

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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6 FDIC as Receiver for AMTRUST BANK, f/k/a
7 Ohio Savings Bank, a federal savings bank; IOTA
8 VIOLET, LLC, an Arizona limited liability
9 company; IOTA CORAL, LLC, an Arizona
10 limited liability company; RECOVEREDGE, LP,
11 a Delaware limited partnership; IOTA
12 CINNAMON, LLC, a Nevada limited liability
13 company; IOTA RED, LLC, a Nevada limited
14 liability company; and IOTA ROYAL, LLC, a
15 Nevada limited liability company;

16 Plaintiffs,

17 vs.

18 REX H. LEWIS, an individual, CORRALES
19 PETERS LLC, an Arizona limited liability
20 company; BARTLETT SUNRISE, LLC, an
21 Arizona limited liability company;
22 COTTONGIN, LLC, a Nevada limited liability
23 company; MIDWAY CORNMAN, LLC, an
24 Arizona limited liability company; PEBBLE
25 CIMARRON LLC, a Nevada limited liability
company; MESA VERDE, INC., a Nevada
limited liability company; JONAH LLC, a
Nevada limited liability company; REGENA
TEEPEE, LLC, a Nevada limited liability
company; HH INV, LLC, a Nevada limited
liability,

Defendants.

2:10-cv-00439-JCM-VCF

ORDER

23 Before the Court is Iota plaintiffs' renewed motion for an order holding judgment debtor Rex
24 Lewis in contempt (ECF No. 261). Rex Lewis filed a response (ECF No. 264). Iota plaintiffs filed a
25 reply. (ECF No. 267). This motion has been referred to the undersigned magistrate judge.

1 This is a civil case in which the parties have not consented for the undersigned judge to conduct
2 any and all proceedings upon a special designation to exercise this district court's jurisdiction to finally
3 resolve the matter, pursuant to 28 USC 636(c).

4 Accordingly, IT IS HEREBY ORDERED that an evidentiary hearing is set for 10:00 AM,
5 September 6, 2017, in Courtroom 3D, for the taking of evidence relevant to a determination of what facts,
6 if any, should be certified to the district judge, pursuant to 28 USC 636(e)(6).

7 At this hearing, the factual inquiry will be limited to:

- 8 1. When, if ever, were documents (to be identified at the hearing with specificity) relating to the
9 Holder Trust in Rex Lewis' possession, custody or control?
- 10 2. Documents at issue will include, but not be limited to, the memorandum of settlors, financial
11 statements, tax returns, trustee reports and correspondence related to major transactions.
- 12 3. When, if ever, were documents (to be identified at the hearing with specificity) relating to the
13 bank accounts listed in paragraph 4, below, in Rex Lewis' possession, custody or control?
- 14 4. JPMorgan Chase account ending in 6008; Wells Fargo account ending in 0-404; Wells Fargo
15 account ending in 7736; and US Bank account ending in 0466(RHL Financial, Inc.).

16 IT IS FURTHER ORDERED that, on or before August 30, 2017, the parties must prepare a Joint
17 Pre-Hearing Order which lists the following:

- 18 1. Stipulated material facts, if any;
- 19 2. Facts not admitted, but which will not be contested by evidence during this hearing;
- 20 3. Issues of fact to be determined;
- 21 4. Issues of law to be determined;
- 22 5. A list of stipulated exhibits which may be so marked;
- 23 6. Separate lists of each party's exhibits to which limited stipulations have been agreed and the
24 nature of the stipulation;
- 25 7. Iolta Parties' exhibits to which Rex Lewis objects and grounds for the objection;

1 8. Rex Lewis' exhibits to which the Iolta Parties object and grounds for the objection;

2 9. Witnesses to be called by each party;

3 10. Estimated total time required for this hearing.

4 11. Witnesses and documents not listed in this Joint Pre-Hearing Order will not be considered
5 absent exceptional circumstances.

6 DATED this 14th day of August, 2017.

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9 CAM FERENBACH
10 UNITED STATES MAGISTRATE JUDGE
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