

1 Dane W. Anderson, Esq.
 Nevada Bar No. 6883
 2 **WOODBURN AND WEDGE**
 3 6100 Neil Road, Suite 500
 Reno, NV 89511
 4 Telephone: 775-688-3000
 Facsimile: 775-688-3088
 5 danderson@woodburnandwedge.com

6 Michael Carrico
 7 Smidt, Reist & Keleher
 4811A Hardware Dr. NW, Suite 4
 8 Albuquerque, NM 87109
 Telephone: 505-830-2200
 9 Facsimile: 505-830-4400
 mcarrico@srklawnm.com

10
 11 Attorneys for Defendants/Counterplaintiffs/Third Party Plaintiffs
 The Eljen Group, LLC,
 12 Elven E. Jennings, Jack Elkins,
 Frank Lente and Steve Harper

13
 14 UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

15 NO. 8 MINE, LLC,

16 Plaintiff,

17 v.

18 THE ELJEN GROUP, LLC,
 ELVEN E. JENNINGS, JACK ELKINS,
 19 FRANK LENTE, AND STEVE HARPER,

20 Defendants.

Case No.: 3:18-cv-00028-WGC

Case No.: 3:18-cv-00104-WGC

STIPULATED
 PRELIMINARY INJUNCTION

21 THE ELJEN GROUP, LLC, ELVEN E.
 22 JENNINGS, JACK ELKINS, FRANK
 23 LENTE, AND STEVE HARPER

24 CounterPlaintiffs,

25 v.

26 NO. 8 MINE, LLC

CounterDefendant.

28

1 THE ELJEN GROUP, LLC, ELVEN E.
2 JENNINGS, JACK ELKINS, FRANK
3 LENTE, AND STEVE HARPER

4 Third Party Plaintiffs,

5 v.

6 DAVID TACKETT, ARGENT ASSET
7 GROUP, LLC, and ROBERT HIGGINS,

8 Third Party Defendants.

9 This matter having come to be heard on Defendants/Counterplaintiffs The Eljen
10 Group, LLC's, Elven E. Jennings', Jack Elkins', Frank Lente's and Steve Harper's Motion for
11 Preliminary Injunction [ECF No. 69 in Case No.: 3:18-cv-00104-WGC] and in
12 Plaintiff/Counterdefendant No. 8 Mine, LLC and Counterdefendant David Tackett's
13 opposition to the Motion for Preliminary Injunction [ECF No. 78 in Case No.: 3:18-cv-00104-
14 WGC], which requested entry of a reciprocal preliminary injunction, and the Court having
15 considered the parties' respective motions and the arguments of counsel at the June 18, 2019
16 telephonic conference [Minutes recorded at ECF No. 93 in Case No.: 3:18-cv-00104-WGC],
17 and legal counsel for Daniel Harrington, Pamella Harrington, and Nightwatch Marine, LLC
18 having advised the Court at the June 18, 2019 telephonic conference of their concurrence in a
19 global preliminary injunction, and the Court having been advised by the Parties that all Parties
20 identified herein stipulate to the entry of a global preliminary injunction, the Parties hereby
21 stipulate and agree as follows:

22 No. 8 Mine, LLC, David Tackett, The Eljen Group, LLC, Elven Jennings, Jack
23 Elkins, Frank Lente, Steve Harper, Daniel Harrington, Pamela Harrington and Nightwatch
24 Marine, LLC shall not dispossess any of the No. 8 Turquoise or Silver Bars in dispute in Case
25 No. 3:18-cv-00028-WGC and Case No. 3:18-cv-00104-WGC until further order of this
26 Court. For purposes of this Order, "No. 8 Turquoise or Silver Bars in dispute" shall be
27 defined to be:

28 (i) the Number 8 Turquoise previously held in a Sparks, Nevada warehouse
and/or at the storage facility at Mr. Jennings' home which was subject to Purchase Agreement

1 No. 1, [ECF No. 69-4 in Case No.: 3:18-cv-00104-WGC];

2 (ii) the Number 8 Turquoise previously held in a Winnemucca, Nevada warehouse
3 which the subject of Purchase Agreement No. 2 [ECF No. 69-5 in Case No.: 3:18-cv-00104-
4 WGC];

5 (iii) the Turquoise Ore received by David Tackett from Daniel Harrington and
6 Pamella Harrington in or about August, 2017 that is currently in David Tackett's possession;

7 (iv) any Turquoise Ore that is in the possession of Daniel Harrington, Pamella
8 Harrington and/or Nightwatch Marine, LLC;

9 (v) the Number 8 Turquoise acquired by No. 8 Mine, LLC/David Tackett from
10 Paul Sugar, Sr. and/or Paul Sugar, Jr.; and

11 (vi) any silver bars delivered by Argent Asset Group, LLC to the parties, whether
12 directly or indirectly, on or after July 13, 2017, except that this injunction shall not apply to
13 silver bars of a value \$50,000 or less in the possession of Elven Jennings to allow for use for
14 personal expenses.

15 This Order shall not prohibit the Parties from receiving, performing stabilization
16 services, and/or returning to stabilization customers turquoise that is not "No. 8 Turquoise and
17 Silver Bars in dispute" as defined in the preceding paragraph.

18 No Party is required to post a bond at this time.

19 The hearing scheduled for August 8, 2019 is hereby vacated.

20 DATED this 7th day of August, 2019.

DATED this 7th day of August, 2019.

21 DICKINSON WRIGHT PLLC

FABIAN VANCOTT

22 /s/ Brian R. Irvine

/s/ Jeffrey B. Setness

23 BRIAN R. IRVINE

JEFFREY B. SETNESS, ESQ.

24 Nevada Bar No. 7758

Nevada Bar No. 2820

25 JUSTIN J. BUSTOS

411 East Bonneville Avenue, Suite 400

26 Nevada Bar No. 10320

Las Vegas, Nevada 89101

27 100 West Liberty St. Suite 940

Telephone: (702) 333-4900

28 Reno, NV 89501

Facsimile: (877) 898-1168

Tel: (775) 343-7500

jsetness@fabianvancott.com

29 Fax: (844) 670-6009

30 birvine@dickinsonwright.com

Attorneys for Defendant David Tackett in

31 jbustos@dickinsonwright.com

Case No. 3:18-CV-00028-WGC

32 *Attorneys for Plaintiffs Daniel Harrington,*
Pamella Harrington, and Nightwatch Marine,
LLC in Case No. 3:18-cv-00028

Attorneys for Plaintiff/Counter Defendant
No. 8 Mine, LLC and Counter
Defendant/Third Party Defendants David
Tackett in Case No. 3:18-CV-00104-WGC

1 DATED this 7th day of August, 2019.

DATED this 7th day of August, 2019.

2 SMIDT, REIST & KELEHER

WOODBURN AND WEDGE

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

/s/ Michael Carrico
MICHAEL CARRICO
4811A Hardware Dr. NW, Suite 4
Albuquerque, New Mexico 87109
Telephone: (505) 830-2200
Facsimile: (505) 830-4400
mcarrico@srklawnm.com

/s/ Dane Anderson
DANE W. ANDERSON
Nevada Bar No. 6883
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: (775) 688-3000
Facsimile: (775) 688-3088
danderson@woodburnandwedge.com

*Attorneys for The Eljen Group, LLC, Elven
E. Jennings, Jack Elkins, Frank Lente and
Steve Harper, Defendants/Counter
Plaintiffs/Third-Party Plaintiffs in Case
No. 3:18-CV-00104-WGC*

* * *

ORDER

IT IS SO ORDERED.

DATED this 8th day of August 2019.

William G. Cobb

THE HONORABLE WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE