

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 10:52 a.m.
Elizabeth A. Brown
Dist. Ct. Case No: A-18-781084-B
Clerk of Supreme Court

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PETITION FOR EXTRAORDINARY WRIT RELIEF

PETITIONER'S APPENDIX

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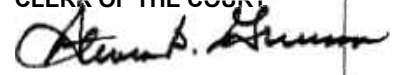
Notice of Entry of Order on Plaintiff's Motion for Preliminary Injunction (01/17/2019)	II	00395-00399
Notice of Entry of Order on Plaintiff's Motion to Disqualify C. Keith Greer as Attorney of Record for Defendants (01/25/2019)	II	00410-00415
Notice of Entry of Order on Plaintiff's Petition for Appointment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

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

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

1	Reporter's Transcript of Motion (Preliminary	V	00743-00966
2	Injunction Hearing) (06/03/2019)		
3	Reporter's Transcript of Motions (Defendants'	XIII	02602-02789
4	Motions to Quash Subpoena to Wells Fargo Bank,		
5	Signature Bank, Open Bank and Bank of Hope)		
6	(10/09/2019)		
7	Reporter's Transcript of Preliminary Injunction	VI	01167-01218
8	(07/23/2019)		
9	Reporter's Transcript of Preliminary Injunction	VI	00984-01166
10	Hearing (07/22/2019)		
11	Second Amended Complaint (01/04/2019)	II	00179-00394
12	Second Supplement to Motion to Compel and for	XVII	03566-03640
13	Sanctions (11/18/2019)		
14	Supplement to Motion to Compel and for Sanctions	XVI	03269-03402
15	(11/15/2019)	XVII	03403-03549
16	Supplemental Declaration of Defendant Robert	I	00153-00176
17	Dziubla in Support of Defendants' Opposition to		
18	Plaintiff's Renewed Motion for an Accounting		
19	Related to Defendants Las Vegas Development		
20	Fund LLC and Robert Dziubla and for Release of		
21	Funds (12/03/2018)		
22			
23			
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13 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,
EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,
14 JON FLEMING and LINDA STANWOOD

15
16 **EIGHTH JUDICIAL DISTRICT COURT**
17 **CLARK COUNTY, STATE OF NEVADA**

18 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,
19
Plaintiff,
20
v.

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

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

NOTICE OF ENTRY OF ORDER
GRANTING IN PART AND
DENYING IN PART
DEFENDANTS' MOTION TO
QUASH SUBPOENAS TO NON-
PARTIES EMPYREAN WEST,
JAY CARTER and
DAVID KELLER

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*; Case No.: A-18-781084-B Dept. No.: XVI
28 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO**
QUASH SUBPOENAS TO NON-PARTIES EMPYREAN WEST, JAY CARTER and DAVID KELLER

1 LLC; LINDA STANWOOD, individually and)
2 as Senior Vice President of LAS VEGAS)
3 DEVELOPMENT FUND LLC and EB5)
4 IMPACT ADVISORS LLC; CHICAGO)
5 TITLE COMPANY, a California corporation;)
6 DOES 1-10, inclusive; and ROE)
7 CORPORATIONS 1-10, inclusive,)
8 Defendants.

and related Cross-Claims.

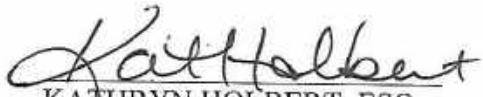
9 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND**
10 **DENYING IN PART DEFENDANTS' MOTION TO QUASH**
11 **SUBPOENAS TO NON-PARTIES EMPYREAN WEST, JAY CARTER**
12 **and DAVID KELLER**

13 PLEASE TAKE NOTICE THAT on the 3rd day of December, 2019, an Order Granting in Part
14 and Denying in part Defendants' Motions to Quash Plaintiff's Subpoenas to Non-Parties
15 Empyrean West, Jay Carter and David Keller was entered on the Court docket regarding the
16 above referenced case.

17 A copy of said Order is attached hereto as Exhibit A.

18 DATED this 6th day of December, 2019.

FARMER CASE & FEDOR



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

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*
28 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO
QUASH SUBPOENAS TO NON-PARTIES EMPYREAN WEST, JAY CARTER and DAVID KELLER**

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

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

4 **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND**
5 **DENYING IN PART DEFENDANTS' MOTION TO QUASH**
6 **SUBPOENAS TO NON-PARTIES EMPYREAN WEST, JAY CARTER**
7 **and DAVID KELLER**

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

9 John P. Aldrich, Esq. Attorneys for Plaintiff
10 Catherine Hernandez, Esq. FRONT SIGHT MANAGEMENT, LLC
ALDRICH LAW FIRM, LTD.
11 1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146

12 By:

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

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

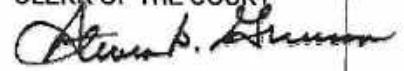
18 **FACSIMILE:** I caused said document(s) to be transmitted by facsimile transmission. The
19 sending facsimile machine properly issued a transmission report confirming that the transmission
was complete and without error.

20 Dated: December 10, 2019

21
22 
23 An Employee of FARMER CASE & FEDOR

EXHIBIT A

EXHIBIT A



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

15
16 **EIGHTH JUDICIAL DISTRICT COURT.**
17 **CLARK COUNTY, STATE OF NEVADA**

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

v.

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

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

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS MOTIONS TO
QUASH PLAINTIFF'S
SUBPOENAS TO
NON-PARTIES EMPYREAN
WEST, JAY CARTER
and DAVID KELLER

Hearing Date: October 09, 2019
Hearing Time: 9:30 a.m.

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*
28 **ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS MOTIONS TO QUASH PLAINTIFF'S**
SUBPOENAS TO NON-PARTIES EMPYREAN WEST, JAY CARTER and DAVID KELLER

1 LLC; LINDA STANWOOD, individually and)
2 as Senior Vice President of LAS VEGAS)
3 DEVELOPMENT FUND LLC and EB5)
4 IMPACT ADVISORS LLC; CHICAGO)
5 TITLE COMPANY; a California corporation;)
6 DOES 1-10, inclusive; and ROE)
7 CORPORATIONS 1-10, inclusive,)
8 Defendants.)

9 and related Cross-Claims.)

10
11 **ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'**
12 **MOTIONS TO QUASH PLAINTIFF'S SUBPOENAS TO NON-PARTIES**
13 **EMPYREAN WEST, JAY CARTER and DAVID KELLER**

14 This matter having come before the Court on October 9, 2019 at 9:30 a.m. on
15 Defendants' Motions to Quash Plaintiff's Subpoenas to Non-Parties Empyrean West, Jay Carter
16 and David Keller. John Aldrich, Esq. with Aldrich Law Firm, Ltd., personally appearing on
17 behalf of Plaintiff; Keith Greer, Esq. with Greer and Associates and Kathryn Holbert, Esq. with
18 Farmer Case and Tedor personally appearing on behalf of Defendants and Mr. Robert Dziubla in
19 his personal capacity and on behalf of the entity Defendants; the Court having reviewed the
20 pleadings and having heard arguments by counsel hereby finds that Plaintiffs are entitled to
21 certain information which may be in the possession of non-parties Empyrean West, Jay Carter
22 and David Keller. However, Defendants may be entitled to a protective order regarding certain
23 documents which may be in the possession of non-parties Empyrean West, Jay Carter and David
24 Keller. The court further finds that the parties' competing interests in this issue cannot be
25 resolved until the documents which are in the possession of non-parties Empyrean West, Jay
26 Carter and David Keller are produced and reviewed by counsel and/or the Court.

1 **Based upon the above Findings of Fact IT IS HEREBY ORDERED** that Defendants'
2 Motions to Quash Subpoenas and/or Motion for Protective Orders regarding non-parties
3 Empyrean West, Jay Carter and David Keller are Granted in part and Denied in part, and the
4 Court is issuing a Protective Order regarding the subpoenas to non-parties Empyrean West, Jay
5 Carter and David Keller; to wit:

- 6
7 1. Plaintiff is hereby authorized to issue its proposed Subpoenas Duces Tecum to
8 non-parties Empyrean West, Jay Carter and David Keller.
- 9 2. Such Subpoenas shall instruct non-parties Empyrean West, Jay Carter and
10 David Keller to produce the requested documents to Plaintiff's counsel in a
11 double sealed package.
- 12 3. Plaintiff's counsel shall meet and confer with Defendants' counsel to arrange
13 a time and place to open the package or packages of documents from non-
14 parties Empyrean West, Jay Carter and David Keller and review the
15 documents produced by non-parties Empyrean West, Jay Carter and David
16 Keller.
- 17 4. Before any documents produced by Empyrean West, Jay Carter or David
18 Keller are produced to any party to this litigation or used by any party in the
19 litigation, there shall either be a written agreement between counsel regarding
20 the use of such documents or a further order of this court pursuant to a
21 supplemental motion for protective order.

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27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*, Case No.: A-18-781084-B Dept. No.: XVI
28 **ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS MOTIONS TO QUASH PLAINTIFF'S
 SUBPOENAS TO NON-PARTIES EMRYREAN WEST, JAY CARTER and DAVID KELLER**

1 Any and all documents produced by non-parties Empryan West, Jay Carter and David
2 Keller shall be treated, as attorneys' eyes only until such time as a stipulation is reached or there
3 is a further order of this court.

4 **IT IS SO ORDERED.**

5 DATED this 22nd day of NOV. ~~October~~, 2019.


DISTRICT COURT JUDGE

A-18-781084-B

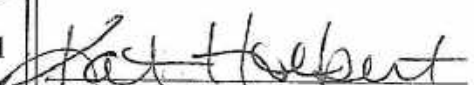
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8 Respectfully submitted by:

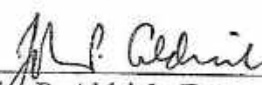
Approved as to form and content:

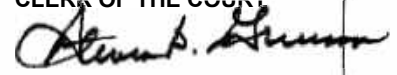
9 **FARMER CASE & FEDOR**

ALDRICH LAW FIRM, LTD.

11 
12 Kathryn Holbert, Esq.
13 Nevada Bar No. 10084
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15 *Attorneys for Defendants LAS VEGAS*
16 *DEVELOPMENT FUND LLC, EB5 IMPACT*
17 *CAPITAL REGIONAL CENTER LLC, EB5*
18 *IMPACT ADVISORS LLC, ROBERT W.*
19 *DZIUBLA, JON FLEMING and LINDA*
20 *STANWOOD*


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Catherine Hernandez, Esq.
Nevada Bar No. 8410
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Attorneys for Plaintiff FRONT SIGHT
MANAGEMENT LLC



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

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

28 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,

Plaintiff,

v.

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

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

NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS'
MOTION TO QUASH
PLAINTIFF'S SUBPOENAS TO
NON-PARTY BANKS

Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI
NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO QUASH
PLAINTIFF'S SUBPOENAS TO NON-PARTY BANKS

1 LLC; LINDA STANWOOD, individually and)
2 as Senior Vice President of LAS VEGAS)
3 DEVELOPMENT FUND LLC and EB5)
4 IMPACT ADVISORS LLC; CHICAGO)
5 TITLE COMPANY, a California corporation;)
6 DOES 1-10, inclusive; and ROE)
7 CORPORATIONS 1-10, inclusive,)
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9 Defendants.)
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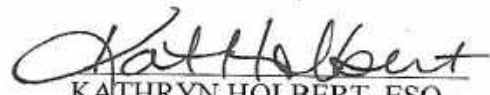
11 and related Cross-Claims.
12

13
14 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION**
15 **TO QUASH PLAINTIFF'S SUBPOENAS TO NON-PARTY BANKS**

16 PLEASE TAKE NOTICE THAT on the 3rd day of December, 2019, an Order Granting
17 Defendants' Motions to Quash Plaintiff's Subpoenas to Non-Party Banks was entered on the
18 Court docket regarding the above referenced case.
19

20 A copy of said Order is attached hereto as Exhibit A..

21 DATED this 6th day of December, 2019. FARMER CASE & FEDOR

22 

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Attorney 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):

NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTIONS TO QUASH SUBPOENAS TO NON-PARTY BANKS

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.

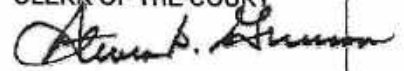
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Dated: December 10, 2019


An Employee of FARMER CASE & FEDOR

EXHIBIT A

EXHIBIT A



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25 JON FLEMING and LINDA STANWOOD

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

28 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,

Plaintiff,

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

v.

29 LAS VEGAS DEVELOPMENT FUND LLC,
30 a Nevada Limited Liability Company, EB5
31 IMPACT CAPITAL REGIONAL CENTER
32 LLC, a Nevada Limited Company, EB5
33 IMPACT ADVISORS LLC, a Nevada
34 Limited Liability Company; ROBERT W.
35 DZIUBLA, individually and as President and
36 CEO of LAS VEGAS DEVELOPMENT
37 FUND LLC and EB5 IMPACT ADVISORS
38 LLC; JON FLEMING, individually and as an
agent of LAS VEGAS DEVELOPMENT
FUND LLC and EB5 IMPACT ADVISORS
LLC; LINDA STANWOOD, individually and

ORDER GRANTING COUNTER
DEFENDANTS' MOTIONS TO
QUASH PLAINTIFF'S
SUBPOENAS TO
NON-PARTY BANKS

Hearing Date: October 09, 2019
Hearing Time: 9:30 a.m.

Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI

ORDER GRANTING DEFENDANTS MOTIONS TO QUASH SUBPOENAS TO NON-PARTY BANKS

NOV 21 2019

1 as Senior Vice President of LAS VEGAS
2 DEVELOPMENT FUND LLC and EB5
3 IMPACT ADVISORS LLC; CHICAGO
4 TITLE COMPANY, a California corporation;
5 DOES 1-10, inclusive; and ROE
6 CORPORATIONS 1-10, inclusive,

Defendants.

and related Cross-Claims.

7
8 **ORDER GRANTING DEFENDANTS' MOTIONS TO QUASH**
9 **PLAINTIFF'S SUBPOENAS TO NON-PARTY BANKS**

10 This matter having come before the Court on October 9, 2019 at 9:30 a.m. on
11 Defendants' Motions to Quash Plaintiff's Subpoenas to Non-Parties Signature Bank, Bank of
12 Hope, Open Bank and Wells Fargo Bank. John Aldrich, Esq. with Aldrich Law Firm, Ltd.,
13 personally appearing on behalf of Plaintiff; Keith Greer, Esq. with Greer and Associates and
14 Kathryn Holbert, Esq. with Farmer Case and Fedor personally appearing on behalf of Defendants
15 and Mr. Robert Dziubla present in his personal capacity and on behalf of the entity Defendants;
16 the Court having reviewed the pleadings and having heard arguments by counsel and pursuant to
17 the findings of facts as were set forth on the record;

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19 ///

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23 ///


24 ///

25 ///

1 **IT IS HEREBY ORDERED** that Defendant Motions to Quash Plaintiff's Subpoena to
2 Open Bank; Plaintiff's Subpoena to Signature Bank; Plaintiff's Subpoena to Bank of Hope and
3 Plaintiff's Subpoena to Wells Fargo Bank are each GRANTED.

4 **IT IS SO ORDERED.**

5 DATED this 22 day of ^{NOV.} ~~October~~, 2019.

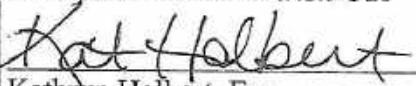

6 **DISTRICT COURT JUDGE**
7 A-18-781084-B
8 Dept 16

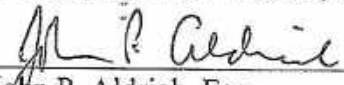
9 Respectfully submitted by:

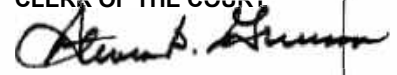
Approved as to form and content:

10 **FARMER CASE & FEDOR**

ALDRICH LAW FIRM, LTD.

11 
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15 Attorneys for Defendants LAS VEGAS
DEVELOPMENT FUND LLC, EB5 IMPACT
16 CAPITAL REGIONAL CENTER LLC, EB5
IMPACT ADVISORS LLC, ROBERT W.
17 DZIUBLA, JON FLEMING and LINDA
STANWOOD


18 John P. Aldrich, Esq.
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23 Tel: (702) 853-5490
24 Fax: (702) 227-1975
25 Attorneys for Plaintiff FRONT SIGHT
26 MANAGEMENT LLC



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2 ANTHONY T. CASE, ESQ.
3 Nevada Bar No. 6589
4 tcase@farmercase.com
5 KATHRYN HOLBERT, ESQ.
6 Nevada Bar No. 10084
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21 Attorneys for Defendants
22 LAS VEGAS DEVELOPMENT FUND LLC,
23 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,
24 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,
25 JON FLEMING and LINDA STANWOOD

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

28 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,

Plaintiff,

v.

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

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

**NOTICE OF ENTRY OF
STIPULATION AND ORDER
REGARDING EXHIBIT**

Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI

1 as Senior Vice President of LAS VEGAS
2 DEVELOPMENT FUND LLC and EB5
3 IMPACT ADVISORS LLC; CHICAGO
4 TITLE COMPANY, a California corporation;
5 DOES 1-10, inclusive; and ROE
6 CORPORATIONS 1-10, inclusive,

Defendants.

and related Cross-Claims.

8 **NOTICE OF ENTRY OF STIPULATION AND ORDER**
9 **REGARDING EXHIBIT**

10 PLEASE TAKE NOTICE THAT on the 3rd day of December, 2019, a Stipulation and
11 Order Regarding Exhibit was entered on the Court docket regarding the above referenced case.

12 A copy of said Order is attached hereto as Exhibit A.

13 DATED this 6th day of December, 2019.

FARMER CASE & FEDOR

14
15 

16 KATHRYN HOLBERT, ESQ.
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kholbert@farmercase.com
19 Attorney for Defendants
LAS VEGAS DEVELOPMENT FUND
20 LLC., EB5 IMPACT CAPITAL REGIONAL
CENTER, LLC, EB6 IMPACT ADVISORS,
21 LLC, ROBERT W. DZIUBLA, JON
FLEMING and LINDA STANWOOD

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

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

4 **NOTICE OF ENTRY OF STIPULATION AND ORDER**
5 **REGARDING EXHIBIT**

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

7
8 John P. Aldrich, Esq. Attorneys for Plaintiff
Catherine Hernandez, Esq. FRONT SIGHT MANAGEMENT, LLC
9 ALDRICH LAW FIRM, LTD.
10 1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146

11 By:

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

14 ■ **U.S. MAIL:** I deposited a true and correct copy of said document(s) in a sealed, postage
15 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.

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

18 Dated: December 6th, 2019


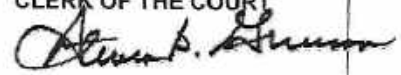
19
20
21 
22 An Employee of FARMER CASE & FEDOR
23
24
25
26
27

EXHIBIT A

EXHIBIT A



1 SAO
ANTHONY T. CASE, ESQ.
2 Nevada Bar No. 6589
tcase@farmercase.com
3 KATHRYN HOLBERT, ESQ.
Nevada Bar No. 10084
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8 C. KEITH GREER, ESQ.
Cal. Bar. No. 135537 (*Pro Hac Vice*)
Keith.greer@greerlaw.biz
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Telephone: (858) 613-6677
11 Facsimile: (858) 613-6680

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

15
16 **EIGHTH JUDICIAL DISTRICT COURT**
17 **CLARK COUNTY, STATE OF NEVADA**

18 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,
19 Plaintiff,

20 v.

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

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

STIPULULATION and ORDER
REGARDING EXHIBIT

NOV 21 2019

1 as Senior Vice President of LAS VEGAS
2 DEVELOPMENT FUND LLC and EB5
3 IMPACT ADVISORS LLC; CHICAGO
4 TITLE COMPANY, a California corporation;
DOES 1-10, inclusive; and ROE
CORPORATIONS 1-10, inclusive,

Defendants.

6 **STIPULATION and ORDER REGARDING EXHIBIT**

7 **IT IS HEREBY STIPULATED AND AGREED**, by and between the Plaintiff and
8 Defendants, that whereas the parties noticed during the course of the continued evidentiary
9 hearing on September 20, 2019, that the copy of the February 14, 2013 Engagement Letter which
10 was admitted into evidence as Exhibit 6 in the currently pending preliminary injunction
11 evidentiary hearing is not the version of the document signed by Ignatius Piazza.
12

13 The parties hereby stipulate and agree to substitute the version that was signed by Ignatius
14 Piazza, a copy of which is attached hereto as Exhibit A, for the document that had been admitted
15 as Exhibit 6 in the evidentiary hearing.

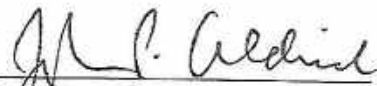
16 No party waives, and all parties hereby specifically reserve, any and all other rights,
17 defenses and legal arguments they may have regarding such document.

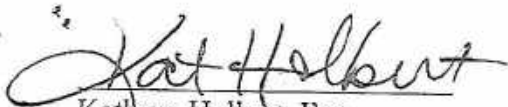
18 Dated this 20th day of ~~September~~ ^{November}, 2019

Dated this 21st day of ~~September~~ ^{Nov}, 2019

20 ALDRICH LAW FIRM, LTD

FARMER CASE & FEDOR

21 
22 John P. Aldrich, Esq.
23 Nevada Bar No. 6877
24 7866 West Sahara Ave.
25 Las Vegas, Nevada 89117
Attorney for Plaintiff

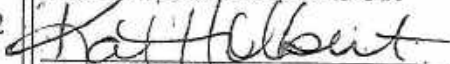
21 
22 Kathryn Holbert, Esq.
23 Nevada Bar No. 10084
24 2190 E Pebble Rd., Suite #205
25 Las Vegas, Nevada 89123
Attorney for Defendants

ORDER

IT IS HEREBY ORDERED, pursuant to the above and foregoing stipulation of the parties, that the fully signed copy of the February 14, 2013 Engagement Letter which was attached hereto as Exhibit A, shall be substituted for Exhibit 6 to Plaintiff's second amended complaint and shall also be substituted for Exhibit 6 in the currently pending preliminary injunction evidentiary hearing.

DATED this 25th day of NOV., 2019.


DISTRICT COURT JUDGE
CASE NO.: A-18-781084-B
DEPT NO.: XVI

Submitted by:
FARMER CASE & FEDOR

KATHRYN HOLBERT, ESQ.
Nevada Bar No. 10084
kholbert@farmercase.com
FARMER CASE & FEDOR
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Facsimile: (702) 739-3001
Attorneys for Defendants
LAS VEGAS DEVELOPMENT FUND LLC
and RELATED ENTITIES and INDIVIDUALS

CS

EXHIBIT A

EXHIBIT A

EB5 Impact Advisors LLC

EB5 IMPACT ADVISORS LLC
916 SOUTHWOOD BOULEVARD, SUITE 1G
P.O. BOX 3003
INCLINE VILLAGE, NEVADA 89450

Telephone: (858) 699-4367
Facsimile: (858) 699-4367

February 14, 2013

By Email

Mr. Mike Meacher
Chief Operating Officer
Front Sight Management Inc.
7975 Cameron Drive, #900
Windsor, CA 95492

Re: EB-5 debt financing of \$75m for Front Sight

Dear Mike:

This letter agreement will confirm the discussions that we have had with you and Ignatius Piazza, the owner of Front Sight, over the past few months about our raising \$75 million of debt financing for Front Sight to expand its operations through the EB-5 immigrant investor program supervised by the US Customs & Immigration Service (USCIS) (the "Financing"). The expansion includes building 100 timeshare units; 200 RV pads and supporting facilities such as a clubhouse and swimming pool; a combined conference, retail and restaurant center; and related infrastructure as part of the over-all expansion of Front Sight's current training facility located in Pahrump, Nevada (the "Project").

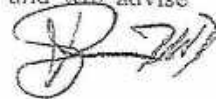
A summary of indicative terms for the Financing is attached as Schedule A. The projected budget and timeline for this transaction are attached as Schedule B; the parties acknowledge and agree that the budget and timelines are the best current estimates for both and that they may change in response to actions by USCIS and market conditions.

The Company hereby engages EB5 Impact Advisors LLC ("EB5IA"), as the Company's exclusive financial advisor with respect to the Financing, and EB5IA accepts such engagement.

Scope of Assignment; Services

As Financial Advisor to the Company, EB5IA will perform the following services (the "Services"):

- (a) EB5IA will promptly engage Baker & McKenzie as its legal counsel to establish the "EB5 Impact Capital Regional Center" ("RC") approved by USCIS to cover at a minimum Nye County, Nevada, and to have approved job codes that will encompass the Project. EB5IA shall also engage a business plan writer and an economist (Professor Sean Flynn) to prepare the business plan and economic impact analysis for both the RC and the Project as the exemplar transaction for the RC;
- (b) Advise the Company on the appropriate markets in which to obtain the contemplated Financing, especially China;
- (c) EB5IA will assist the Company in making appropriate presentations to relevant parties concerning the contemplated Financing, and will prepare an offering memorandum for the Financing (the "Memorandum"). The Company shall approve the Memorandum prior to its use and will advise



EB5IA in writing that it has so approved the Memorandum and that the Company represents to EB5IA that the Memorandum does not contain any untrue statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein not misleading; provided however, that the Company need not make any representation with respect to (i) matters specified in the Memorandum that are based on a source other than the Company or (ii) any projections as to the Company's financial results, other than that the projections were prepared in good faith and with a good faith belief in the reasonableness of the assumptions on which the projections were based;

(d) EB5IA will endeavor to obtain commitment(s) for the contemplated Financing that will accomplish the Company's objectives;

(e) If so requested, EB5IA will work with the Company, its counsel and other relevant parties in the structuring, negotiation, documentation and closing of the contemplated Financing; and

(f) EB5IA will render such additional advisory and related services as may from time to time be specifically requested by the Company, and agreed to by EB5IA. If the parties deem it advisable to do so, the scope and fees for any such additional services shall be set forth in an addendum to this Agreement (an "Addendum").

Nothing contained in this Agreement is to be construed as a commitment by EB5IA, its affiliates or its agents to lend to or invest in the contemplated Financing. This is not a guarantee that any such Financing can be procured by EB5IA for the Company on terms acceptable to the Company, or a representation or guarantee that EB5IA will be able to perform successfully the Services detailed in this Agreement.

Certain Obligations of EB5IA

EB5IA is prohibited from making any illegal payment from the fees paid under this engagement letter pursuant to applicable laws, including but not limited to the Foreign Corrupt Practices Act of the United States.

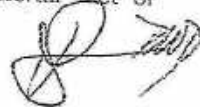
Certain Obligations of the Company

(a) The Company hereby engages EB5IA on an exclusive basis as its Financial Advisor for the Financing.

(b) The Company shall provide full cooperation to EB5IA as may be necessary for the efficient performance by EB5IA of its Services, including but not limited to the following. The Company will:

- (1) Keep EB5IA fully and accurately informed as to the status and progress of all important matters related to the Project and the Financing;
- (2) Respond promptly to EB5IA's suggestions for changes to the indicative terms of the Financing so as to make it more attractive to the EB-5 immigrant investors; and
- (3) Make one or more senior management personnel available to participate in presentations as may be reasonably required;

(c) The Company acknowledges that EB5IA is making no independent investigation of the accuracy or completeness of the information to be included in the Memorandum with regard to the Project and that EB5IA makes no representation or warranty with respect thereto. Furthermore, the Company agrees to advise EB5IA immediately of the occurrence of any event or any other change known to the Company which results in the Memorandum containing an untrue statement of a material fact or



omitting to state a material fact required to be stated therein or necessary to make the statements contained therein not misleading.

Compensation

(a) Fee. The Company shall pay EB5IA a total fee of \$36,000 as per the attached budget, which fee will be offset against the first interest payments made on the Financing. Each payment due EB5IA shall be paid promptly by check or by wire transfer of next-day funds into such bank account(s) as are nominated by EB5IA.

(b) If the Company accepts a term sheet or letter of intent for the Financing substantially on the terms of Schedule A and then refuses to complete the Financing transaction, the Company shall pay EB5IA a break-up fee equal to 2% of the Financing amount.

Right of First Refusal for Refinancing

EB5IA shall have the right of first refusal for a period of five (5) years after the completion of the Financing to provide EB-5 immigrant investor financial advisory and placement services for any projects the Company may undertake.

Expenses

The Company will pay for or reimburse EB5IA, as billed periodically, for its expenses, which are detailed to the extent possible as this time on the attached budget, regardless of whether or not the contemplated Financing is completed. If any of such expenses have not previously been reimbursed at the time this Agreement terminates, the Company shall promptly reimburse EB5IA for any such expenses incurred or accrued prior to termination.

Indemnification

In connection with EB5IA's engagement hereunder, the Company and EB5IA mutually agree to indemnify and hold harmless the other party, and its affiliates, the respective directors, partners, officers, agents, representatives and employees of EB5IA and its affiliates and each other person, if any, controlling EB5IA and its affiliates (each an "Indemnified Party") to the full extent lawful, from and against any losses, claims, damages or liabilities (or actions, including shareholder actions, in respect thereof) and will reimburse any Indemnified Party for all costs and expenses (including counsel fees and disbursements) as they are incurred by such Indemnified Party in connection with investigating, preparing or defending any such action or claim, whether or not in connection with pending or threatened litigation in which either party or any other Indemnified Party is a party, caused by or arising out of any transaction contemplated by this Agreement or EB5IA's performing any service contemplated hereunder with regard to the Project. The indemnifying party will not, however, be liable to the extent that any claims, liabilities, losses, damages, costs or expenses of any Indemnified Party are judicially determined by a court of final jurisdiction to have resulted solely from the gross negligence or willful misconduct of such Indemnified Party. In no event shall either party be liable to the other party for any special, consequential or punitive damages arising under or related to this Agreement.

Mr. Mike Meacher
Chief Operating Officer - Front Sight
February 14, 2013
Page 4

EB5 IMPACT ADVISORS

The foregoing agreements shall be in addition to any rights that either party or any Indemnified Party may have at common law or otherwise.

No compromise or settlement by the indemnifying party of any action or proceeding related to the transactions contemplated hereby shall be effective unless it also contains an unconditional release of each Indemnified Party. Notwithstanding anything to the contrary herein, the indemnification obligations under this section shall survive the termination of this Agreement for a period not to exceed the statute of limitations under applicable law.

Termination

The engagement of EB5IA pursuant to this Agreement shall terminate on the earliest of (i) the Financing closing date, or (ii) twenty-four (24) calendar months from the date of this Agreement. This Agreement may be extended if agreed to in writing by both parties.

General Matters

(a) This Agreement sets forth the entire understanding of the parties relating to the subject matter hereof, and supersedes and cancels any prior communications, understanding and agreements between the parties. This Agreement cannot be modified or changed, nor can any of its provisions be waived, except in writing signed by both parties.

(b) The Company acknowledges that EB5IA may carry out its Services hereunder through or in conjunction with one or more consultants or affiliates. The contracting parties, however, shall be and remain the Company and EB5IA.

(c) Any term or condition of this Agreement which is prohibited or unenforceable in any applicable jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof; and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. To the extent permitted by any applicable law, the Company hereby waives any provisions of such applicable law which render any provisions hereof prohibited or unenforceable in any respect.

Governing Law

This Agreement shall be governed by and construed in accordance with the substantive laws of Nevada, excluding choice of law provisions.

If the foregoing is in accordance with your understanding, please confirm your acceptance by signing and returning the enclosed copy of this letter, which upon execution will constitute an agreement between us.

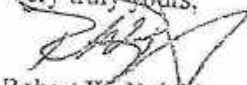


Mr. Mike Meacher
Chief Operating Officer -- Front Sight
February 14, 2013
Page 5

NBS IMPACT ADVISORS

We look forward to working with you on the Services detailed in this Agreement.


Very truly yours,


Robert W. Dziubla
President & CEO

Cc: Mr. Jon Fleming
Professor Sean Flynn

AGREED AND ACCEPTED:

Front Sight Management, Inc.

By: 
Ignatius A. Piazza II
President & Owner

SCHEDULE A

SUMMARY OF INDICATIVE TERMS FOR
EB-5 FINANCING OF FRONT SIGHT TRAINING FACILITY IN PAHRUMP
NEVADA

Borrower: Front Sight Management Inc.

Development Budget/
Capital Stack: 1) \$75m – EB-5 debt financing
2) \$35m – Borrower's equity investment into the Project

Loan amount: \$75m subject to acceptable economic analysis supporting
requisite job creation, i.e. 1,500 direct, indirect and
induced jobs

Term: 5 years with a 2-year extension

Interest rate: 6% per year

Accrual: Interest on the loan will accrue monthly and shall be
payable on the first day of each month. The loan
includes an interest reserve of \$10m.

Expenses: Borrower shall be responsible for payment of lender's
reasonable expenses, which are estimated to be \$277,230
as per the expense budget and timeline attached hereto.

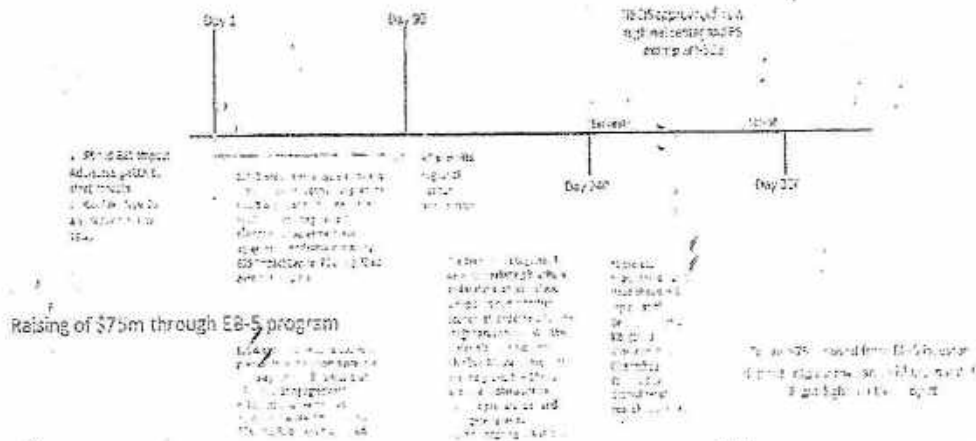
SCHEDULE B

**Budget and Timeline
 (attached)**

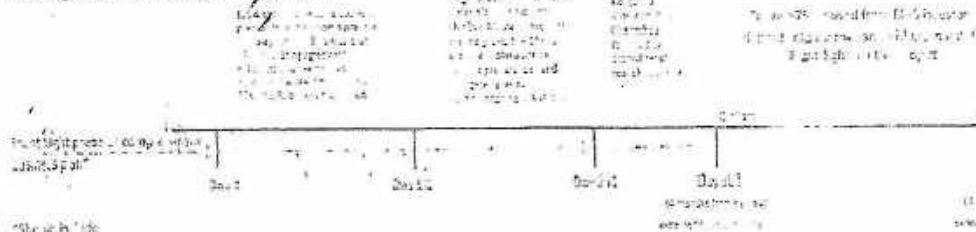
Regional Center & Front Sight Project Cost

Category	Budget	EBBIC	Front Sight	Payor / Est. / pmt date
Equipment	\$ 20,000		\$ 20,000	
JEC Atlanta	\$ 45,000	\$ 22,000	\$ 23,000	
EB-5 Account	\$ 25,000	\$ 12,500	\$ 12,500	
Business Plan (EB-5 + JEC)	\$ 15,000	\$ 7,500	\$ 7,500	
Market Study (interim) - EB-5	\$ 20,000	\$ 10,000	\$ 10,000	
Example PICO				
USCIS Fee	\$ 6,200	\$ 6,200		EBBIC - 6.2k to EB-5 for PICO application
USCIS Fee	\$ 6,200		\$ 6,200	EBBIC - 6.2k to EB-5 for PICO application
Website				
International Marketing Co. fee	\$ 60,000		\$ 60,000	EBBIC - 60k to EB-5 for PICO application
Marketing Brochures				
Staffing	\$ 2,000	\$ 2,000		EBBIC - 2k to EB-5 for PICO application
Translators	\$ 8,000		\$ 8,000	EBBIC - 8k to EB-5 for PICO application
Taxes	\$ 48,000		\$ 48,000	EBBIC - 48k to EB-5 for PICO application
FBI Report Building Fee	\$ 50,000		\$ 50,000	EBBIC - 50k to EB-5 for PICO application
Express Fee	\$ 2,000		\$ 2,000	EBBIC - 2k to EB-5 for PICO application
Real estate and postcard fees	\$ 10,000		\$ 10,000	EBBIC - 10k to EB-5 for PICO application
Total Expenses	\$ 327,200	\$ 60,700	\$ 277,200	
Month 1			\$ 27,500	EBBIC - 27.5k to EB-5 for PICO application
Month 2			\$ 22,500	EBBIC - 22.5k to EB-5 for PICO application
Month 3			\$ 12,500	EBBIC - 12.5k to EB-5 for PICO application
Month 4			\$ 10,000	EBBIC - 10k to EB-5 for PICO application
Month 5			\$ 6,200	EBBIC - 6.2k to EB-5 for PICO application
Month 6			\$ 6,200	EBBIC - 6.2k to EB-5 for PICO application
Month 7			\$ 6,200	EBBIC - 6.2k to EB-5 for PICO application
Month 8			\$ 40,200	EBBIC - 40.2k to EB-5 for PICO application
Month 9			\$ 35,000	EBBIC - 35k to EB-5 for PICO application
Month 10			\$ 31,500	EBBIC - 31.5k to EB-5 for PICO application
TOTAL			\$ 277,200	

New regional center establishment for Front Sight project



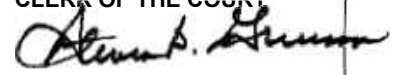
Raising of \$75m through EB-5 program



Timeline of the project

1. Develop the project charter
2. Develop the project business case
3. Develop the project budget
4. Develop the project risk register
5. Develop the project communication plan
6. Develop the project reporting structure
7. Develop the project governance structure
8. Obtain approval from the Board of Directors
9. Obtain approval from the Executive Committee
10. Obtain approval from the Project Sponsor
11. Obtain approval from the Project Steering Committee
12. Obtain approval from the Project Team
13. Obtain approval from the Project Budget Committee
14. Obtain approval from the Project Risk Committee
15. Obtain approval from the Project Communication Committee
16. Obtain approval from the Project Reporting Committee
17. Obtain approval from the Project Governance Committee
18. Complete the project charter
19. Complete the project business case
20. Complete the project budget
21. Complete the project risk register
22. Complete the project communication plan
23. Complete the project reporting structure
24. Complete the project governance structure

[Handwritten signature and initials]



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23 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,
24 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,
25 JON FLEMING and LINDA STANWOOD

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

28 FRONT SIGHT MANAGEMENT, LLC., a
Nevada Limited Liability Company,

Plaintiff,

v.

