

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PRICESTACK, INC., a Delaware corporation,

Plaintiff,

v.

HEART OF SUN, LLC, a Florida limited liability company; SOPHIA LIMA, an individual; and NICHOLAS RUS, an individual,

Defendants.

Case No.: 2:22-cv-01447-APG-DJA

STIPULATED FINAL JUDGMENT

Plaintiff Pricestack Inc. dba Preflect (“Preflect”) and Defendants Heart of Sun, LLC, Sophia Lima, and Nicholas Rus hereby stipulate to the entry of this Order to Release Funds.

1. On October 6, 2022, the Court entered a Stipulated Permanent Injunction requiring the Defendants, their agents, employees, representatives, partners, joint venturers, and anyone acting on behalf of or in concert with the Defendants to withdraw or seek reversal of and refrain from submitting or pursuing any merchant disputes or receiving any refunds for payments made to Preflect for or relating to any charges made on Defendants’ payment cards, including, but not limited to, American Express, Discover, Mastercard and Visa, and involving any merchant banks or payment processors.

2. On October 6, 2022, the parties entered into a Settlement Agreement by which Defendants agreed to promptly comply with the Stipulated Permanent Injunction and pay Preflect the amount of \$67,500 (“Settlement Amount”) by November 15, 2022, less any credits to Preflect for reversed merchants disputes by November 15, 2022. To the extent that Preflect receives more than \$67,500, through this process, Preflect agreed to pay the overage to Defendants.

4. As of December 6, 2022, the balance due and owing by Defendants

1 to Preflect was \$31,145 (“Settlement Balance”).

2 5. On or about December 12, 2022, Defendants informed Preflect that,
3 due to the Court’s order in this case, the Defendants’ account with Bank of America
4 has been “locked” and, as a result, Defendants cannot release funds of more than
5 \$23,000 due and owing to Preflect.

6 NOW, THEREFORE, the Court orders as follows:

7 A. Final judgment is hereby entered in favor of Preflect and against
8 Defendants, jointly and severally, in the amount of \$67,500.

9 B. To the extent that Bank of America has locked any account owned
10 by Defendants as the result of this Court’s order identified above, Bank of America
11 may release funds in such account to Preflect, up to the amount of the Settlement
12 Balance.

13 LEWIS ROCA
14 ROTHGERBER CHRISTIE LLP

SOPHIA LIMA
/s/ Sophia Lima

15 By: /s/ Michael J. McCue
16 Michael J. McCue (SBN: 6055)
17 3993 Howard Hughes Parkway, #600
18 Las Vegas, Nevada 89169
19 Telephone: (702) 949-8200
20 E-mail: mmccue@LewisRoca.com

NICHOLAS RUS
/s/ Nicholas Rus

21 *Attorneys for Plaintiff*
22 Pricestack, Inc.

HEART OF SUN, LLC
/s/ Sophia Lima
By: Sophia Lima, Member

23 **IT IS SO ORDERED.**

24 

25 Andrew P. Gordon
26 United States District Court Judge

27 Dated: December 21, 2022