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16 *Counsel for Plaintiff Gypsum Resources, LLC*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

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13 GYPSUM RESOURCES, LLC, a Nevada
14 limited liability company;
15
16 Plaintiff/Counterdefendant,
17 v.
18 CLARK COUNTY, a political subdivision of
19 the State of Nevada; and CLARK COUNTY
20 BOARD OF COMMISSIONERS,
21
22 Defendants/Counterclaimants.

CASE NO.: 2:19-cv-00850-GMN-EJY
**NOTICE OF ENTRY OF ORDER
SHORTENING TIME ON
GYPSUM RESOURCES, LLC'S
MOTION TO PRESERVE EVIDENCE**
Date of Hearing: July 5, 2023
Time of Hearing: 8:30 a.m.

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

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PLEASE TAKE NOTICE that an Order Shortening Time on Plaintiff/Counterdefendant Gypsum Resources, LLC's Motion to Preserve Evidence was entered in the above-captioned matter on June 23, 2023, a true and correct copy of which is attached hereto.

DATED this 23rd day of June, 2023.

PISANELLI BICE PLLC

By: /s/ Emily A. Buchwald
James J. Pisanelli, Esq., #4027
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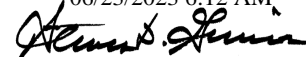
Counsel for Plaintiff Gypsum Resources, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 23rd day of June, 2023, I caused to be served via the Court's CM/ECF program true and correct copies of the above and foregoing **NOTICE OF ENTRY OF ORDER** to all counsel registered for e-service in this matter.

/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC

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CLERK OF THE COURT

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9 *Attorneys for Plaintiff*
10 *Gypsum Resources, LLC*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 GYPSUM RESOURCES, LLC, a Nevada
14 limited liability company;

15 Plaintiff,

16 v.

17 CLARK COUNTY, a political subdivision of
the State of Nevada; and CLARK COUNTY
BOARD OF COMMISSIONERS,

18 Defendants.

Case No.: A-23-871997-B
Dept. No.: XXXI

**MOTION FOR ORDER TO PRESERVE
EVIDENCE ON ORDER SHORTENING
TIME**

HEARING DATE: JULY 5, 2023
HEARING TIME: 8:30 A.M.

19

20 Plaintiff Gypsum Resources, LLC ("Gypsum") moves this Court for a prompt order to
 21 compel Defendants to preserve public records according to Nevada law and preserve evidence
 22 concerning Gypsum, including electronic communications. Such a motion should be unnecessary.
 23 Not only are Defendants obligated to preserve evidence in the face of litigation but, for a local
 24 government like Clark County and Clark County Board of Commissioners (collectively, the
 25 "County"), Nevada law mandates the preservation of public records. But as the County's own
 26 commissioners have recently admitted, the County has not and is not complying with Nevada law.
 27 Thus, trying to avoid the need for this Court's intervention, Gypsum asked the County to stipulate
 28 to an order to preserve evidence and public records. Tellingly, the County refused to respond. And,

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as Gypsum has uncovered in related litigation, the County, its commissioners and employees have regularly and routinely improperly destroyed public records notwithstanding their obligation to preserve them. This conduct must be immediately halted. Accordingly, Gypsum is forced to seek an order from this Court directing Defendants, their commissioners and employees to cease further destruction of public records, including text communications, as well as preserve evidence relating to Gypsum and the claims it has asserted.

DATED this 20th day of June, 2023.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice
James J. Pisanelli, Esq., #4027
Todd L., Bice, Esq., #4534
Debra L. Spinelli, Esq., #9695
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Attorneys for Plaintiff Gypsum Resources, LLC

**DECLARATION OF TODD L. BICE, ESQ. IN SUPPORT OF
APPLICATION FOR ORDER SHORTENING TIME**

I, Todd L. Bice, declare as follows:

1. I am a partner at the law firm of Pisanelli Bice PLLC and counsel for Plaintiff Gypsum Resources, LLC in this matter.

2. I submit this declaration in support of the foregoing Motion to Preserve Evidence on Order Shortening Time (the "Motion").

3. As detailed more fully in the Motion, Gypsum seeks an order for the preservation of public records and evidence pertaining to the claims in this action. Not only is the County obligated to preserve these materials in the face of ongoing litigation, but it is also obligated by state law to preserve public records regardless of litigation. But, Gypsum has developed substantial evidence that the County does not comply with those obligations even during litigation.

4. Although this action was only recently filed, Gypsum has been embroiled in litigation with Defendants since 2019. *Gypsum Resources, LLC v. Clark Cnty.*, Case No. 2:19-cv-00850-GMN-EJY (the "Federal Action"). Gypsum was compelled to bring this action after the federal court declined to exercise supplemental jurisdiction over Gypsum's state law claims. Gypsum has thus brought those claims, as well as an additional claim for violation of NRS Chapter 239 concerning the County's failure to preserve and produce public records.

5. During the Federal Action, Gypsum uncovered that County officials, including commissioners and County employees, regularly used text communications to conduct public business. Yet, the County has done nothing to require the preservation of those communications despite the requirements of Nevada law and despite the existence of the Federal Action. In fact, the Federal Magistrate made specific findings about County Commissioner Justin Jones intentionally deleting text communications to cover up his efforts to interfere with Gypsum's land use rights, including text communications that constituted public records which Nevada law requires to be preserved.

1 6. Discovery in the Federal Action also revealed that County employees, including the
2 County's planning director, used text communications to conduct County business but failed to
3 preserve those communications even during the ongoing Federal Action. Nancy Amundsen, the
4 County's planning director, communicated with County Commissioners – including about items on
5 the Commission's Planning Agenda – from her personal cell phone that she then deleted. True and
6 correct copies of examples of these communications, provided by Commissioners Jones and Naft
7 in response to Gypsum's public records request, are attached hereto as Exhibit 1.

8 7. In an effort to avoid having to bring this motion to the Court, I contacted Defendants'
9 counsel and asked that the County stipulate to an order for preservation. A true and correct copy
10 of my email communication is attached hereto as Exhibit 2. Due to the urgency of this matter, I
11 asked the County to promptly respond no later than noon on June 19, 2023. The County has failed
12 to respond whatsoever; thus, Gypsum brings this Motion.

13 8. The County's refusal to comply with its obligations to preserve public records is not
14 just a matter of judicial findings, but also of public admissions by its commissioners. Indeed, after
15 the Federal Magistrate's order, the County Commissioners openly acknowledged that the County
16 was failing to comply with Nevada's public records laws. But instead of actually complying, the
17 Board directed the county manager to simply review the matter and report back some time later in
18 the year. (Ex. 3.) Respectfully, the law's requirements are clear and must be followed. The
19 County's efforts to continue with its current course of conduct – destroying public records and
20 evidence – is not permitted under the law.

21 9. If this matter is heard in the ordinary course, Gypsum faces the risk of continued
22 destruction of public records and the loss of evidence and information that is the subject of
23 Gypsum's claims.

24 10. Therefore, good cause exists to set this matter for hearing on shortened time pursuant
25 to EDCR 2.26. This request is made in good faith and not for any improper purpose.

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11. If the Court grants the requested order shortening time, I will promptly cause a courtesy copy of this Motion to be served on Defendants' last known counsel.

12. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct based upon my knowledge, information and belief.

DATED this 20th day of June, 2023.

/s/ Todd L. Bice
TODD L. BICE, ESQ.

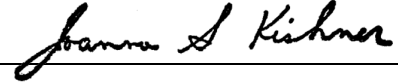
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ORDER SHORTENING TIME

It appearing to the satisfaction of the Court, and good cause appearing therefor:

IT IS HEREBY ORDERED, pursuant to EDCR 2.26 and based on the Declaration of Todd L. Bice, Esq., that the **MOTION FOR ORDER TO PRESERVE EVIDENCE ON ORDER SHORTENING TIME** shall be heard on shortened time on the 5th day of July, 2023, at the hour of 8:30 a.m./~~p.m.~~ in Department XXXI of the Eighth Judicial District Court. Opposition must be filed and served by 5:00 p.m. on June 27, 2023; Reply must be filed and served by 12:00 p.m. on June 29, 2023.

Dated this 23rd day of June, 2023



2D5 2B1 C00C 0F42
Joanna S. Kishner
District Court Judge

Submitted by:

PISANELLI BICE PLLC

By: /s/ Todd L. Bice
James J. Pisanelli, Esq., #4027
Todd l. Bice, Esq., #4534
Debra L. Spinelli, Esq., #9695
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Attorneys for Plaintiff Gypsum Resources, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

A. Gypsum Seeks to Enforce its Constitutional and Contractual Rights.

As set forth more fully in its Complaint, Gypsum is the owner of approximately 2,400 acres of land, much of which is located at what is commonly referred to as Blue Diamond Hill. (Comp. ¶ 11.) For over two decades now, the County, the State of Nevada and the Bureau of Land Management ("BLM") have taken a number of steps to obstruct the property's development. (*Id.* ¶ 10.) The County has long sought to acquire Gypsum's property for itself, or to persuade the BLM to acquire it. To suppress the property's value, the County has thus repeatedly sought to preclude its redevelopment. (*Id.*)

Those efforts resulted in a series of lawsuits, including the action styled *Gypsum Resources, LLC v. State of Nevada*, Case No. 05-00614A, where Gypsum prevailed invalidating both a state statute and county ordinance restricting Gypsum's rights concerning density for its development. (Comp. at ¶ 13.) To stave off Gypsum's further claims in *Gypsum Resources, LLC v. Masto, et al.*, Case No. CV-S-05-0583-RCJ-LRL, the County entered into a Stipulation and Settlement Agreement dated April 21, 2010 (the "Settlement Agreement"). (*Id.* at ¶ 14.) Pursuant to the Settlement Agreement, the County contractually bound itself to act in good faith concerning Gypsum's major projects application for the development. (*Id.* at ¶ 15.)

But as Gypsum has set forth in detail, the County subsequently reverted back to its actions to try and thwart any development. Those efforts resulted in another lawsuit in 2019, *Gypsum Resources, LLC v. Clark County*, Case No. 2:19-cv-00850-GMN-EJY, discovery in which exposed that Gypsum's land use applications were the subject of corrupt political bargains and the intentional destruction of evidence/public records to conceal those activities.¹

¹ As further noted in the Complaint, Gypsum has now been forced to bring its state law-based claims before this Court, as the federal court declined to exercise supplemental jurisdiction over Gypsum's state law claims. (Comp. at ¶ 121.)

1 **B. The County Fails to Preserve Evidence and Public Records.**

2 The need for this motion – to compel preservation of evidence and public records – stems
3 from what Gypsum found out during the Federal Action. After the close of discovery in that case,
4 it came to light that substantial evidence pertaining to Gypsum's claims had not been preserved and
5 much of it intentionally destroyed. For instance, with her April 17, 2023 order, the
6 Federal Magistrate found that Clark County Commissioner Justin Jones intentionally destroyed
7 evidence, including public records, in an effort to conceal his "dedicated involvement" in defeating
8 Gypsum's land use applications, as well as to conceal his communications about an illicit "deal he
9 struck" with former Commission Chairman Steve Sisolak. (Ex. 4 at p. 26.)²

10 But there is more. After the Federal Magistrate's order, Gypsum learned of other destruction
11 of evidence. The most striking example is what Gypsum uncovered from the communications of
12 Nancy Amundsen, the County's Director of Comprehensive Planning, who oversees all land use
13 applications. In the Federal Action, Gypsum deposed Amundsen on May 18, 2021. Amundsen
14 acknowledged that the County had a preservation policy, which meant that she could not delete her
15 work-related communications:

16 Q. But that's -- but you used that cell phone, that Samsung cell phone, for
17 County work?

18 A. That's correct.

19 Q. And does the County -- the County has a document preservation policy,
20 correct?

21 A. Yes.

22 ***Q. And so for that phone, that Samsung phone, because those are deemed to
23 be County records, you're not supposed to delete them, correct?***

24 ***A. That's correct.***

25 Q. So whatever your [text] communications are with Commissioner Sisolak,
26 they should still be on that phone?

27 A. Yes.

28 ² The Federal Magistrate declined to sanction the County directly, despite the fact that the
County failed to take steps to preserve evidence, because Gypsum did not show (at that time) that
it had been deprived of evidence by other commissioners failing to preserve their text
communications. That order is the subject of a pending motion in the Federal Action to modify it
based on subsequently discovered facts confirming that other County Commissioners and
employees similarly deleted their text messages during the pendency of the Federal Action.

1 (Ex. 5, Dep. Tr. of N. Amundsen, at 99:8-18) (emphasis added).³

2 During her deposition, Gypsum asked Amundsen about text messages, and she convincingly
3 claimed that there were none of import:

4 Q. . . . But on a day-to-day business, do you communicate with any of your staff
via text messaging?

5 A. No.

6 Q. Or do you communicate with any county commissioners via text messaging?

7 A. No.

8 Q. Have you ever communicated with any county commissioners via text
9 messaging?

10 A. Yes.

11 Q. Okay. Which ones?

12 A. Commissioner Sisolak. Generally he was the only one. Everyone else – he's
generally the only one.

13 Q. Okay. He would communicate via text messages?

14 A. That's correct.

15 Q. Okay. Any other form of electronic communications that you would have
16 with commissioners or your staff? E-mail?

17 A. *E-mail, and that's it.*

18 Q. And that would be it?

19 A. *That would be it.*

20 (*Id.* at 41:13-42:10) (emphasis added).

21 But Gypsum learned only later – long after the close of discovery – that it had been misled.
22 Public records requests revealed that Amundsen regularly communicated with her staff via text
23 messages. And those records requests also revealed that Amundsen deleted all of her text
24 communications up through January 12, 2023, despite knowing of the ongoing Federal Action and
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26
27 _____
28 ³ Because no text messages were then produced by the County concerning the
communications between Amundsen and Sisolak, Gypsum had no reason to think that those texts
pertained to this case. But now, Gypsum has learned otherwise.

