

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 THE REOPENING  
OF THE ACTION  
  
(First Request)**

1                                   **STIPULATION REGARDING DEFENDANTS’ RESPONSE TO AMENDED**  
2                                   **COMPLAINT AND REQUESTING THE REOPENING OF THE ACTION**

3                                   Pursuant to LR IA 6-1 and LR IA 6-2, Plaintiff Hans Menos (“Plaintiff”), by and through  
4 his counsel the law firms of Leverty & Associates Law Chtd. Ltd. and The Rosen Law Firm, P.A.  
5 and Defendants Jeffery L. Taylor, Don L. Taylor, L. John Lewis, S. Randall Oveson and Gannon  
6 Giguiere (collectively, “Individual Defendants”) and Nominal Defendant Eco Science Solutions,  
7 Inc. (“Nominal Defendant” and with Individual Defendants, “Defendants” and with Plaintiff, the  
8 “Parties”), by and through their counsel, the law firm of Greenberg Traurig, LLP, hereby stipulate  
9 and agree:

10                                   **WHEREAS**, on February 5, 2019, the Court entered the Parties’ Stipulation and Order  
11 Regarding Defendants’ Response to Amended Complaint and Plaintiffs’ Response to the  
12 Emergency Motion to Stay Civil Case (the “February Order”) (Dkt. No. 55). Pursuant to the  
13 February Order, if Judge Kobayashi denied the motion to stay in the related derivative actions,  
14 *Bell v. Taylor, et al.*, Case No. 17-cv-00530 (D. Hawaii) and *D’Annunzio v. Taylor, et al.*, Case  
15 No. 18-cv-00016 (D. Hawaii) (the “Hawaii Actions”), then Defendants will withdraw their  
16 Emergency Motion to Stay Civil Case (“Stay Motion”) (Dkt. No. 52) and the Parties would agree  
17 to a schedule for the response to the Verified First Amended Shareholder Derivative Complaint  
18 (“Amended Complaint”). On April 26, 2019, Judge Kobayashi denied the motion to stay in the  
19 Hawaii Actions;

20                                   **WHEREAS**, on August 6, 2019, Defendants withdrew the Stay Motion (Dkt. No. 57).

21                                   **WHEREAS**, there are additional related proceedings in the United States District Court  
22 for the Southern District of California (*U.S. v. Giguiere*, Case No. 18CR3071-WQH) previously  
23 scheduled for an August trial but which resolved with a plea agreement on July 23, 2019;

24                                   **WHEREAS**, the parties in this action were monitoring the related proceedings, the  
25 closure of which provides some guidance to the prosecution and defense of this action;

26                                   **WHEREAS**, the parties in this action have preliminarily discussed alternative dispute  
27 resolution and require time to continue those discussions;  
28

1           **WHEREAS**, on August 5, 2019, the Court administratively terminated the action and  
2 allowed the parties to request to reopen upon the filing of a status report or joint stipulation (Dkt.  
3 No. 56),

4           **NOW, THEREFORE**, the parties in this action stipulate and agree as follows:

5           1.       The Parties request that the Court administratively reopen the action.

6           2.       Defendants shall answer or otherwise respond to Plaintiff’s Verified Amended  
7 Shareholder Derivative Complaint filed with this Court on December 21, 2018 (the “Amended  
8 Complaint”) by August 27, 2019.

9           3.       The parties agree that if they are making progress in their discussions about  
10 alternative dispute resolution, they agree to meet and confer and discuss the possibility of an  
11 additional extension of Defendants’ deadlines to respond to the complaint, subject of course to  
12 the Court’s approval.

13           4.       In the event that the Defendants respond to Plaintiff’s Amended Complaint by  
14 moving to dismiss, Plaintiff shall file an opposition to Defendants’ motion to dismiss by October  
15 7, 2019 and Defendants shall file a reply to Plaintiff’s opposition by October 28, 2019.

16           5.       This request is made in good faith and not for the purpose of delay. Rather the  
17 stipulation and schedule set forth above will further the efficient and expedient disposition of the  
18 above-captioned case.

19           This is the first stipulation requesting a new schedule for the response to the Amended  
20 Complaint since a decision in the Hawaii Action on the stay issue. It is also the first stipulation  
21 requesting that the Court administratively reopen the action.

22  
23       Dated: August 7, 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, 34<sup>th</sup> Floor

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

New York, NY 10016

*Attorneys for Plaintiff*

Dated: August 7, 2019

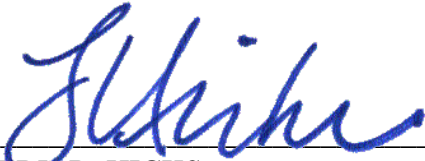
By: /s/ Joel M. Eads  
Mark E. Ferrario  
Christopher R. Miltenberger  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Drive  
Suite 600  
Las Vegas, NV 89135

Joel M. Eads  
GREENBERG TRAURIG, LLP  
1717 Arch Street  
Suite 400  
Philadelphia, PA 19103

*Attorneys for Defendants and Nominal Defendant*

**ORDER**

IT IS SO ORDERED.  
DATED this 7th day of August,

  
\_\_\_\_\_  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE