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19 *Attorneys for Snow Covered Capital, LLC*

20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF NEVADA**

22 SNOW COVERED CAPITAL, LLC,
23
24 Plaintiff,

25 vs.

26 JODI FONFA; EVAN FONFA, an individual
27 and in his capacity as the Trustee of THE
28 EVAN FONFA 2018 TRUST dated December
29 26, 2018; THE EVAN FONFA 2018 TRUST
30 dated December 26, 2018; and DOE
31 DEFENDANTS I THROUGH X.

32 Defendants.

Case No.: 2:22-cv-01181-CDS-VCF

**STIPULATION AND ORDER
MODIFYING BRIEFING SCHEDULE
ON MOTION FOR PROTECTIVE
ORDER [ECF NO. 55] PURSUANT TO
LR 7-2(b)**

(FIRST REQUEST)

33 Plaintiff Snow Covered Capital, LLC ("SCC"), Defendant Jodi Fonfa ("J. Fonfa"),
34 Defendant Evan Fonfa, individually and in his capacity as the Trustee of the Evan Fonfa 2018 Trust
35 dated December 26, 2018 ("E. Fonfa"), and The Evan Fonfa 2018 Trust dated December 26, 2018
36 ("E. Fonfa Trust" and collectively, the "Parties"), by and through their undersigned counsel, for
37 good cause shown, hereby stipulate and agree to modify the briefing schedule set by LR 7-2(b) for
38 the *Motion for Protective Order* filed by Evan Fonfa, individually and as Trustee of the Evan Fonfa

1 2018 Trust, [ECF No. 55] (the “Motion”). The modification is necessary because the original due
2 dates are no longer viable as a result of Motion-related and other events occurring since the filing
3 of the Motion, including the filing of a proposed supplement to that Motion,

4 **I. RECITALS**

5 **General Matters**

6 1. On July 22, 2022, SCC filed its *Complaint to Avoid Fraudulent Conveyances and*
7 *Nonprobate Transfers Upon Death* against J. Fonfa, E. Fonfa and the E. Fonfa Trust (collectively
8 the “Defendants”). [ECF No. 1].

9 2. On September 23, 2023, SCC filed its *First Amended Complaint to Avoid*
10 *Fraudulent Conveyances and Nonprobate Transfers Upon Death* against Defendants. [ECF No.
11 31].

12 3. On October 19, 2022, U.S. Magistrate Judge Cam Ferenbach entered the *Discovery*
13 *Plan and Scheduling Order* (the “Discovery Order”) [ECF No. 36], whereby the parties are to
14 conduct all discovery by June 2, 2023.

15 **The Motion For Protective Order**

16 4. On March 24, 2023, E. Fonfa and the E. Fonfa Trust filed their fourteen-page
17 Motion. Pursuant to LR 7-2(b) all oppositions to the Motion are currently due on or before April
18 7, 2023.

19 5. On March 31, 2023, E. Fonfa and the E. Fonfa Trust filed their eleven-page *Motion*
20 *for Leave to File Supplement to Motion for Protective Order* [ECF No. 61]. Should leave be
21 granted, that Supplement would significantly alter the basis for the original Motion for Protective
22 Order. Pursuant to LR 7-2(b) all oppositions to that Motion for Leave are currently due on or before
23 April 14, 2023.

24 **Events Before and Since the Filing of the Motion for Protective Order**

25 6. On March 15, 2023, SCC served a subpoena upon Steven Pacitti (the “Pacitti
26 Subpoena”). The Pacitti Subpoena required the production of documents from Mr. Pacitti and for
27 his deposition on March 29, 2023, at 9:00 a.m.

28

1 7. Mr. Pacitti objected to the Pacitti Subpoena based on attorney-client privilege
2 grounds and declined to appear for his deposition or produce documents without a court order. Mr.
3 Pacitti’s deposition has been postponed pending Mr. Pacitti’s preparation of a privilege log and
4 production of non-privileged documents. As of the date of this stipulation, Mr. Pacitti has not
5 served the Parties with his privilege log or with those documents.

6 8. On March 15, 2023, SCC served a subpoena upon the Morris Estate Planning
7 Attorneys (the “Morris Subpoena”). The Morris Subpoena required the production of documents
8 and for its deposition on March 29, 2023, at 3:00 p.m.

9 9. Morris Estate Planning Attorneys also objected to the Morris Subpoena based on
10 the attorney-client privilege grounds and declined to appear for his deposition or produce
11 documents without a court order. The Morris Estate Planning Attorneys’ deposition has been
12 postponed pending discussions to resolve those objections.

13 10. On March 14, 2023, SCC served subpoenas upon John E. Dawson, Esq., and
14 Dawson & Lordahl, PLLC (collectively the “Dawson Subpoenas” and together with the Pacitti
15 Subpoena and the Morris Subpoena, the “Subpoenas”). The Dawson Subpoenas required the
16 production of documents by Dawson and Dawson & Lordahl in advance of Mr. Dawson’s
17 deposition on March 3, 2023, at 9:00 a.m. and Dawson & Lordahl’s deposition immediately
18 following Mr. Dawson’s deposition.

19 11. Neither Mr. Dawson nor Dawson & Lordahl objected to the Dawson Subpoenas
20 prior to their noticed depositions, and neither Mr. Dawson nor Dawson & Lordahl prepared a
21 privilege log nor produced documents responsive to their subpoenas prior to their depositions. Mr.
22 Dawson appeared for those depositions on March 31, 2023, and his deposition was consolidated
23 with the deposition of Dawson & Lordahl. Mr. Dawson did not produce any documents and his
24 counsel instructed him not to answer multiple questions on confidentiality and attorney-client
25 privilege grounds.

26 12. Immediately following the deposition of Mr. Dawson, the Parties and counsel for
27 Mr. Dawson and Dawson & Lordahl held the meet and confer required by LR IA 1-3(f) and LR
28 26-6(c). At that meet and confer, Mr. Dawson and Dawson & Lordahl agreed to work with the

1 Defendants' counsel to, among other things, prepare a privilege log within three weeks (by April
2 21, 2023), produce all nonprivileged documents, and work in good faith to reschedule the
3 depositions of Mr. Dawson and Dawson & Lordahl.

4 13. The current opposition deadline of April 7, 2023 is two weeks before the privilege
5 logs from Mr. Dawson and Dawson & Lordahl are due, and likely well before the issues with Mr.
6 Pacitti and the Morris Estate Planning Attorneys will be resolved.

7 14. It would promote judicial economy and minimize the expenses of the Parties if the
8 opposition to the Motion is not required until a reasonable period following production of the
9 privilege logs and non-privileged documents by Mr. Dawson, Dawson & Lordahl and Messrs.
10 Pacitti and Morris.

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11. STIPULATION

15. Therefore, the Parties agree that all oppositions to the Motion, as supplemented or otherwise, are due on or before **May 5, 2023**, and all replies in support of the Motion are due on or before **May 12, 2023**.

SNELL & WILMER L.L.P.

THE JIMMERSON LAW FIRM, P.C.

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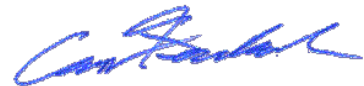
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Attorneys for Plaintiff Snow Covered Capital, LLC

Attorneys for Defendant Evan Fonfa, individually and- as Trustee of Defendant the Evan Fonfa 2018 Trust

IT IS SO ORDERED.



Cam Ferenbach
United States Magistrate Judge

DATED 4-6-2023

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CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2023, I electronically filed the foregoing **STIPULATION AND ORDER TO MODIFY BRIEFING SCHEDULE FOR MOTION FOR PROTECTIVE ORDER [ECF NO. 55] PURSUANT TO LR 7-2(b)** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court’s CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 5th day of April 2023.

/s/ Mary Full
An Employee of Snell & Wilmer L.L.P.