 regardless, but Plaintiff seeks to

NOV 15 2019

1 have the Court consider the additional requests for production of documents that Plaintiff sent to
2 Defendants on October 30, 2019.

3 This Motion is made and based upon E.D.C.R. 2.26, the attached Memorandum of Points
4 and Authorities, the Affidavit of John P. Aldrich, Esq., the pleadings and papers on file herein,
5 and any other argument that this Court may allow.

6 DATED this 14 day of November, 2019.

7 **ALDRICH LAW FIRM, LTD.**

8 
9 _____
10 John P. Aldrich, Esq.

11 Nevada Bar No. 6877

12 Catherine Hernandez, Esq.

13 Nevada Bar No. 8410

14 Matthew B. Beckstead, Esq.

15 Nevada Bar No. 14168

16 7866 West Sahara Avenue

17 Las Vegas, Nevada 89117

18 Telephone: (702) 853-5490

19 Facsimile: (702) 227-1975

20 *Attorneys for Plaintiff/Counterdefendants*

1 Sanctions will be properly heard by the Court at the next hearing, November 20, 2019,
2 regardless.

3 6. I reviewed Plaintiff's prior requests for production to all Defendants and
4 Defendants' repeated objections and non-responses, as well as the fact that, as set forth in the
5 Motion to Compel and for Sanctions, Plaintiff's counsel had repeatedly agreed to supplement
6 Defendants' responses to requests for production of documents but had failed to do so. I also
7 considered that the Court indicated Defendants would have 14 days to respond to any new
8 requests for production to Defendants. As I considered these factors, and in order to avoid
9 further delay, I decided to just send additional requests for production of documents to all
10 Defendants. On October 30, 2019, another set of Requests for Production of Documents was
11 served on each of the six Defendants in this case.

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

21 8. The prior briefing on Plaintiff's Motion to Compel and for Sanctions addresses
22 the deficiencies in Defendants' latest discovery responses as well. Plaintiff will file a
23 supplement to Plaintiff's Motion to Compel and for Sanctions that sets forth the facts related to
24


1 the latest round of non-responses from Defendants and provides copies of the latest discovery
2 requests sent by Plaintiff and responses by Defendants.

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

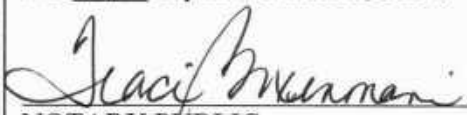
6 10. This request for an Order shortening time is made in good faith and without
7 dilatory motive.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 DATED this 14 day of November, 2019.

10
11 
John P. Aldrich, Esq.

12 Subscribed & sworn to before me
13 this 14th day of November, 2019.

14 
15 NOTARY PUBLIC



1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 LEGAL ANALYSIS

4 EDCR 2.26 states in pertinent part:

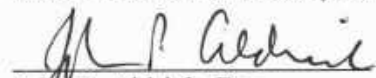
5 **Rule 2.26. Shortening time.** Ex parte motions to shorten time may not
6 be granted except upon an unsworn declaration under penalty of perjury or
7 affidavit of counsel describing the circumstances claimed to constitute good cause
8 and justify shortening of time. If a motion to shorten time is granted, it must be
served upon all parties promptly. An order which shortens the notice of a hearing
to less than 10 days may not be served by mail. In no event may the notice of the
hearing of a motion be shortened to less than 1 full judicial day.

9 As set forth above, the prior-filed Motion to Compel and for Sanctions will properly be
10 on calendar on November 20, 2019 regardless, but Plaintiff seeks to have the Court consider the
11 additional requests for production of documents that Plaintiff sent to Defendants on October 30,
12 2019 when it revisits the Motion to Compel and for Sanctions that was filed on September 19,
13 2019. The Court previously indicated a willingness to do so, as set forth above.

14 Based on the foregoing, Plaintiff respectfully requests that its Motion to Compel and for
15 Sanctions be heard on **November 20, 2019**.

16 DATED this 17 day of November, 2019.

17 **ALDRICH LAW FIRM, LTD.**

18 
19 John P. Aldrich, Esq.
Nevada Bar No. 6877
20 Catherine Hernandez, Esq.
Nevada Bar No. 8410
21 Matthew B. Beckstead, Esq.
Nevada Bar No. 14168
22 7866 West Sahara Avenue
Las Vegas, Nevada 89117
23 Telephone: (702) 853-5490
Facsimile: (702) 227-1975
24 *Attorneys for Plaintiff/Counterdefendants*

ORDER SHORTENING TIME

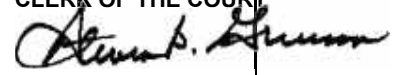
Good cause appearing therefore,

IT IS HEREBY ORDERED that the time for the hearing on Plaintiff's Motion to Compel and for Sanctions in the above-entitled matter be shortened, and the same will be heard on the 20th day of November, 2019, at the hour of 1 : 30 ~~a.m.~~ ^{p.m.} in Dept. 16 of the Eighth Judicial District Court.

DATED this 18th day of November, 2019.


DISTRICT COURT JUDGE
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NEO
John P. Aldrich, Esq.
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Attorneys for Plaintiff/Counterdefendants

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

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

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

vs.

NOTICE OF ENTRY OF ORDER
SHORTENING TIME

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

Defendants.

AND ALL RELATED COUNTERCLAIMS.

PLEASE TAKE NOTICE that an Order Shortening Time on Plaintiff's Motion to
Compel and for Sanctions was entered by the Court in the above-captioned action on the 15th day

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

1 of November, 2019, a true and correct copy of which is attached hereto.

2 DATED this 15th day of September, 2019.

3 **ALDRICH LAW FIRM, LTD.**

4 /s/ John P. Aldrich

5 John P. Aldrich, Esq.

6 Nevada Bar No. 6877

Catherine Hernandez, Esq.

7 Nevada Bar No. 8410

Matthew B. Beckstead, Esq.

8 Nevada Bar No. 14168

7866 West Sahara Avenue

9 Las Vegas, Nevada 89117

Telephone: (702) 853-5490

10 Facsimile: (702) 227-1975

Attorneys for Plaintiff/Counterdefendants

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY that on the 15th day of November, 2019, I caused the foregoing
13 **NOTICE OF ENTRY OF ORDER SHORTENING TIME** to be electronically filed and
14 served with the Clerk of the Court using Wiznet which will send notification of such filing to the
15 email addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if
16 not included on the Electronic Mail Notice List, to the following parties:

17 Anthony T. Case, Esq.

18 Kathryn Holbert, Esq.

FARMER CASE & FEDOR

19 2190 E. Pebble Rd., Suite #205

20 Las Vegas, NV 89123

21 C. Keith Greer, Esq.

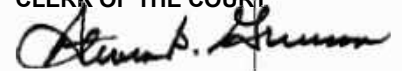
16855 West Bernardo Drive, Suite 255

22 San Diego, CA 92127

Attorneys for Defendants

23 /s/ T. Bixenmann

24 An employee of ALDRICH LAW FIRM, LTD.



1 **MOT**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

8 **ALDRICH LAW FIRM, LTD.**

9 7866 West Sahara Avenue
10 Las Vegas, Nevada 89117
11 Telephone: (702) 853-5490
12 Facsimile: (702) 227-1975

13 *Attorneys for Plaintiff/Counterdefendants*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

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

22 Defendants.

23 _____
24 AND ALL RELATED COUNTERCLAIMS.

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

EX PARTE MOTION FOR ORDER
SHORTENING TIME ON
PLAINTIFF'S MOTION TO
COMPEL AND FOR SANCTIONS
AND
ORDER SHORTENING TIME

DEPARTMENT XVI
NOTICE OF HEARING
DATE 11/20/19 TIME 1:30 PM
APPROVED BY CG

18 Plaintiff FRONT SIGHT MANAGEMENT LLC ("Plaintiff"), by and through
19 undersigned counsel, hereby applies ex parte and moves this Honorable Court for an Order
20 Shortening Time on its Motion to Compel and for Sanctions, which was previously filed on
21 September 19, 2019 and argued on October 23, 2019. The prior-filed Motion to Compel and for
22 Sanctions will properly be on calendar on November 20, 2019 regardless, but Plaintiff seeks to

NOV 15 2019

1 have the Court consider the additional requests for production of documents that Plaintiff sent to
2 Defendants on October 30, 2019.

3 This Motion is made and based upon E.D.C.R. 2.26, the attached Memorandum of Points
4 and Authorities, the Affidavit of John P. Aldrich, Esq., the pleadings and papers on file herein,
5 and any other argument that this Court may allow.

6 DATED this 14 day of November, 2019.

7 **ALDRICH LAW FIRM, LTD.**

8 
9 John P. Aldrich, Esq.

10 Nevada Bar No. 6877

11 Catherine Hernandez, Esq.

12 Nevada Bar No. 8410

13 Matthew B. Beckstead, Esq.

14 Nevada Bar No. 14168

15 7866 West Sahara Avenue

16 Las Vegas, Nevada 89117

17 Telephone: (702) 853-5490

18 Facsimile: (702) 227-1975

19 *Attorneys for Plaintiff/Counterdefendants*
20
21
22
23
24

1 Sanctions will be properly heard by the Court at the next hearing, November 20, 2019,
2 regardless.

3 6. I reviewed Plaintiff's prior requests for production to all Defendants and
4 Defendants' repeated objections and non-responses, as well as the fact that, as set forth in the
5 Motion to Compel and for Sanctions, Plaintiff's counsel had repeatedly agreed to supplement
6 Defendants' responses to requests for production of documents but had failed to do so. I also
7 considered that the Court indicated Defendants would have 14 days to respond to any new
8 requests for production to Defendants. As I considered these factors, and in order to avoid
9 further delay, I decided to just send additional requests for production of documents to all
10 Defendants. On October 30, 2019, another set of Requests for Production of Documents was
11 served on each of the six Defendants in this case.

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

21 8. The prior briefing on Plaintiff's Motion to Compel and for Sanctions addresses
22 the deficiencies in Defendants' latest discovery responses as well. Plaintiff will file a
23 supplement to Plaintiff's Motion to Compel and for Sanctions that sets forth the facts related to
24


1 the latest round of non-responses from Defendants and provides copies of the latest discovery
2 requests sent by Plaintiff and responses by Defendants.

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

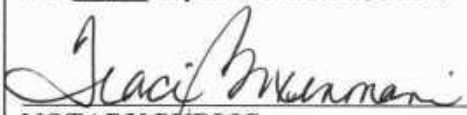
6 10. This request for an Order shortening time is made in good faith and without
7 dilatory motive.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 DATED this 14 day of November, 2019.

10
11 
John P. Aldrich, Esq.

12 Subscribed & sworn to before me
13 this 14th day of November, 2019.

14 
15 NOTARY PUBLIC



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **LEGAL ANALYSIS**

4 EDCR 2.26 states in pertinent part:

5 **Rule 2.26. Shortening time.** Ex parte motions to shorten time may not
6 be granted except upon an unsworn declaration under penalty of perjury or
7 affidavit of counsel describing the circumstances claimed to constitute good cause
8 and justify shortening of time. If a motion to shorten time is granted, it must be
served upon all parties promptly. An order which shortens the notice of a hearing
to less than 10 days may not be served by mail. In no event may the notice of the
hearing of a motion be shortened to less than 1 full judicial day.

9 As set forth above, the prior-filed Motion to Compel and for Sanctions will properly be
10 on calendar on November 20, 2019 regardless, but Plaintiff seeks to have the Court consider the
11 additional requests for production of documents that Plaintiff sent to Defendants on October 30,
12 2019 when it revisits the Motion to Compel and for Sanctions that was filed on September 19,
13 2019. The Court previously indicated a willingness to do so, as set forth above.

14 Based on the foregoing, Plaintiff respectfully requests that its Motion to Compel and for
15 Sanctions be heard on **November 20, 2019**.

16 DATED this 17 day of November, 2019.

17 **ALDRICH LAW FIRM, LTD.**

18 
19 John P. Aldrich, Esq.
20 Nevada Bar No. 6877
21 Catherine Hernandez, Esq.
22 Nevada Bar No. 8410
23 Matthew B. Beckstead, Esq.
24 Nevada Bar No. 14168
7866 West Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 853-5490
Facsimile: (702) 227-1975
Attorneys for Plaintiff/Counterdefendants

ORDER SHORTENING TIME

Good cause appearing therefore,

IT IS HEREBY ORDERED that the time for the hearing on Plaintiff's Motion to Compel and for Sanctions in the above-entitled matter be shortened, and the same will be heard on the 20th day of November, 2019, at the hour of 1 : 30 ~~a.m.~~ ^{p.m.} in Dept. 16 of the Eighth Judicial District Court.

DATED this 18th day of November, 2019.


DISTRICT COURT JUDGE
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1 **Additional Requests for Production of Documents Sent to Defendants**

2 On November 1, 2019, additional requests for production of documents were sent to each
3 Defendant. Defendants’ responses to those additional requests for production of documents were
4 due on November 15, 2019. Defendant LVDF was the only Defendant to respond to those
5 requests. Attached as **Exhibit 11** are Defendant LVDF’s “responses” to the Plaintiff’s Fourth
6 Set of Requests for Production of Documents.

7 Defendant LVDF, again, did not properly respond to a single request. Rather, Defendant
8 LVDF sent “responses” that contained essentially the same series of boilerplate objections to
9 each and every request. Defendant LVDF did not identify or provide a single document in
10 response to the requests for production of documents. Not one response indicated responsive
11 documents did or did not exist. Nor did Defendant LVDF provide a single good faith response to
12 any request.

13 For the Court’s convenience, attached as Exhibits 12-16 are the sets of Requests for
14 Production of Documents that have **NOT** been responded to by Defendants:

- 15 • **Exhibit 12** – Plaintiff’s Fourth Set of Requests for Production of Documents to
16 Defendant EB5 Impact Capital Regional Center LLC;
- 17 • **Exhibit 13** – Plaintiff’s Fifth Set of Requests for Production of Documents to Defendant
18 EB5 Impact Advisors LLC;
- 19 • **Exhibit 14** – Plaintiff’s Sixth Set of Requests for Production of Documents to Defendant
20 Robert W. Dziubla;
- 21 • **Exhibit 15** – Plaintiff’s Sixth Set of Requests for Production of Documents to Defendant
22 Jon Fleming; and
23
24

- **Exhibit 16** – Plaintiff’s Fourth Set of Requests for Production of Documents to Defendant Linda Stanwood.

Plaintiff incorporates the previous arguments from its Motion to Compel filed on September 19, 2019 and its Supplement to Motion to Compel for Sanctions filed on November 15, 2019.

Accordingly, Plaintiff respectfully requests that the Court grant its Motion to Compel and for Sanctions.

DATED this 18th day of November, 2019.

ALDRICH LAW FIRM, LTD.

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 18th day of November, 2019, I caused the foregoing
3 **SECOND SUPPLEMENT TO MOTION TO COMPEL AND FOR SANCTIONS** to be
4 electronically filed and served with the Clerk of the Court using Wiznet which will send
5 notification of such filing to the email addresses denoted on the Electronic Mail Notice List, or
6 by U.S. mail, postage prepaid, if not included on the Electronic Mail Notice List, to the
7 following parties:

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

11 C. Keith Greer, Esq.
12 16855 West Bernardo Drive, Suite 255
San Diego, CA 92127

13 *Attorneys for Defendants*

14
15
16 /s/ T. Bixenmann
An employee of ALDRICH LAW FIRM, LTD.

EXHIBIT 11

EXHIBIT 11

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

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

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

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

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

- 1 -
DEFENDANT LAS VEGAS DEVELOPMENT FUND, 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,

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:** FOUR

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. Four of Plaintiff ("Propounding party")):

///

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

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

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

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

9 **REQUEST NO. 209:**

10 Please produce copies of all documents that relate to any trip you took outside the United
11 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
12 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane ticket
13 receipts, and so forth.

14 **RESPONSE TO REQUEST NO. 209:**

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

26 ///

27 ///

1 **REQUEST NO. 210:**

2 Please produce copies of all documents that relate to any trip you took inside the United
3 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
4 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane ticket
5 receipts, and so forth.

6 **RESPONSE TO REQUEST NO. 210:**

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

18 **REQUEST NO. 211:**

19 Please produce copies of any and all documents that show or relate to work you actually
20 completed in furtherance of raising immigrant investor funds for the Front Sight project.

21 **RESPONSE TO REQUEST NO. 211:**

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
28

1 the 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. 212:**

8 Please produce copies of any and all documents relating to your communications with
9 Professor Sean Flynn related to any economic study he has prepared related to the Front Sight
10 project, including any and all documents provided by you to Professor Flynn for said study.

11 **RESPONSE TO REQUEST NO. 212:**

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

23 **REQUEST NO. 213:**

24 Please provide a copy of all policies and/or procedures related to the operation of this entity.

25 **RESPONSE TO REQUEST NO. 213:**

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 propgortionality requirements of proper discovery and thus is over burdensome and harassing; it is

1 compound as to issues and facts; it is vague and ambiguous; it is duplicative of other requests
2 contained herein and previously propounded; it seeks documents that are already in requesting
3 party's possession or equally accessible to the requesting party; it seeks information protected by
4 the 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. 214:**

11 Please produce copies of all documents that demonstrate the Defendants advised
12 Front Sight, before entering into the engagement letter dated February 14, 2013, that Front
13 Sight would have to use its own funds/profits to finish the Project.

14 **RESPONSE TO REQUEST NO. 214:**

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

26 ///

27 ///

28 ///

1 **REQUEST NO. 215:**

2 Please produce copies of all documents that demonstrate the Defendants advised
3 Front Sight, before entering into the Construction Loan Agreement dated October 6, 2016,
4 that Front Sight would have to use its own funds/profits to finish the Project.
5

6 **RESPONSE TO REQUEST NO. 215:**

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

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

3 Dated: 11/15/2019

4 FARMER CASE & FEDOR

5
6 /s/ Kathryn Holbert

7 ANTHONY T. CASE, ESQ.

8 Nevada Bar No. 6589

9 tcase@farmercase.com

10 KATHRYN HOLBERT, ESQ.

11 Nevada Bar No. 10084

12 kholbert@farmercase.com

13 FARMER CASE & FEDOR

14 2190 E. Pebble Rd., Suite #205

15 Las Vegas, NV 89123

16 Telephone: (702) 579-3900

17 Facsimile: (702) 739-3001

18 C. KEITH GREER, ESQ.

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

20 Keith.Greer@greerlaw.biz

21 GREER & ASSOCIATES, A.P.C.

22 16855 West Bernardo Dr., STE 255

23 San Diego, California 92127

24 Telephone: (858) 613-6677

25 Facsimile: (858) 613-6680

26 Attorneys for Defendants

27 LAS VEGAS DEVELOPMENT FUND LLC.

28 EB5 IMPACT CAPITAL REGIONAL CENTER,

LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

W. DZIUBLA, JON FLEMING and LINDA

STANWQOD

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CERTIFICATE OF SERVICE and/or MAILING

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

**Defendant LAS VEGAS DEVELOPMENT FUND LLC'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 15, 2019

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

EXHIBIT 12

EXHIBIT 12

1 **DISC**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

8 **ALDRICH LAW FIRM, LTD.**

9 7866 West Sahara Avenue
10 Las Vegas, NV 89117
11 Telephone: (702) 853-5490
12 Facsimile: (702) 227-1975
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 LAS VEGAS DEVELOPMENT FUND LLC, a
21 Nevada Limited Liability Company; EB5
22 IMPACT CAPITAL REGIONAL CENTER
23 LLC, a Nevada Limited Liability Company;
24 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
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC; DOES 1-
10, inclusive; and ROE CORPORATIONS 1-
10, inclusive,

Defendants.

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

PLAINTIFF'S FOURTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT EB5
IMPACT CAPITAL REGIONAL
CENTER LLC

1 LAS VEGAS DEVELOPMENT FUND LLC,

2 Counterclaimant,

3 vs.

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

17 Counterdefendants.

18 **PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
19 **TO DEFENDANT EB5 IMPACT CAPITAL REGIONAL CENTER LLC**

20 **TO: EB5 IMPACT CAPITAL REGIONAL CENTER LLC, Defendant:**

21 **TO: KATHRYN HOLBERT, ESQ. AND C. KEITH GREER, ESQ., attorneys for**
22 **Defendant:**

23 Plaintiff FRONT SIGHT MANAGEMENT LLC (hereafter "Front Sight"), by and
24 through its attorney, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B.
Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby requests that Defendant EB5 IMPACT
CAPITAL REGIONAL CENTER LLC (hereafter "EB5IC" or "Defendant"), pursuant to Nev. R.
Civ. P. 34, respond to the following Requests for Production of Documents, in writing, within
fourteen (14) days of service hereof, pursuant to the order of the Court at the hearing on July 10,
2019.

///

1 **DEFINITIONS AND INSTRUCTIONS**

2 The following preliminary definitions and instructions apply to each of the Requests set
3 forth hereafter and are deemed to be incorporated therein.

4 A. When used in these Requests, the term “Defendant,” its plural, or any synonym
5 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for
6 Defendant and all of Defendant’s agents, servants, employees, representatives, investigators, and
7 others who are in possession of, or may have obtained, information for, or on behalf of,
8 Defendant. As to each person, please state his or her full name, last known residence address
9 and telephone number, and his or her job title, capacity, or position at such last known
10 employment.

11 B. As used in these Requests, the terms “document” and “writing,” and the plural
12 forms thereof, shall mean all written, recorded, or graphic matters, however produced or
13 reproduced, including electronic versions, drafts, and/or copies (*e.g.*, word-processor copies,
14 PDFs, text messages, emails, *etc.*), of every kind and description, pertaining in any way to the
15 subject matter of this action. The terms “document” and “writing” shall include, but are not
16 limited to, any books, pamphlets, periodicals, memoranda (including those of telephone and oral
17 conversations), e-mails, contracts, correspondence, agreements, application, financial records,
18 security instruments, disbursements, checks, bank statements, time records, accounting or
19 financial records, notes, diaries, logs, telegrams, or cables that were prepared, drafted, received
20 or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts,
21 drawings, prints, flow sheets, photographs, film, computer printouts, medical and hospital
22 records and reports, x-ray photographs, advertisements, catalogs, or any hand-written, recorded,
23 transcribed, punched, taped, filmed or graphic matters, however they were produced or
24

1 reproduced, that are in Defendant's possession, custody, or control or to which defendant has, or
2 has had, access.

3 C. As used throughout these Requests, the term "you," its plural, or any synonyms
4 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for such
5 Defendant, and all of Defendant's agents, servants, employees, representatives, investigators, and
6 others who are in the possession of, or who may have obtained, information for, or on behalf of,
7 Defendant.

8 D. As used throughout these Requests, the term "person," or its plural, or any
9 synonyms thereof, is intended to include, and shall embrace, any individual, partnership,
10 corporation, company, association, government agency (whether federal, state, local or any
11 agency of the government of a foreign country), or any other entity.

12 E. As used throughout these Requests, the term "communication," its plural, or any
13 synonyms thereof, is intended to include, and shall embrace, all written communications, and
14 with respect to all communications, shall include, but is not limited to, every discussion,
15 conversation, conference, meeting, interview, telephone call, or doctor or other professional
16 service visit.

17 F. (1) As used throughout these Requests, the terms "identify," "identity," or
18 "identification," their plural, or any synonyms thereof, when used with reference to a person,
19 shall mean to state the full name and address and, where applicable, the present position and
20 business, if known, and each prior position and business.

21 (2) As used throughout these Requests, the terms "identify," "identity," or
22 "identification," their plural, or any synonyms thereof, when used with reference to a document
23 or object, mean to state:
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(a) The general nature of the document or object, *i.e.*, whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, *etc.*;

(b) The general subject matter of the document or object;

(c) The name, current or last-known business address, and the home address of (i) the original author or draftsman (and, if different, the signor or signors), and (ii) of any person who has edited, corrected, revised, or amended a document or object, or who has entered any initials or comment or notation thereon;

(d) The document or object's date, including any date of any editing, correcting, amending, or revising of the document or object;

(e) Any numerical designation appearing thereon, such as a file reference;

(f) The name of each recipient of a copy of the document or object; and

(g) The place where, and the person now having custody or control of, each such document or object, or, if such document or object has been destroyed, the place of, and reasons for, such destruction.

(3) As used throughout these Requests, the terms "identify," "identity," and "identification," when used in reference to a communication, mean to state, with respect to each communication, the nature of the communication (telephone call, letter, etc.), the date of the communication, the persons who were present for, or participated in, the communication, or with

1 whom, or from whom, the communication was made, and the substance of the statement made
2 by each person involved in such communication.

3 G. All information is to be divulged which is in Defendant's possession or control, or
4 can be ascertained upon reasonable investigation of areas within your control. The knowledge of
5 Defendant's attorney is deemed to be Defendant's knowledge, so that, apart from privileged
6 matters, if Defendant's attorney has knowledge of the information sought to be elicited herein,
7 said knowledge must be incorporated into these answers, even if such information is unknown to
8 Defendant individually.

9 H. Whenever you are unable to state an answer to these Requests based upon your
10 own personal knowledge, please so state, and identify the person or persons you believe to have
11 such knowledge, what you believe the correct answer to be, and the facts upon which you base
12 your answer.

13 I. When a Request calls for an answer in more than one part, each part should be
14 separated so that the answer is clearly understandable.

15 J. Each Request should be construed independently. No Request should be
16 construed by reference to any other Request, if the result is a limitation of the scope of the
17 answer to such Request.

18 K. "And" and "or" shall be construed disjunctively or conjunctively, as necessary, in
19 order to bring within the scope of the Request any and all responses which might otherwise be
20 construed to be outside of its scope without the use of "and" and/or "or".

21 L. If a Request is objected to, in whole or in part, or if information responsive to a
22 Request is withheld, on the ground of privilege or otherwise, please set forth fully each
23
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1 objection, describe generally the information which is withheld, and set forth the facts upon
2 which Defendant relies as the basis for each such objection.

3 M. Pursuant to NRCP 26(e), you shall supplement your responses according to the
4 following:

5 (1) A party is under a duty reasonably to supplement his or her response with
6 respect to any question directly addressed to that party regarding, among other things, (a) the
7 identity and location of persons having knowledge of discoverable matters, and (b) the identity
8 of each person expected to be called as an expert witness at trial, the subject matter on which he
9 or she is expected to testify, and the substance of his or her testimony.

10 (2) A party is under a duty reasonably to amend a prior response if he or she
11 obtains information upon the basis of which (a) he or she knows that the prior response was
12 incorrect when made, and (b) he or she knows that the prior response, though correct when
13 made, is no longer true and the circumstances are such that a failure to amend the response is, in
14 substance, a knowing concealment.

15 N. For each item or category set forth in a request for inspection, your response must
16 either state that inspection and related activities will be permitted as requested or, instead, state
17 the ground for objecting to the request, with specificity. You may state that you will produce
18 copies of the documents or electronically stored information instead of permitting inspection, but
19 the production must be completed no later than the time for inspection specified in the request or
20 another reasonable time specified in the response. Any objection to a request to permit
21 inspection must state whether any responsive materials are being withheld on the basis of that
22 objection. If you are objecting to only part of a request, you must specify which party you are
23 objecting to and permit inspection of the remainder of the request.

1 O. When responding to a request to produce documents, you must produce the
2 documents exactly as they are kept in the usual course of business or organize them and label
3 them to correspond to the categories provided in the request to which you are responding. If
4 your responsive documents would be unduly burdensome for you to match with the categories in
5 the specific request, you must clearly identify which documents are being produced in response
6 to the categories in the request or clearly organize and label the documents so that they clearly
7 correspond to the categories in the request.

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

12 (1) E-MAILS: With respect to any and all responsive e-mail messages,
13 produce them in their native, electronic format, including without limitation “.pst” files for
14 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail messages.

15 (2) SPREADSHEETS: With respect to any and all responsive spreadsheets,
16 produce them in their native, electronic format, including without limitation “.xls” files for
17 Microsoft Excel spreadsheets.

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

22 Q. When responding to a request to produce electronically stored information, you
23 must produce that information in the format(s) (*e.g.*, PDF format) in which it is ordinarily
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1 maintained or in a reasonably usable format, unless Plaintiff’s request specifies a particular
2 format. You do not need to produce the same electronically stored information in more than one
3 format.

4 R. As used throughout these Requests, unless the context of the specific Request
5 requires otherwise, the term “copy” means any legible copy, whether that copy is in physical or
6 electronic form (*e.g.*, PDF). You do not need to produce the requested copy in more than one
7 format.

8 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 **REQUEST NO. 143:**

10 Please produce copies of all documents that relate to any trip you took outside the United
11 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
12 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
13 ticket receipts, and so forth.

14 **REQUEST NO. 144:**

15 Please produce copies of all documents that relate to any trip you took inside the United
16 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
17 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
18 ticket receipts, and so forth.

19 **REQUEST NO. 145:**

20 Please produce copies of any and all documents that show or relate to work you actually
21 completed in furtherance of raising immigrant investor funds for the Front Sight project.

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1 **REQUEST NO. 146:**

2 Please produce copies of any and all documents relating to your communications with
3 Professor Sean Flynn related to any economic study he has prepared related to the Front Sight
4 project, including any and all documents provided by you to Professor Flynn for said study.

5 **REQUEST NO. 147:**

6 Please provide a copy of all policies and/or procedures related to the operation of this
7 entity.

8 **REQUEST NO. 148:**

9 Please produce copies of all documents that demonstrate the Defendants advised Front
10 Sight, before entering into the engagement letter dated February 14, 2013, that Front Sight would
11 have to use its own funds/profits to finish the Project.

12 **REQUEST NO. 149:**

13 Please produce copies of all documents that demonstrate the Defendants advised Front
14 Sight, before entering into the Construction Loan Agreement dated October 6, 2016, that Front
15 Sight would have to use its own funds/profits to finish the Project.

16 DATED this 1st day of November, 2019.

17 **ALDRICH LAW FIRM, LTD.**

18 /s/ John P. Aldrich

19 John P. Aldrich, Esq.

20 Nevada Bar No. 6877

21 Catherine Hernandez, Esq.

22 Nevada Bar No. 8410

23 Matthew B. Beckstead, Esq.

24 Nevada Bar No. 14168

7866 West Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 853-5490

Facsimile: (702) 227-1975

Attorneys for Plaintiff/Counterdefendants

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 1st day of November, 2019, I caused the foregoing
3 **PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
4 **TO DEFENDANT EB5 IMPACT CAPITAL REGIONAL CENTER LLC** to be
5 electronically served with the Clerk of the Court using Wiznet which will send notification of
6 such filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S. mail,
7 postage prepaid, if not included on the Electronic Mail Notice List, to the following parties:

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

13 C. Keith Greer, Esq.
14 17150 Via del Campo, Suite 100
15 San Diego, CA 92127
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
JON FLEMING and LINDA STANWOOD*

16
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18 /s/ T. Bixenmann
19 An employee of ALDRICH LAW FIRM, LTD.
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EXHIBIT 13

EXHIBIT 13

1 **DISC**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

8 **ALDRICH LAW FIRM, LTD.**

9 7866 West Sahara Avenue
10 Las Vegas, NV 89117
11 Telephone: (702) 853-5490
12 Facsimile: (702) 227-1975
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 LAS VEGAS DEVELOPMENT FUND LLC, a
21 Nevada Limited Liability Company; EB5
22 IMPACT CAPITAL REGIONAL CENTER
23 LLC, a Nevada Limited Liability Company;
24 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
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC; DOES 1-
10, inclusive; and ROE CORPORATIONS 1-
10, inclusive,

Defendants.

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

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

1 LAS VEGAS DEVELOPMENT FUND LLC,

2 Counterclaimant,

3 vs.

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

17 Counterdefendants.

18 **PLAINTIFF'S FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**
19 **DEFENDANT EB5 IMPACT ADVISORS LLC**

20 **TO: EB5 IMPACT ADVISORS LLC, Defendant:**

21 **TO: KATHRYN HOLBERT, ESQ. AND C. KEITH GREER, ESQ., attorneys for**
22 **Defendant:**

23 Plaintiff FRONT SIGHT MANAGEMENT LLC (hereafter "Front Sight"), by and
24 through its attorney, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B.
Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby requests that Defendant EB5 IMPACT
ADVISORS LLC (hereafter "EB5IA" or "Defendant"), pursuant to Nev. R. Civ. P. 34, respond
to the following Requests for Production of Documents, in writing, within fourteen (14) days of
service hereof, pursuant to the order of the Court at the hearing on July 10, 2019.

///

///

1 **DEFINITIONS AND INSTRUCTIONS**

2 The following preliminary definitions and instructions apply to each of the Requests set
3 forth hereafter and are deemed to be incorporated therein.

4 A. When used in these Requests, the term “Defendant,” its plural, or any synonym
5 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for
6 Defendant and all of Defendant’s agents, servants, employees, representatives, investigators, and
7 others who are in possession of, or may have obtained, information for, or on behalf of,
8 Defendant. As to each person, please state his or her full name, last known residence address
9 and telephone number, and his or her job title, capacity, or position at such last known
10 employment.

11 B. As used in these Requests, the terms “document” and “writing,” and the plural
12 forms thereof, shall mean all written, recorded, or graphic matters, however produced or
13 reproduced, including electronic versions, drafts, and/or copies (*e.g.*, word-processor copies,
14 PDFs, text messages, emails, *etc.*), of every kind and description, pertaining in any way to the
15 subject matter of this action. The terms “document” and “writing” shall include, but are not
16 limited to, any books, pamphlets, periodicals, memoranda (including those of telephone and oral
17 conversations), e-mails, contracts, correspondence, agreements, application, financial records,
18 security instruments, disbursements, checks, bank statements, time records, accounting or
19 financial records, notes, diaries, logs, telegrams, or cables that were prepared, drafted, received
20 or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts,
21 drawings, prints, flow sheets, photographs, film, computer printouts, medical and hospital
22 records and reports, x-ray photographs, advertisements, catalogs, or any hand-written, recorded,
23 transcribed, punched, taped, filmed or graphic matters, however they were produced or
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1 reproduced, that are in Defendant's possession, custody, or control or to which defendant has, or
2 has had, access.

3 C. As used throughout these Requests, the term "you," its plural, or any synonyms
4 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for such
5 Defendant, and all of Defendant's agents, servants, employees, representatives, investigators, and
6 others who are in the possession of, or who may have obtained, information for, or on behalf of,
7 Defendant.

8 D. As used throughout these Requests, the term "person," or its plural, or any
9 synonyms thereof, is intended to include, and shall embrace, any individual, partnership,
10 corporation, company, association, government agency (whether federal, state, local or any
11 agency of the government of a foreign country), or any other entity.

12 E. As used throughout these Requests, the term "communication," its plural, or any
13 synonyms thereof, is intended to include, and shall embrace, all written communications, and
14 with respect to all communications, shall include, but is not limited to, every discussion,
15 conversation, conference, meeting, interview, telephone call, or doctor or other professional
16 service visit.

17 F. (1) As used throughout these Requests, the terms "identify," "identity," or
18 "identification," their plural, or any synonyms thereof, when used with reference to a person,
19 shall mean to state the full name and address and, where applicable, the present position and
20 business, if known, and each prior position and business.

21 (2) As used throughout these Requests, the terms "identify," "identity," or
22 "identification," their plural, or any synonyms thereof, when used with reference to a document
23 or object, mean to state:
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(a) The general nature of the document or object, *i.e.*, whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, *etc.*;

(b) The general subject matter of the document or object;

(c) The name, current or last-known business address, and the home address of (i) the original author or draftsman (and, if different, the signor or signors), and (ii) of any person who has edited, corrected, revised, or amended a document or object, or who has entered any initials or comment or notation thereon;

(d) The document or object's date, including any date of any editing, correcting, amending, or revising of the document or object;

(e) Any numerical designation appearing thereon, such as a file reference;

(f) The name of each recipient of a copy of the document or object; and

(g) The place where, and the person now having custody or control of, each such document or object, or, if such document or object has been destroyed, the place of, and reasons for, such destruction.

(3) As used throughout these Requests, the terms "identify," "identity," and "identification," when used in reference to a communication, mean to state, with respect to each communication, the nature of the communication (telephone call, letter, etc.), the date of the communication, the persons who were present for, or participated in, the communication, or with

1 whom, or from whom, the communication was made, and the substance of the statement made
2 by each person involved in such communication.

3 G. All information is to be divulged which is in Defendant's possession or control, or
4 can be ascertained upon reasonable investigation of areas within your control. The knowledge of
5 Defendant's attorney is deemed to be Defendant's knowledge, so that, apart from privileged
6 matters, if Defendant's attorney has knowledge of the information sought to be elicited herein,
7 said knowledge must be incorporated into these answers, even if such information is unknown to
8 Defendant individually.

9 H. Whenever you are unable to state an answer to these Requests based upon your
10 own personal knowledge, please so state, and identify the person or persons you believe to have
11 such knowledge, what you believe the correct answer to be, and the facts upon which you base
12 your answer.

13 I. When a Request calls for an answer in more than one part, each part should be
14 separated so that the answer is clearly understandable.

15 J. Each Request should be construed independently. No Request should be
16 construed by reference to any other Request, if the result is a limitation of the scope of the
17 answer to such Request.

18 K. "And" and "or" shall be construed disjunctively or conjunctively, as necessary, in
19 order to bring within the scope of the Request any and all responses which might otherwise be
20 construed to be outside of its scope without the use of "and" and/or "or".

21 L. If a Request is objected to, in whole or in part, or if information responsive to a
22 Request is withheld, on the ground of privilege or otherwise, please set forth fully each
23
24

1 objection, describe generally the information which is withheld, and set forth the facts upon
2 which Defendant relies as the basis for each such objection.

3 M. Pursuant to NRCP 26(e), you shall supplement your responses according to the
4 following:

5 (1) A party is under a duty reasonably to supplement his or her response with
6 respect to any question directly addressed to that party regarding, among other things, (a) the
7 identity and location of persons having knowledge of discoverable matters, and (b) the identity
8 of each person expected to be called as an expert witness at trial, the subject matter on which he
9 or she is expected to testify, and the substance of his or her testimony.

10 (2) A party is under a duty reasonably to amend a prior response if he or she
11 obtains information upon the basis of which (a) he or she knows that the prior response was
12 incorrect when made, and (b) he or she knows that the prior response, though correct when
13 made, is no longer true and the circumstances are such that a failure to amend the response is, in
14 substance, a knowing concealment.

15 N. For each item or category set forth in a request for inspection, your response must
16 either state that inspection and related activities will be permitted as requested or, instead, state
17 the ground for objecting to the request, with specificity. You may state that you will produce
18 copies of the documents or electronically stored information instead of permitting inspection, but
19 the production must be completed no later than the time for inspection specified in the request or
20 another reasonable time specified in the response. Any objection to a request to permit
21 inspection must state whether any responsive materials are being withheld on the basis of that
22 objection. If you are objecting to only part of a request, you must specify which party you are
23 objecting to and permit inspection of the remainder of the request.

1 O. When responding to a request to produce documents, you must produce the
2 documents exactly as they are kept in the usual course of business or organize them and label
3 them to correspond to the categories provided in the request to which you are responding. If
4 your responsive documents would be unduly burdensome for you to match with the categories in
5 the specific request, you must clearly identify which documents are being produced in response
6 to the categories in the request or clearly organize and label the documents so that they clearly
7 correspond to the categories in the request.

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

12 (1) E-MAILS: With respect to any and all responsive e-mail messages,
13 produce them in their native, electronic format, including without limitation “.pst” files for
14 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail messages.

15 (2) SPREADSHEETS: With respect to any and all responsive spreadsheets,
16 produce them in their native, electronic format, including without limitation “.xls” files for
17 Microsoft Excel spreadsheets.

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

22 Q. When responding to a request to produce electronically stored information, you
23 must produce that information in the format(s) (*e.g.*, PDF format) in which it is ordinarily
24

1 maintained or in a reasonably usable format, unless Plaintiff’s request specifies a particular
2 format. You do not need to produce the same electronically stored information in more than one
3 format.

4 R. As used throughout these Requests, unless the context of the specific Request
5 requires otherwise, the term “copy” means any legible copy, whether that copy is in physical or
6 electronic form (*e.g.*, PDF). You do not need to produce the requested copy in more than one
7 format.

8 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 **REQUEST NO. 151:**

10 Please produce copies of all documents that relate to any trip you took outside the United
11 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
12 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
13 ticket receipts, and so forth.

14 **REQUEST NO. 152:**

15 Please produce copies of all documents that relate to any trip you took inside the United
16 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
17 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
18 ticket receipts, and so forth.

19 **REQUEST NO. 153:**

20 Please produce copies of any and all documents that show or relate to work you actually
21 completed in furtherance of raising immigrant investor funds for the Front Sight project.

22 ///

23 ///

1 **REQUEST NO. 154:**

2 Please produce copies of any and all documents relating to your communications with
3 Professor Sean Flynn related to any economic study he has prepared related to the Front Sight
4 project, including any and all documents provided by you to Professor Flynn for said study.

5 **REQUEST NO. 155:**

6 Please provide a copy of all policies and/or procedures related to the operation of this
7 entity.

8 **REQUEST NO. 156:**

9 Please produce copies of all documents that demonstrate the Defendants advised Front
10 Sight, before entering into the engagement letter dated February 14, 2013, that Front Sight would
11 have to use its own funds/profits to finish the Project.

12 **REQUEST NO. 157:**

13 Please produce copies of all documents that demonstrate the Defendants advised Front
14 Sight, before entering into the Construction Loan Agreement dated October 6, 2016, that Front
15 Sight would have to use its own funds/profits to finish the Project.

16 DATED this 1st day of November, 2019.

17 **ALDRICH LAW FIRM, LTD.**

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 1st day of November, 2019, I caused the foregoing
3 **PLAINTIFF'S FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**
4 **DEFENDANT EB5 IMPACT ADVISORS LLC** to be electronically served with the Clerk of
5 the Court using Wiznet which will send notification of such filing to the email addresses denoted
6 on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the
7 Electronic Mail Notice List, to the following parties:

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

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

16
17
18 /s/ T. Bixenmann
19 An employee of ALDRICH LAW FIRM, LTD.
20
21
22
23
24

EXHIBIT 14

EXHIBIT 14

DISC

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

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT LLC, a
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC, a
Nevada Limited Liability Company; 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
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC; DOES 1-
10, inclusive; and ROE CORPORATIONS 1-
10, inclusive,

Defendants.

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

PLAINTIFF'S SIXTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT
ROBERT W. DZIUBLA

1 LAS VEGAS DEVELOPMENT FUND LLC,

2 Counterclaimant,

3 vs.

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

17 Counterdefendants.

18 **PLAINTIFF'S SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**
19 **DEFENDANT ROBERT W. DZIUBLA**

20 **TO: ROBERT W. DZIUBLA, Defendant:**

21 **TO: KATHRYN HOLBERT, ESQ. AND C. KEITH GREER, ESQ., attorneys for**
22 **Defendant:**

23 Plaintiff FRONT SIGHT MANAGEMENT LLC (hereafter "Front Sight"), by and
24 through its attorney, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B.
25 Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby requests that Defendant ROBERT W.
26 DZIUBLA (hereafter "Dziubla" or "Defendant"), pursuant to Nev. R. Civ. P. 34, respond to the
27 following Requests for Production of Documents, in writing, within fourteen (14) days of service
28 hereof, pursuant to the order of the Court at the hearing on July 10, 2019.

DEFINITIONS AND INSTRUCTIONS

The following preliminary definitions and instructions apply to each of the Requests set forth hereafter and are deemed to be incorporated therein.

1 A. When used in these Requests, the term “Defendant,” its plural, or any synonym
2 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for
3 Defendant and all of Defendant’s agents, servants, employees, representatives, investigators, and
4 others who are in possession of, or may have obtained, information for, or on behalf of,
5 Defendant. As to each person, please state his or her full name, last known residence address
6 and telephone number, and his or her job title, capacity, or position at such last known
7 employment.
8

9 B. As used in these Requests, the terms “document” and “writing,” and the plural
10 forms thereof, shall mean all written, recorded, or graphic matters, however produced or
11 reproduced, including electronic versions, drafts, and/or copies (*e.g.*, word-processor copies,
12 PDFs, text messages, emails, *etc.*), of every kind and description, pertaining in any way to the
13 subject matter of this action. The terms “document” and “writing” shall include, but are not
14 limited to, any books, pamphlets, periodicals, memoranda (including those of telephone and oral
15 conversations), e-mails, contracts, correspondence, agreements, application, financial records,
16 security instruments, disbursements, checks, bank statements, time records, accounting or
17 financial records, notes, diaries, logs, telegrams, or cables that were prepared, drafted, received
18 or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts,
19 drawings, prints, flow sheets, photographs, film, computer printouts, medical and hospital
20 records and reports, x-ray photographs, advertisements, catalogs, or any hand-written, recorded,
21 transcribed, punched, taped, filmed or graphic matters, however they were produced or
22 reproduced, that are in Defendant’s possession, custody, or control or to which defendant has, or
23 has had, access.
24
25

26 C. As used throughout these Requests, the term “you,” its plural, or any synonyms
27 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for such
28

1 Defendant, and all of Defendant's agents, servants, employees, representatives, investigators, and
2 others who are in the possession of, or who may have obtained, information for, or on behalf of,
3 Defendant.

4 D. As used throughout these Requests, the term "person," or its plural, or any
5 synonyms thereof, is intended to include, and shall embrace, any individual, partnership,
6 corporation, company, association, government agency (whether federal, state, local or any
7 agency of the government of a foreign country), or any other entity.

8
9 E. As used throughout these Requests, the term "communication," its plural, or any
10 synonyms thereof, is intended to include, and shall embrace, all written communications, and
11 with respect to all communications, shall include, but is not limited to, every discussion,
12 conversation, conference, meeting, interview, telephone call, or doctor or other professional
13 service visit.

14 F. (1) As used throughout these Requests, the terms "identify," "identity," or
15 "identification," their plural, or any synonyms thereof, when used with reference to a person,
16 shall mean to state the full name and address and, where applicable, the present position and
17 business, if known, and each prior position and business.

18
19 (2) As used throughout these Requests, the terms "identify," "identity," or
20 "identification," their plural, or any synonyms thereof, when used with reference to a document
21 or object, mean to state:

22 (a) The general nature of the document or object, *i.e.*, whether it is a
23 letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet,
24 *etc.*;

25 (b) The general subject matter of the document or object;

1 (c) The name, current or last-known business address, and the home
2 address of (i) the original author or draftsman (and, if different, the signor
3 or signors), and (ii) of any person who has edited, corrected, revised, or
4 amended a document or object, or who has entered any initials or
5 comment or notation thereon;

6 (d) The document or object's date, including any date of any editing,
7 correcting, amending, or revising of the document or object;

8 (e) Any numerical designation appearing thereon, such as a file
9 reference;

10 (f) The name of each recipient of a copy of the document or object;
11 and

12 (g) The place where, and the person now having custody or control of,
13 each such document or object, or, if such document or object has been
14 destroyed, the place of, and reasons for, such destruction.

15
16 (3) As used throughout these Requests, the terms "identify," "identity," and
17 "identification," when used in reference to a communication, mean to state, with respect to each
18 communication, the nature of the communication (telephone call, letter, etc.), the date of the
19 communication, the persons who were present for, or participated in, the communication, or with
20 whom, or from whom, the communication was made, and the substance of the statement made
21 by each person involved in such communication.
22

23
24 G. All information is to be divulged which is in Defendant's possession or control, or
25 can be ascertained upon reasonable investigation of areas within your control. The knowledge of
26 Defendant's attorney is deemed to be Defendant's knowledge, so that, apart from privileged
27 matters, if Defendant's attorney has knowledge of the information sought to be elicited herein,
28

1 said knowledge must be incorporated into these answers, even if such information is unknown to
2 Defendant individually.

3 H. Whenever you are unable to state an answer to these Requests based upon your
4 own personal knowledge, please so state, and identify the person or persons you believe to have
5 such knowledge, what you believe the correct answer to be, and the facts upon which you base
6 your answer.

7
8 I. When a Request calls for an answer in more than one part, each part should be
9 separated so that the answer is clearly understandable.

10 J. Each Request should be construed independently. No Request should be
11 construed by reference to any other Request, if the result is a limitation of the scope of the
12 answer to such Request.

13 K. “And” and “or” shall be construed disjunctively or conjunctively, as necessary, in
14 order to bring within the scope of the Request any and all responses which might otherwise be
15 construed to be outside of its scope without the use of “and” and/or “or”.

16
17 L. If a Request is objected to, in whole or in part, or if information responsive to a
18 Request is withheld, on the ground of privilege or otherwise, please set forth fully each
19 objection, describe generally the information which is withheld, and set forth the facts upon
20 which Defendant relies as the basis for each such objection.

21 M. Pursuant to NRCP 26(e), you shall supplement your responses according to the
22 following:

23
24 (1) A party is under a duty reasonably to supplement his or her response with
25 respect to any question directly addressed to that party regarding, among other things, (a) the
26 identity and location of persons having knowledge of discoverable matters, and (b) the identity
27
28

1 of each person expected to be called as an expert witness at trial, the subject matter on which he
2 or she is expected to testify, and the substance of his or her testimony.

3 (2) A party is under a duty reasonably to amend a prior response if he or she
4 obtains information upon the basis of which (a) he or she knows that the prior response was
5 incorrect when made, and (b) he or she knows that the prior response, though correct when
6 made, is no longer true and the circumstances are such that a failure to amend the response is, in
7 substance, a knowing concealment.
8

9 N. For each item or category set forth in a request for inspection, your response must
10 either state that inspection and related activities will be permitted as requested or, instead, state
11 the ground for objecting to the request, with specificity. You may state that you will produce
12 copies of the documents or electronically stored information instead of permitting inspection, but
13 the production must be completed no later than the time for inspection specified in the request or
14 another reasonable time specified in the response. Any objection to a request to permit
15 inspection must state whether any responsive materials are being withheld on the basis of that
16 objection. If you are objecting to only part of a request, you must specify which party you are
17 objecting to and permit inspection of the remainder of the request.
18

19 O. When responding to a request to produce documents, you must produce the
20 documents exactly as they are kept in the usual course of business or organize them and label
21 them to correspond to the categories provided in the request to which you are responding. If
22 your responsive documents would be unduly burdensome for you to match with the categories in
23 the specific request, you must clearly identify which documents are being produced in response
24 to the categories in the request or clearly organize and label the documents so that they clearly
25 correspond to the categories in the request.
26
27
28

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

5 (1) E-MAILS: With respect to any and all responsible e-mail messages,
6 produce them in their native, electronic format, including without limitation “.pst” files for
7 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail messages.
8

9 (2) SPREADSHEETS: With respect to any and all responsive spreadsheets,
10 produce them in their native, electronic format, including without limitation “.xls” files for
11 Microsoft Excel spreadsheets.

12 (3) OTHER. Where applicable, any responsible information that exists in
13 electronic or magnetic form must be produced in the following formats: CD Rom in an Acrobat
14 (“.pdf”) compatible application, in a Microsoft Word or WordPerfect compatible application, or
15 in ASCII.
16

17 Q. When responding to a request to produce electronically stored information, you
18 must produce that information in the format(s) (*e.g.*, PDF format) in which it is ordinarily
19 maintained or in a reasonably usable format, unless Plaintiff’s request specifies a particular
20 format. You do not need to produce the same electronically stored information in more than one
21 format.
22

23 R. As used throughout these Requests, unless the context of the specific Request
24 requires otherwise, the term “copy” means any legible copy, whether that copy is in physical or
25 electronic form (*e.g.*, PDF). You do not need to produce the requested copy in more than one
26 format.

27 ///
28

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 149:

Please produce copies of all documents that relate to any trip you took outside the United States related to raising funds for the Front Sight project. This includes, but is not limited to, all communications, internal or external, related to the travel, hotel receipts, meal receipts, plane ticket receipts, and so forth.

REQUEST NO. 150:

Please produce copies of all documents that relate to any trip you took inside the United States related to raising funds for the Front Sight project. This includes, but is not limited to, all communications, internal or external, related to the travel, hotel receipts, meal receipts, plane ticket receipts, and so forth.

REQUEST NO. 151:

Please produce copies of any and all documents that show or relate to work you actually completed in furtherance of raising immigrant investor funds for the Front Sight project.

