

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**

HANS MENOS, derivatively on behalf of
ECO SCIENCE SOLUTIONS, INC.,

Plaintiff,

v.

JEFFERY L. TAYLOR, DON L.
TAYLOR, L. JOHN LEWIS, S.
RANDALL OVESON, and GANNON
GIGUIERE,

Defendants,

and

ECO SCIENCE SOLUTIONS, INC.,

Nominal Defendant.

Case No. 3:17-CV-00662-LRH-CBC

**STIPULATION AND ORDER
REGARDING DEFENDANTS'
RESPONSE TO AMENDED
COMPLAINT AND PLAINTIFF'S
RESPONSE TO THE EMERGENCY
MOTION TO STAY CIVIL CASE**

(First Request)

1 **STIPULATION REGARDING DEFENDANTS’ RESPONSE TO AMENDED**
2 **COMPLAINT AND PLAINTIFF’S RESPONSE TO THE EMERGENCY MOTION TO**
3 **STAY CIVIL CASE**

4 Pursuant to LR IA 6-1, LR IA 6-2, LR 7-1, and Fed. R. Civ. P. 15(a)(2), Plaintiff Hans
5 Menos (“Plaintiff”), by and through his counsel the law firms of Leverty & Associates Law Chtd.
6 Ltd. and The Rosen Law Firm, P.A. and Defendants Jeffery L. Taylor, Don L. Taylor, L. John
7 Lewis, S. Randall Oveson and Gannon Giguiere (collectively, “Individual Defendants”) and
8 Nominal Defendant Eco Science Solutions, Inc. (“Nominal Defendant” and with Individual
9 Defendants, “Defendants”), by and through their counsel, the law firm of Greenberg Traurig, LLP,
10 hereby stipulate and agree that due to the criminal indictment against Defendant Gannon Giguiere,
11 U.S.A. v. Giguiere, et al., Case No. 18-CR-3071-WQH (S.D.Cal.) (the “Criminal Indictment”):

12 (1) The February 11, 2019 deadline for Defendants’ response to the Verified First
13 Amended Shareholder Derivative Complaint (“Amended Complaint”) (Dkt. No. 49) is vacated
14 and Defendants do not need to respond to the Amended Complaint until the stay issue is resolved
15 in the related derivative actions, Bell v. Taylor, et al., Case No. 17-cv-00530 (D. Hawaii) and
16 *D’Annunzio v. Taylor, et al.*, Case No. 18-cv-00016 (D. Hawaii) (the “Hawaii Actions”)¹; and

17 (2) Plaintiff’s response to the Emergency Motion to Stay Civil Case (“Stay Motion”) (Dkt.
18 No. 52) is held in abeyance until Judge Kobayashi makes a determination on Defendants’ motions
19 to stay the Hawaii Actions. If Judge Kobayashi denies Defendants’ motions to stay in the Hawaii
20 Actions, then Defendants shall withdraw their Stay Motion in this action and stipulate to a deadline
21 for Defendants’ response to the Amended Complaint. If Judge Kobayashi grants Defendants’
22 motions to stay in the Hawaii Actions, then the Parties will enter into stay with similar terms as
23 the stay entered in the Hawaii Actions.

24 The Parties will promptly notify the Court with any decisions and deadlines entered in the

25 ¹ On January 29, 2019, Defendants filed similar motions to stay in the Hawaii Actions. On January
26 30, 2019, Judge Leslie E. Kobayashi affirmed that the hearing on the motions to stay will proceed
27 on March 15, 2019, but granted Defendants’ ex parte application to extend their deadline to
28 respond to the Hawaii Complaint until after the stay issue was resolved. Judge Kobayashi stated
that if the stay motions are granted, then Defendants’ deadline to respond to the Hawaii Complaint
will be stayed. When the stay is lifted, a new deadline for Defendants’ response to the Hawaii
Complaint will be issued. If the stay motions are denied, then Judge Kobayashi will set forth the
deadline for Defendants’ response to the Hawaii Complaint.

1 Hawaii Actions. This is the first stipulation requesting a new schedule for the response to the
2 Amended Complaint due to the Criminal Indictment and for Plaintiff's response to the Stay
3 Motion.

4
5 Dated: February 4, 2019

By: /s/Patrick R. Leverty
Patrick R. Leverty
LEVERTY & ASSOCIATES LAW CHTD.
832 Willow Street
Reno, NV 89502

Phillip Kim
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 34th Floor
New York, NY 10016

Attorneys for Plaintiff

11
12
13
14 Dated: February 4, 2019

By: /s/Joel M. Eads
Mark E. Ferrario
Christopher R. Miltenberger
GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, NV 89169

Joel M. Eads
GREENBERG TRAUIG, LLP
2700 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

Attorneys for Defendants and Nominal
Defendant

15
16
17
18
19
20
21
22 **IT IS SO ORDERED.**



23
24
25
26 **LARRY R. HICKS**
UNITED STATES DISTRICT JUDGE

27
28 **DATED: February 5, 2019**