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6 *Attorneys for Plaintiff eTouch LV, LLC*

7
 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 eTouch LV, LLC, a Nevada limited liability
10 company,

Case No. 2:18-cv-02066-JCM-NJK

11 Plaintiff,

12 vs.

**AMENDED STIPULATION AND
 ORDER TO DISBURSE FUNDS
 DEPOSITED WITH THE COURT**

13 eTouch Menu, Inc., a Minnesota corporation;
14 Scott Morrow, an individual; DOES 1 to 10,
inclusive,

15 Defendant.

16 AND ALL RELATED CLAIMS.
 17

18 Plaintiff/Counter-Defendant eTouch LV, LLC (“Plaintiff”) and Defendant/Counter-
 19 Claimant eTouch Menu, Inc. (“eTM”) and Scott Morrow (“Morrow”) (together “Defendants”),
 20 hereby stipulate and agree that this matter has settled and that the \$500,001.00 Plaintiff has
 21 deposited with the Court should be released and dispersed. (See ECF Nos. 40, 43, 58 (three court-
 22 ordered deposits of \$166,667.00 each, for a total of \$500,001.00). Specifically, the parties stipulate
 23 as follows:

24 On March 5, 2019, this Court ordered Plaintiff to “deposit \$1.5 million with the clerk of
 25 court, in quarterly installments . . . [of] \$166,667.00.” (Order, ECF No. 39.) On March 8, 2019,
 26 Plaintiff made its first quarterly deposit of \$166,667.00 with the Clerk of the Court. (Certificate of
 27 Deposit, ECF No. 40.) On March 29, 2019, Plaintiff made its second \$166,667.00 deposit.
 28

1 (Certificate of Deposit, ECF No. 43.) And on June 27, 2019, Plaintiff made its third \$166,667.00
2 deposit. (Certificate of Deposit, ECF No. 58.) Together Plaintiff's three deposits total \$500,001.00.

3 The parties have now entered into a settlement agreement and, to facilitate that agreement,
4 they request that the Court order the release and disbursement of the deposited \$500,001.00, by two
5 separate checks, as follows:

6 1. Four Hundred Fifty Thousand and 00/100 Dollars (**\$450,000.00**) payable to eTouch
7 Menu, Inc., a Minnesota corporation. (eTouch Menu, Inc.'s W9 is attached.)

8 2. Fifty Thousand One and 00/100 Dollars (**\$50,001.00**) payable to eTouch LV, LLC,
9 a Nevada limited liability company. (eTouch LV, LLC's W9 is attached.)

10 3. One hundred percent (100%) of the interest that has accrued is to be issued to eTouch
11 LV, LLC.

12 4. The check for eTouch Menu, Inc. is to be mailed to eTouch Menu, Inc., Attention:
13 Scott Morrow, 9540 Laketown Rd., Chaska, MN 55318.

14 5. The check(s) for eTouch LV, LLC is to be mailed to eTouch LV, LLC, Attention:
15 Gary Kapral, 10100 W. Charleston Blvd., Ste. 130, Las Vegas, NV 89135.

16 The parties further stipulate that Plaintiff has no further obligation to deposit any additional
17 funds with the Court and that Plaintiff's obligations under the March 5, 2019, Order are discharged.

18 This stipulation disposes of all of the funds currently deposited with the Court.

19 IT IS SO STIPULATED.

20 Dated this 14th day of November, 2019.

Dated this 14th day of November, 2019.

21 LEWIS ROCA ROTHGERBER CHRISTIE
22 LLP

HOLLEY DRIGGS WALCH FINE
WRAY PUZEY & THOMPSON, LTD.

23 By: /s/ John E. Bragonje

By: /s/ F. Thomas Edwards

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Attorneys for Plaintiff eTouch LV, LLC

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GORDON REES SCULLY
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By: _____
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*Attorneys for Defendants eTouch
Menus, Inc. and Scott Morrow*

ORDER

IT IS HEREBY ORDERED that the Clerk of the Court release and disburse the \$500,001.00 deposited with the Court, by two separate checks, as follows:

1. Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) payable to eTouch Menu, Inc., a Minnesota corporation; and
2. Fifty Thousand One and 00/100 Dollars (\$50,001.00) payable to eTouch LV, LLC, a Nevada limited liability company.
3. One hundred percent (100%) of the interest that has accrued is to be issued to eTouch LV, LLC.
4. The check for eTouch Menu, Inc. is to be mailed to eTouch Menu, Inc., Attention: Scott Morrow, 9540 Laketown Rd., Chaska, MN 55318.
5. The check(s) for eTouch LV, LLC is to be mailed to eTouch LV, LLC, Attention: Gary Kapral, 10100 W. Charleston Blvd., Ste. 130, Las Vegas, NV 89135.

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3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

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IT IS FURTHER ORDERED that Plaintiff's obligations under the March 5, 2019, Order are discharged.

IT IS SO ORDERED.

James C. Mahan
UNITED STATES DISTRICT JUDGE

November 18, 2019

Dated: _____

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Etouch LV LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
10100 W Charleston BLVD., Suite 130

6 City, state, and ZIP code
Las Vegas, NV 89135

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Social security number

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or

Employer identification number

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Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ *Gary K. Spral* Date ▶ *11/1/2019*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Form **W-9**
 (Rev. October 2018)
 Department of the Treasury
 Internal Revenue Service

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. eTouchMenu, Inc.		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	
	5 Address (number, street, and apt. or suite no.) See instructions. 9540 Laketown Rd	Requester's name and address (optional)	
	6 City, state, and ZIP code Chaska MN 55318		
	7 List account number(s) here (optional)		

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Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
or										
Employer identification number										
2	6		-	4	7	4	8	4	7	8

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Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <i>Cynthia M Houle</i>	Date ▶ 11/02/2019
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- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
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- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

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