REQUEST NO. 152:

Please produce copies of any and all documents relating to your communications with Professor Sean Flynn related to any economic study he has prepared related to the Front Sight project, including any and all documents provided by you to Professor Flynn for said study.

REQUEST NO. 153:

Please produce copies of all documents that demonstrate the Defendants advised Front Sight, before entering into the engagement letter dated February 14, 2013, that Front Sight would have to use its own funds/profits to finish the Project.

///

///

1 **REQUEST NO. 154:**

2 Please produce copies of all documents that demonstrate the Defendants advised Front
3 Sight, before entering into the Construction Loan Agreement dated October 6, 2016, that Front
4 Sight would have to use its own funds/profits to finish the Project.

5
6 DATED this 1st day of November, 2019.

7 **ALDRICH LAW FIRM, LTD.**

8 /s/ John P. Aldrich
9 John P. Aldrich, Esq.
10 Nevada Bar No. 6877
11 Catherine Hernandez, Esq.
12 Nevada Bar No. 8410
13 Matthew B. Beckstead, Esq.
14 Nevada Bar No. 14168
15 7866 West Sahara Avenue
16 Las Vegas, Nevada 89117
17 Telephone: (702) 853-5490
18 Facsimile: (702) 227-1975
19 *Attorneys for Plaintiff/Counterdefendants*
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of November, 2019, I caused the foregoing **PLAINTIFF’S SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ROBERT W. DZIUBLA** to be electronically served with the Clerk of the Court using Wiznet which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the Electronic Mail Notice List, to the following parties:

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

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

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

EXHIBIT 15

EXHIBIT 15

1 **DISC**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

8 **ALDRICH LAW FIRM, LTD.**

9 7866 West Sahara Avenue
10 Las Vegas, NV 89117
11 Telephone: (702) 853-5490
12 Facsimile: (702) 227-1975
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 LAS VEGAS DEVELOPMENT FUND LLC, a
21 Nevada Limited Liability Company; EB5
22 IMPACT CAPITAL REGIONAL CENTER
23 LLC, a Nevada Limited Liability Company;
24 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
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC; DOES 1-
10, inclusive; and ROE CORPORATIONS 1-
10, inclusive,

Defendants.

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

**PLAINTIFF'S SIXTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT JON
FLEMING**

1 LAS VEGAS DEVELOPMENT FUND LLC,

2 Counterclaimant,

3 vs.

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

17 Counterdefendants.

18 **PLAINTIFF'S SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**
19 **DEFENDANT JON FLEMING**

20 **TO: JON FLEMING, Defendant:**

21 **TO: KATHRYN HOLBERT, ESQ. AND C. KEITH GREER, ESQ., attorneys for**
22 **Defendant:**

23 Plaintiff FRONT SIGHT MANAGEMENT LLC (hereafter "Front Sight"), by and
24 through its attorney, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B.
Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby requests that Defendant JON FLEMING
(hereafter "Fleming" or "Defendant"), pursuant to Nev. R. Civ. P. 34, respond to the following
Requests for Production of Documents, in writing, within fourteen (14) days of service hereof,
pursuant to the order of the Court at the hearing on July 10, 2019.

///

///

1 **DEFINITIONS AND INSTRUCTIONS**

2 The following preliminary definitions and instructions apply to each of the Requests set
3 forth hereafter and are deemed to be incorporated therein.

4 A. When used in these Requests, the term “Defendant,” its plural, or any synonym
5 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for
6 Defendant and all of Defendant’s agents, servants, employees, representatives, investigators, and
7 others who are in possession of, or may have obtained, information for, or on behalf of,
8 Defendant. As to each person, please state his or her full name, last known residence address
9 and telephone number, and his or her job title, capacity, or position at such last known
10 employment.

11 B. As used in these Requests, the terms “document” and “writing,” and the plural
12 forms thereof, shall mean all written, recorded, or graphic matters, however produced or
13 reproduced, including electronic versions, drafts, and/or copies (*e.g.*, word-processor copies,
14 PDFs, text messages, emails, *etc.*), of every kind and description, pertaining in any way to the
15 subject matter of this action. The terms “document” and “writing” shall include, but are not
16 limited to, any books, pamphlets, periodicals, memoranda (including those of telephone and oral
17 conversations), e-mails, contracts, correspondence, agreements, application, financial records,
18 security instruments, disbursements, checks, bank statements, time records, accounting or
19 financial records, notes, diaries, logs, telegrams, or cables that were prepared, drafted, received
20 or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts,
21 drawings, prints, flow sheets, photographs, film, computer printouts, medical and hospital
22 records and reports, x-ray photographs, advertisements, catalogs, or any hand-written, recorded,
23 transcribed, punched, taped, filmed or graphic matters, however they were produced or
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1 reproduced, that are in Defendant's possession, custody, or control or to which defendant has, or
2 has had, access.

3 C. As used throughout these Requests, the term "you," its plural, or any synonyms
4 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for such
5 Defendant, and all of Defendant's agents, servants, employees, representatives, investigators, and
6 others who are in the possession of, or who may have obtained, information for, or on behalf of,
7 Defendant.

8 D. As used throughout these Requests, the term "person," or its plural, or any
9 synonyms thereof, is intended to include, and shall embrace, any individual, partnership,
10 corporation, company, association, government agency (whether federal, state, local or any
11 agency of the government of a foreign country), or any other entity.

12 E. As used throughout these Requests, the term "communication," its plural, or any
13 synonyms thereof, is intended to include, and shall embrace, all written communications, and
14 with respect to all communications, shall include, but is not limited to, every discussion,
15 conversation, conference, meeting, interview, telephone call, or doctor or other professional
16 service visit.

17 F. (1) As used throughout these Requests, the terms "identify," "identity," or
18 "identification," their plural, or any synonyms thereof, when used with reference to a person,
19 shall mean to state the full name and address and, where applicable, the present position and
20 business, if known, and each prior position and business.

21 (2) As used throughout these Requests, the terms "identify," "identity," or
22 "identification," their plural, or any synonyms thereof, when used with reference to a document
23 or object, mean to state:
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(a) The general nature of the document or object, *i.e.*, whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, *etc.*;

(b) The general subject matter of the document or object;

(c) The name, current or last-known business address, and the home address of (i) the original author or draftsman (and, if different, the signor or signors), and (ii) of any person who has edited, corrected, revised, or amended a document or object, or who has entered any initials or comment or notation thereon;

(d) The document or object’s date, including any date of any editing, correcting, amending, or revising of the document or object;

(e) Any numerical designation appearing thereon, such as a file reference;

(f) The name of each recipient of a copy of the document or object; and

(g) The place where, and the person now having custody or control of, each such document or object, or, if such document or object has been destroyed, the place of, and reasons for, such destruction.

(3) As used throughout these Requests, the terms “identify,” “identity,” and “identification,” when used in reference to a communication, mean to state, with respect to each communication, the nature of the communication (telephone call, letter, etc.), the date of the communication, the persons who were present for, or participated in, the communication, or with

1 whom, or from whom, the communication was made, and the substance of the statement made
2 by each person involved in such communication.

3 G. All information is to be divulged which is in Defendant's possession or control, or
4 can be ascertained upon reasonable investigation of areas within your control. The knowledge of
5 Defendant's attorney is deemed to be Defendant's knowledge, so that, apart from privileged
6 matters, if Defendant's attorney has knowledge of the information sought to be elicited herein,
7 said knowledge must be incorporated into these answers, even if such information is unknown to
8 Defendant individually.

9 H. Whenever you are unable to state an answer to these Requests based upon your
10 own personal knowledge, please so state, and identify the person or persons you believe to have
11 such knowledge, what you believe the correct answer to be, and the facts upon which you base
12 your answer.

13 I. When a Request calls for an answer in more than one part, each part should be
14 separated so that the answer is clearly understandable.

15 J. Each Request should be construed independently. No Request should be
16 construed by reference to any other Request, if the result is a limitation of the scope of the
17 answer to such Request.

18 K. "And" and "or" shall be construed disjunctively or conjunctively, as necessary, in
19 order to bring within the scope of the Request any and all responses which might otherwise be
20 construed to be outside of its scope without the use of "and" and/or "or".

21 L. If a Request is objected to, in whole or in part, or if information responsive to a
22 Request is withheld, on the ground of privilege or otherwise, please set forth fully each
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1 objection, describe generally the information which is withheld, and set forth the facts upon
2 which Defendant relies as the basis for each such objection.

3 M. Pursuant to NRCP 26(e), you shall supplement your responses according to the
4 following:

5 (1) A party is under a duty reasonably to supplement his or her response with
6 respect to any question directly addressed to that party regarding, among other things, (a) the
7 identity and location of persons having knowledge of discoverable matters, and (b) the identity
8 of each person expected to be called as an expert witness at trial, the subject matter on which he
9 or she is expected to testify, and the substance of his or her testimony.

10 (2) A party is under a duty reasonably to amend a prior response if he or she
11 obtains information upon the basis of which (a) he or she knows that the prior response was
12 incorrect when made, and (b) he or she knows that the prior response, though correct when
13 made, is no longer true and the circumstances are such that a failure to amend the response is, in
14 substance, a knowing concealment.

15 N. For each item or category set forth in a request for inspection, your response must
16 either state that inspection and related activities will be permitted as requested or, instead, state
17 the ground for objecting to the request, with specificity. You may state that you will produce
18 copies of the documents or electronically stored information instead of permitting inspection, but
19 the production must be completed no later than the time for inspection specified in the request or
20 another reasonable time specified in the response. Any objection to a request to permit
21 inspection must state whether any responsive materials are being withheld on the basis of that
22 objection. If you are objecting to only part of a request, you must specify which party you are
23 objecting to and permit inspection of the remainder of the request.

1 O. When responding to a request to produce documents, you must produce the
2 documents exactly as they are kept in the usual course of business or organize them and label
3 them to correspond to the categories provided in the request to which you are responding. If
4 your responsive documents would be unduly burdensome for you to match with the categories in
5 the specific request, you must clearly identify which documents are being produced in response
6 to the categories in the request or clearly organize and label the documents so that they clearly
7 correspond to the categories in the request.

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

12 (1) E-MAILS: With respect to any and all responsive e-mail messages,
13 produce them in their native, electronic format, including without limitation “.pst” files for
14 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail messages.

15 (2) SPREADSHEETS: With respect to any and all responsive spreadsheets,
16 produce them in their native, electronic format, including without limitation “.xls” files for
17 Microsoft Excel spreadsheets.

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

22 Q. When responding to a request to produce electronically stored information, you
23 must produce that information in the format(s) (*e.g.*, PDF format) in which it is ordinarily
24

1 maintained or in a reasonably usable format, unless Plaintiff's request specifies a particular
2 format. You do not need to produce the same electronically stored information in more than one
3 format.