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

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

NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION
TO QUASH SUBPOENAS TO
PLAINTIFF'S BANK and
ACCOUNTANT

Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.; Case No.: A-18-781084-B Dept. No.: XVI
**NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS
TO PLAINTIFF'S BANK AND ACCOUNTANT**

1 LLC; LINDA STANWOOD, individually and)
2 as Senior Vice President of LAS VEGAS)
3 DEVELOPMENT FUND LLC and EB5)
4 IMPACT ADVISORS LLC; CHICAGO)
5 TITLE COMPANY, a California corporation;)
6 DOES 1-10, inclusive; and ROE)
7 CORPORATIONS 1-10, inclusive,)

8 Defendants.

9 _____)
10 and related Cross-Claims.)
11 _____)


12 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO**
13 **QUASH SUBPOENAS TO PLAINTIFF'S BANK and ACCOUNTANT**

14 PLEASE TAKE NOTICE THAT on the 3rd day of December, 2019, an Order Denying
15 Plaintiff's Motion to Quash Defendants' Subpoeas to Plaintiff's Bank and Accountant was
16 entered on the Court docket regarding the above referenced case.

17 A copy of said Order is attached hereto as Exhibit A. .

18 DATED this 03rd day of December, 2019.

FARMER CASE & FEDOR

19 

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

29 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al.*; Case No.: A-18-781084-B Dept. No.: XVI

30 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS**
31 **TO PLAINTIFF'S BANK AND ACCOUNTANT**

32 Page 2 of 3

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

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

4 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO**
5 **QUASH SUBPOENAS TO PLAINTIFF'S BANK and ACCOUNTANT**

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

7
8 John P. Aldrich, Esq. Attorneys for Plaintiff
Catherine Hernandez, Esq. FRONT SIGHT MANAGEMENT, LLC
9 ALDRICH LAW FIRM, LTD.
10 1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146

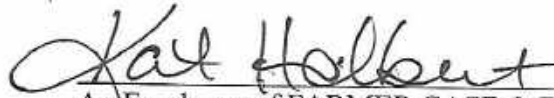
11 By:

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

14 ■ **U.S. MAIL:** I deposited a true and correct copy of said document(s) in a sealed, postage
15 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.

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

18 Dated: December 10, 2019

19
20
21 

22 An Employee of FARMER CASE & FEDOR

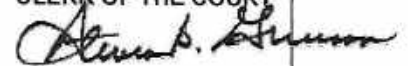
23
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27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*

28 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS
TO PLAINTIFF'S BANK AND ACCOUNTANT**

Page 3 of 3

EXHIBIT A

EXHIBIT A



1 **ORDR**
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22 EB5 IMPACT CAPITAL REGIONAL CENTER, LLC,
23 EB6 IMPACT ADVISORS, LLC, ROBERT W. DZIUBLA,
24 JON FLEMING and LINDA STANWOOD

25 **EIGHTH JUDICIAL DISTRICT COURT**
26 **CLARK COUNTY, STATE OF NEVADA**

27 FRONT SIGHT MANAGEMENT, LLC., a
28 Nevada Limited Liability Company,

Plaintiff,

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

v.

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

**ORDER DENYING PLAINTIFF'S
MOTION TO QUASH SUBPOENAS
TO PLAINTIFF'S BANK AND
ACCOUNTANT**

Hearing Date: November 26, 2019
Hearing Time: 10:00 a.m.

Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI
ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS TO PLAINTIFF'S BANK AND ACCOUNTANT

NOV 26 2019

1 DEVELOPMENT FUND LLC and EB5
2 IMPACT ADVISORS LLC; CHICAGO
3 TITLE COMPANY, a California corporation;
4 DOES 1-10, inclusive; and ROE
5 CORPORATIONS 1-10, inclusive,

Defendants.

and related Cross-Claims.

7 **ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS TO**
8 **PLAINTIFF'S BANK AND ACCOUNTANT**

9 This matter having come before the Court on November 26, 2019, pursuant to Plaintiff's
10 Motion to Quash Subpoenas to Plaintiff's Bank and Accountant; John Aldrich, Esq. with Aldrich
11 Law Firm personally appearing on behalf of Plaintiff; Keith Greer, Esq. with Greer and
12 Associates and Kathryn Holbert, Esq. with Farmer Case and Fedor personally appearing on
13 behalf of Defendants; the Court having reviewed the pleadings, having heard arguments by
14 counsel and good cause appearing therefore,

15
16 IT IS HEREBY ORDERED THAT, for the reasons stated on the record, Plaintiff's
17 Motion to Quash Subpoenas to Plaintiff's Bank and Accountant is DENIED. IT IS FURTHER
18 ORDERED the Subpoenas shall be responded to within ten (10) days of service.

19 **IT IS SO ORDERED.**

20 DATED this 27th day of November, 2019.

21 Respectfully submitted by:
22 **FARMER CASE & FEDOR**

23 *Kathryn Holbert*

24 Kathryn Holbert, Esq., NV Bar No. 10084
Approved

25 *John P. Aldrich*

26 John Aldrich, Esq., NV Bar No. 6877

[Signature]
DISTRICT COURT JUDGE

A-18-781084-B

Dept 16

27 *Front Sight Management LLC v. Las Vegas Development Fund LLC, et al., Case No.: A-18-781084-B Dept. No.: XVI*
28 **ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS TO PLAINTIFF'S BANK AND ACCOUNTANT**

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