4 R. As used throughout these Requests, unless the context of the specific Request
5 requires otherwise, the term "copy" means any legible copy, whether that copy is in physical or
6 electronic form (*e.g.*, PDF). You do not need to produce the requested copy in more than one
7 format.

8 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 **REQUEST NO. 142:**

10 Please produce copies of all documents that relate to any trip you took outside the United
11 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
12 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
13 ticket receipts, and so forth.

14 **REQUEST NO. 143:**

15 Please produce copies of all documents that relate to any trip you took inside the United
16 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
17 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
18 ticket receipts, and so forth.

19 **REQUEST NO. 144:**

20 Please produce copies of any and all documents that show or relate to work you actually
21 completed in furtherance of raising immigrant investor funds for the Front Sight project.

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23 ///

1 **REQUEST NO. 145:**

2 Please produce copies of any and all documents relating to your communications with
3 Professor Sean Flynn related to any economic study he has prepared related to the Front Sight
4 project, including any and all documents provided by you to Professor Flynn for said study.

5 **REQUEST NO. 146:**

6 Please produce copies of all documents that demonstrate the Defendants advised Front
7 Sight, before entering into the engagement letter dated February 14, 2013, that Front Sight would
8 have to use its own funds/profits to finish the Project.

9 **REQUEST NO. 147:**

10 Please produce copies of all documents that demonstrate the Defendants advised Front
11 Sight, before entering into the Construction Loan Agreement dated October 6, 2016, that Front
12 Sight would have to use its own funds/profits to finish the Project.

13 DATED this 1st day of November, 2019.

14 **ALDRICH LAW FIRM, LTD.**

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 1st day of November, 2019, I caused the foregoing
3 **PLAINTIFF'S SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**
4 **DEFENDANT JON FLEMING** to be electronically served with the Clerk of the Court using
5 Wiznet which will send notification of such filing to the email addresses denoted on the
6 Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the Electronic
7 Mail Notice List, to the following parties:

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

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

16
17
18 /s/ T. Bixenmann
19 An employee of ALDRICH LAW FIRM, LTD.
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EXHIBIT 16

EXHIBIT 16

1 **DISC**

2 John P. Aldrich, Esq.
3 Nevada Bar No. 6877
4 Catherine Hernandez, Esq.
5 Nevada Bar No. 8410
6 Matthew B. Beckstead, Esq.
7 Nevada Bar No. 14168

8 **ALDRICH LAW FIRM, LTD.**

9 7866 West Sahara Avenue
10 Las Vegas, NV 89117
11 Telephone: (702) 853-5490
12 Facsimile: (702) 227-1975
13 *Attorneys for Plaintiff*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

18 Plaintiff,

19 vs.

20 LAS VEGAS DEVELOPMENT FUND LLC, a
21 Nevada Limited Liability Company; EB5
22 IMPACT CAPITAL REGIONAL CENTER
23 LLC, a Nevada Limited Liability Company;
24 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
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC; DOES 1-
10, inclusive; and ROE CORPORATIONS 1-
10, inclusive,

Defendants.

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

PLAINTIFF'S FOURTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT
LINDA STANWOOD

1 LAS VEGAS DEVELOPMENT FUND LLC,

2 Counterclaimant,

3 vs.

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

17 Counterdefendants.

18 **PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
19 **TO DEFENDANT LINDA STANWOOD**

20 **TO: LINDA STANWOOD, Defendant:**

21 **TO: KATHRYN HOLBERT, ESQ. AND C. KEITH GREER, ESQ., attorneys for**
22 **Defendant:**

23 Plaintiff FRONT SIGHT MANAGEMENT LLC (hereafter "Front Sight"), by and
24 through its attorney, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B.
Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby requests that Defendant LINDA
STANWOOD (hereafter "Stanwood" or "Defendant"), pursuant to Nev. R. Civ. P. 34, respond to
the following Requests for Production of Documents, in writing, within fourteen (14) days of
service hereof, pursuant to the order of the Court at the hearing on July 10, 2019.

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1 **DEFINITIONS AND INSTRUCTIONS**

2 The following preliminary definitions and instructions apply to each of the Requests set
3 forth hereafter and are deemed to be incorporated therein.

4 A. When used in these Requests, the term “Defendant,” its plural, or any synonym
5 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for
6 Defendant and all of Defendant’s agents, servants, employees, representatives, investigators, and
7 others who are in possession of, or may have obtained, information for, or on behalf of,
8 Defendant. As to each person, please state his or her full name, last known residence address
9 and telephone number, and his or her job title, capacity, or position at such last known
10 employment.

11 B. As used in these Requests, the terms “document” and “writing,” and the plural
12 forms thereof, shall mean all written, recorded, or graphic matters, however produced or
13 reproduced, including electronic versions, drafts, and/or copies (*e.g.*, word-processor copies,
14 PDFs, text messages, emails, *etc.*), of every kind and description, pertaining in any way to the
15 subject matter of this action. The terms “document” and “writing” shall include, but are not
16 limited to, any books, pamphlets, periodicals, memoranda (including those of telephone and oral
17 conversations), e-mails, contracts, correspondence, agreements, application, financial records,
18 security instruments, disbursements, checks, bank statements, time records, accounting or
19 financial records, notes, diaries, logs, telegrams, or cables that were prepared, drafted, received
20 or sent, tapes, transcripts, recordings, minutes of meetings, directives, work papers, charts,
21 drawings, prints, flow sheets, photographs, film, computer printouts, medical and hospital
22 records and reports, x-ray photographs, advertisements, catalogs, or any hand-written, recorded,
23 transcribed, punched, taped, filmed or graphic matters, however they were produced or
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1 reproduced, that are in Defendant's possession, custody, or control or to which defendant has, or
2 has had, access.

3 C. As used throughout these Requests, the term "you," its plural, or any synonyms
4 thereof, is intended to include, and shall embrace, in addition to Defendant, counsel for such
5 Defendant, and all of Defendant's agents, servants, employees, representatives, investigators, and
6 others who are in the possession of, or who may have obtained, information for, or on behalf of,
7 Defendant.

8 D. As used throughout these Requests, the term "person," or its plural, or any
9 synonyms thereof, is intended to include, and shall embrace, any individual, partnership,
10 corporation, company, association, government agency (whether federal, state, local or any
11 agency of the government of a foreign country), or any other entity.

12 E. As used throughout these Requests, the term "communication," its plural, or any
13 synonyms thereof, is intended to include, and shall embrace, all written communications, and
14 with respect to all communications, shall include, but is not limited to, every discussion,
15 conversation, conference, meeting, interview, telephone call, or doctor or other professional
16 service visit.

17 F. (1) As used throughout these Requests, the terms "identify," "identity," or
18 "identification," their plural, or any synonyms thereof, when used with reference to a person,
19 shall mean to state the full name and address and, where applicable, the present position and
20 business, if known, and each prior position and business.

21 (2) As used throughout these Requests, the terms "identify," "identity," or
22 "identification," their plural, or any synonyms thereof, when used with reference to a document
23 or object, mean to state:
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(a) The general nature of the document or object, *i.e.*, whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, *etc.*;

(b) The general subject matter of the document or object;

(c) The name, current or last-known business address, and the home address of (i) the original author or draftsman (and, if different, the signor or signors), and (ii) of any person who has edited, corrected, revised, or amended a document or object, or who has entered any initials or comment or notation thereon;

(d) The document or object's date, including any date of any editing, correcting, amending, or revising of the document or object;

(e) Any numerical designation appearing thereon, such as a file reference;

(f) The name of each recipient of a copy of the document or object; and

(g) The place where, and the person now having custody or control of, each such document or object, or, if such document or object has been destroyed, the place of, and reasons for, such destruction.

(3) As used throughout these Requests, the terms "identify," "identity," and "identification," when used in reference to a communication, mean to state, with respect to each communication, the nature of the communication (telephone call, letter, etc.), the date of the communication, the persons who were present for, or participated in, the communication, or with

1 whom, or from whom, the communication was made, and the substance of the statement made
2 by each person involved in such communication.

3 G. All information is to be divulged which is in Defendant's possession or control, or
4 can be ascertained upon reasonable investigation of areas within your control. The knowledge of
5 Defendant's attorney is deemed to be Defendant's knowledge, so that, apart from privileged
6 matters, if Defendant's attorney has knowledge of the information sought to be elicited herein,
7 said knowledge must be incorporated into these answers, even if such information is unknown to
8 Defendant individually.

9 H. Whenever you are unable to state an answer to these Requests based upon your
10 own personal knowledge, please so state, and identify the person or persons you believe to have
11 such knowledge, what you believe the correct answer to be, and the facts upon which you base
12 your answer.

13 I. When a Request calls for an answer in more than one part, each part should be
14 separated so that the answer is clearly understandable.

15 J. Each Request should be construed independently. No Request should be
16 construed by reference to any other Request, if the result is a limitation of the scope of the
17 answer to such Request.

18 K. "And" and "or" shall be construed disjunctively or conjunctively, as necessary, in
19 order to bring within the scope of the Request any and all responses which might otherwise be
20 construed to be outside of its scope without the use of "and" and/or "or".

21 L. If a Request is objected to, in whole or in part, or if information responsive to a
22 Request is withheld, on the ground of privilege or otherwise, please set forth fully each
23
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1 objection, describe generally the information which is withheld, and set forth the facts upon
2 which Defendant relies as the basis for each such objection.

3 M. Pursuant to NRCP 26(e), you shall supplement your responses according to the
4 following:

5 (1) A party is under a duty reasonably to supplement his or her response with
6 respect to any question directly addressed to that party regarding, among other things, (a) the
7 identity and location of persons having knowledge of discoverable matters, and (b) the identity
8 of each person expected to be called as an expert witness at trial, the subject matter on which he
9 or she is expected to testify, and the substance of his or her testimony.

10 (2) A party is under a duty reasonably to amend a prior response if he or she
11 obtains information upon the basis of which (a) he or she knows that the prior response was
12 incorrect when made, and (b) he or she knows that the prior response, though correct when
13 made, is no longer true and the circumstances are such that a failure to amend the response is, in
14 substance, a knowing concealment.

15 N. For each item or category set forth in a request for inspection, your response must
16 either state that inspection and related activities will be permitted as requested or, instead, state
17 the ground for objecting to the request, with specificity. You may state that you will produce
18 copies of the documents or electronically stored information instead of permitting inspection, but
19 the production must be completed no later than the time for inspection specified in the request or
20 another reasonable time specified in the response. Any objection to a request to permit
21 inspection must state whether any responsive materials are being withheld on the basis of that
22 objection. If you are objecting to only part of a request, you must specify which party you are
23 objecting to and permit inspection of the remainder of the request.

1 O. When responding to a request to produce documents, you must produce the
2 documents exactly as they are kept in the usual course of business or organize them and label
3 them to correspond to the categories provided in the request to which you are responding. If
4 your responsive documents would be unduly burdensome for you to match with the categories in
5 the specific request, you must clearly identify which documents are being produced in response
6 to the categories in the request or clearly organize and label the documents so that they clearly
7 correspond to the categories in the request.

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

12 (1) E-MAILS: With respect to any and all responsive e-mail messages,
13 produce them in their native, electronic format, including without limitation “.pst” files for
14 Microsoft Outlook e-mail messages and “.nst” files for Lotus Outlook e-mail messages.

15 (2) SPREADSHEETS: With respect to any and all responsive spreadsheets,
16 produce them in their native, electronic format, including without limitation “.xls” files for
17 Microsoft Excel spreadsheets.

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

22 Q. When responding to a request to produce electronically stored information, you
23 must produce that information in the format(s) (*e.g.*, PDF format) in which it is ordinarily
24

1 maintained or in a reasonably usable format, unless Plaintiff’s request specifies a particular
2 format. You do not need to produce the same electronically stored information in more than one
3 format.

4 R. As used throughout these Requests, unless the context of the specific Request
5 requires otherwise, the term “copy” means any legible copy, whether that copy is in physical or
6 electronic form (*e.g.*, PDF). You do not need to produce the requested copy in more than one
7 format.

8 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 **REQUEST NO. 138:**

10 Please produce copies of all documents that relate to any trip you took outside the United
11 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
12 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
13 ticket receipts, and so forth.

14 **REQUEST NO. 139:**

15 Please produce copies of all documents that relate to any trip you took inside the United
16 States related to raising funds for the Front Sight project. This includes, but is not limited to, all
17 communications, internal or external, related to the travel, hotel receipts, meal receipts, plane
18 ticket receipts, and so forth.

19 **REQUEST NO. 140:**

20 Please produce copies of any and all documents that show or relate to work you actually
21 completed in furtherance of raising immigrant investor funds for the Front Sight project.

22 ///

23 ///

1 **REQUEST NO. 141:**

2 Please produce copies of any and all documents relating to your communications with
3 Professor Sean Flynn related to any economic study he has prepared related to the Front Sight
4 project, including any and all documents provided by you to Professor Flynn for said study.

5 **REQUEST NO. 142:**

6 Please produce copies of all documents that demonstrate the Defendants advised Front
7 Sight, before entering into the engagement letter dated February 14, 2013, that Front Sight would
8 have to use its own funds/profits to finish the Project.

9 **REQUEST NO. 143:**

10 Please produce copies of all documents that demonstrate the Defendants advised Front
11 Sight, before entering into the Construction Loan Agreement dated October 6, 2016, that Front
12 Sight would have to use its own funds/profits to finish the Project.

13 DATED this 1st day of November, 2019.

14 **ALDRICH LAW FIRM, LTD.**

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 1st day of November, 2019, I caused the foregoing
3 **PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
4 **TO DEFENDANT LINDA STANWOOD** to be electronically served with the Clerk of the
5 Court using Wiznet which will send notification of such filing to the email addresses denoted on
6 the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the
7 Electronic Mail Notice List, to the following parties:

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

13 C. Keith Greer, Esq.
14 17150 Via del Campo, Suite 100
15 San Diego, CA 92127
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,
16 JON FLEMING and LINDA STANWOOD*

17
18 /s/ T. Bixenmann
19 An employee of ALDRICH LAW FIRM, LTD.
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Plaintiff **Front Sight Management LLC**

John P. Aldrich
Retained
702-863-5490(W)

Trustee **Piazza, Ignatius**

John P. Aldrich
Retained
702-863-5490(W)

Trustee **Piazza, Jennifer**

John P. Aldrich
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702-863-5490(W)

EVENTS & ORDERS OF THE COURT

11/21/2019 **All Pending Motions** (1:15 PM) (Judicial Officer Williams, Timothy C.)

Minutes

11/21/2019 1:15 PM

- APPEARANCES CONTINUED: Michael Meacher, representative of Front Sight, also present. PLTF'S MOTION FOR SANCTIONS RE: FULL ACCOUNTING AND SPOILIATION Arguments by Mr. Aldrich and Mr. Greer. Court FINDS no evidence of marketing and matter unclear under current status of the case; therefore, ORDERED, Motion DENIED. PLTF'S MOTION TO COMPEL AND FOR SANCTIONS RE: SUPPLEMENTAL RESPONSES TO PLTF'S FIRST REQUEST FOR PRODUCTION Arguments by counsel. COURT ORDERED, Pltf. may propound forty (40) requests per party; parties to meet and confer on the requests. FURTHER ORDERED, Status Check SET 11/26/19 regarding the meet and confer and will set further Status Check thereafter. ORDERED, remaining matters on calendar today CONTINUED to time of Status Check. 11/26/19 10:00 AM STATUS CHECK: MEET AND CONFER RE DISCOVERY ISSUES/SETTING FURTHER STATUS CHECK CONTINUED TO: 11/26/19 10:00 AM PLTF'S MOTION TO QUASH SUBPOENAS TO BANK OF AMERICA, NA AND LUCAS HORSFALL, MURPHY & PINDROH, LLP...PLTF'S 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...LVD FUND'S MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND TO APPOINT A RECEIVER...STATUS CHECK: SETTING CONTINUED PRELIMINARY INJUNCTION HEARING AND MOTION FOR PROTECTIVE ORDER

[Parties Present](#)

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Plaintiff Front Sight Management LLC

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EVENTS & ORDERS OF THE COURT

11/26/2019 All Pending Motions (10:00 AM) (Judicial Officer Williams, Timothy C.)

Minutes

11/26/2019 10:00 AM

- STATUS CHECK: MEET AND CONFER RE DISCOVERY ISSUES/SETTING FURTHER STATUS CHECK Ms. Holbert advised progress made with respect to production. Mr. Aldrich advised progress on less difficult items, items not agreed upon not addressed yet, and there has been agreement to supplement. Colloquy regarding setting further status check. COURT ORDERED, Status Check SET 12/5/19. Court stated Mr. Greer may appear telephonically via CourtCall. PLTF'S MOTION TO QUASH SUBPOENAS TO BANK OF AMERICA, NA AND LUCAS HORSFALL, MURPHY PINDROH, LLP Arguments by Mr. Aldrich and Mr. Greer. COURT ORDERED, Motion DENIED due to benefits and burdens of status quo with respect to the construction loan agreement. Mr. Greer requested subpoena compliance within ten (10) days and will submit the proposed order today. Mr. Aldrich advised no objection to the time period. COURT FURTHER ORDERED, subpoena compliance DUE within ten (10) days. STATUS CHECK: SETTING CONTINUED PRELIMINARY INJUNCTION HEARING AND MOTION FOR PROTECTIVE ORDER Colloquy regarding further testimony and possible Rule 65 consolidation. Court stated will discuss further scheduling at the 12/5/19 Status Check in light of anticipated minute order decision on temporary restraining order issue. PLAINTIFF'S 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...LVD FUND'S MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER AND TO APPOINT A RECEIVER Matters taken under advisement. CONTINUED TO: 12/5/19 9:30 AM STATUS CHECK: MEET AND CONFER RE DISCOVERY ISSUES/SETTING FURTHER STATUS CHECK..STATUS CHECK: SETTING CONTINUED PRELIMINARY INJUNCTION HEARING AND MOTION FOR PROTECTIVE ORDER

[Parties Present](#)

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A-18-781084-B

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 27, 2019

A-18-781084-B Front Sight Management LLC, Plaintiff(s)
vs.
Las Vegas Development Fund LLC, Defendant(s)

**November 27, 2019 9:42 AM Minute Order re: LVD Fund's Motion to Dissolve
Temporary Restraining Order and to Appoint a
Receiver**

HEARD BY: Williams, Timothy C.

COURTROOM: Chambers

COURT CLERK: Christopher Darling

JOURNAL ENTRIES

After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

The first allegation of breach focuses on the alleged misuse of loan proceeds by Plaintiff/Counter-Defendant, Front Sight Management, LLC (Front Sight). However, Front Sight, in opposition to Defendant/Counter-Claimant Las Vegas Development Fund, LLC's (LV Development) Motion to Dissolve the TRO and Appoint a Receiver, supplied exhibits to establish project cost and expenditures which exceed the loan amounts advanced by LV Development. In addition, four (4) paragraphs in the Construction Loan Agreement relate to loan proceeds and permit the borrower to utilize its best judgment and discretion to allocate loan proceeds based on real estate market conditions, pay off existing liens on the land, and reimbursement of the borrower for hard and soft costs related to construction, development and operation of the project.

As to the second alleged default by Front Sight regarding the failure to provide government approved plans, there appears to be a question of fact as to what extent and for what purpose EB-5 loan proceeds may be applied towards a construction project, according to Front Sight expert Catherine DeBono Holmes.

On the third allegation of default, there appears to be a question of fact as to whether material delays in construction or the failure to complete the project result in a default under the construction loan agreement.

PRINT DATE: 11/27/2019

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Minutes Date: November 27, 2019

On the fourth alleged default, pertaining to the reduction in the size of the Patriot Pavillion, it appears that the size of the classroom was reduced but not the overall size of the facility and which creates an issue of fact as to breach. Additionally, the Court has considered the fifth through thirteenth allegations of breach and concluded there are additional material issues of fact that preclude the Court from ruling, as a matter of law, that Plaintiff is in breach of the construction Loan Agreement.

Consequently, the court shall DENY Defendant/Counter- Claimant Las Vegas Development Fund LLC's Motion to Dissolve Temporary Restraining Order and to Appoint a Receiver.

Counsel for Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

Plaintiff **Front Sight Management LLC**

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EVENTS & ORDERS OF THE COURT

12/05/2019 **All Pending Motions** (9:30 AM) (Judicial Officer Williams, Timothy C.)

Minutes

12/05/2019 9:30 AM

- STATUS CHECK: SETTING CONTINUED PRELIMINARY INJUNCTION HEARING AND MOTION FOR PROTECTIVE ORDER...STATUS CHECK: MEET AND CONFER RE DISCOVERY ISSUES/SETTING FURTHER STATUS CHECK Colloquy regarding rescheduling matter for participation by Mr. Greer. COURT ORDERED, today's matters CONTINUED to 12/11/19. CONTINUED TO: 12/11/19 11:00 AM STATUS CHECKS (2)

[Parties Present](#)

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