1 that she was precluded from deleting those messages.⁴ (*Compare* Ex. 1 at CC-819 (text
2 communications involving Amundsen dating back to May 2020) with Ex. 6 at CC-515 (the earliest
3 text communication provided by Amundsen in response to Gypsum's public records request dated
4 January 12, 2023).) Those subsequent public records disclosures also revealed that Amundsen sent
5 text messages with the other County commissioners about County business, including during public
6 meetings over County agenda items. (Ex. 1.) Again, this is all contrary to what Amundsen testified
7 during the Federal Action.

8 **C. The County Refuses to Halt the Destruction of Public Records.**

9 After the Federal Magistrate's order, the County had to admit its noncompliance with its
10 obligations to preserve records, including under Nevada's public records act. As
11 County Commissioner Tick Segerblom acknowledged, the County's attitude concerning public
12 records "is just deny and litigate."⁵ (Ex. 3.) But while acknowledging the County's failures to
13 follow the law, the County commissioners effectively admit that they are going to continue to do
14 so, instead directing the County Manager to consider future policy changes concerning the handling
15 of public records. (*Id.*) Respectfully, the County's approach is a transparent effort to buy time and
16 placate media criticism while simultaneously continuing to ignore the law. The law's requirements
17 for preservation of public records are not optional. Gypsum sought to avoid the need for this
18 Motion, but the County refuses to acknowledge its legal obligations, thus necessitating this Court's
19 prompt intervention.

20 **II. ARGUMENT**

21 **A. The County is Obligated to Preserve Evidence and Public Records.**

22 Defendants have a duty to preserve, maintain, and prevent loss, destruction, or spoliation of
23 documents and information relating to the allegations and claims in litigation. *Fire Ins. Exch. v.*
24

25 ⁴ The County's and Amundsen's deception and destruction of this evidence is also the subject
26 of a pending motion in the federal action. (*Gypsum Resources, LLC v. Clark County*,
Case No. 2:19-cv-00850-GMN-EJY at ECF No. 120.)

27 ⁵ Although the Minutes of the Clark County Board of Commissioner's Meeting for May 16,
28 2023 are not yet available, the relevant portion of the video of the meeting is available at
https://clark.granicus.com/player/clip/7517?view_id=28&redirect=true&h=ee48dd3138c22fe0e82d2cb7ecc68b26 at 50:30-1:02:23.

1 *Zenith Radio Corp.*, 103 Nev. 648, 651, 747 P.2d 911, 914 (1987). "[E]ven where an action has
2 not been commenced and there is only a potential for litigation, the litigant is under a duty to
3 preserve evidence which it knows or reasonably should now is relevant to the action." *Id.*; *see also*
4 *Banks ex rel. Banks v. Sunrise Hosp.*, 120 Nev. 822, 830, 102 P.3d 52, 58 (2004) (same).

5 For the County, the requirements to preserve documents in the face of existing or anticipated
6 litigation is actually superfluous. As a governmental body, the County has a preexisting legal
7 obligation to preserve public records, regardless of litigation. Under Nevada law, "[a] local
8 governmental entity shall not dispose of any record except in accordance with" either (1) "[a]
9 schedule for the retention of the records approved by the State Library Archives and Public Records
10 Administrator" or (2) "[t]he schedule for the retention of the record set forth in the Local
11 Government Records Management Program Manual published by the State Library Archives and
12 Public Records Administrator." NAC 239.155(1). Indeed, the law requires that the "local
13 governmental entity shall adopt a schedule by ordinance or regulation." NAC 239.155(6).

14 The County acknowledges its obligations under Nevada law and claims that it "is currently
15 destroying all documents following the Nevada Administrative Code 239 and the Nevada Revised
16 Statutes 239 guidelines for document destruction." (Records Retention, Clark County, Nevada,
17 [https://www.clarkcountynv.gov/government/departments/building__fire_prevention/record/docu
18 ment_destruction_policy.php](https://www.clarkcountynv.gov/government/departments/building__fire_prevention/record/document_destruction_policy.php) (last visited June 20, 2023).) The NAC notes that the schedule
19 provided in the Local Government Records Management Program Manual can be adopted by all
20 counties and satisfies the requirements for a Records Retention Schedule under Nevada law.
21 NAC 239.155(1)(b), (5).

22 The General Schedule attached to the Local Government Records Management Program
23 Manual is approximately 443 pages and contains numerous categories of materials with varying
24 retention dates depending on what the record is. (*See generally* Local Government Records
25 Retention Schedules, Nevada State Library, Archives & Public Records (Dec. 21, 2020),
26 https://nsla.nv.gov/ld.php?content_id=60238524.) The records at issue – text messages and emails
27 pertaining to official County Commission business – appear to constitute "Correspondence:
28 Executive," which includes "[r]ecords not duplicated elsewhere that contain executive level

1 correspondence (emails, social media, letters, memos, etc. . . .) documenting the entities' functions,
2 pattern of action, policies and achievements. Correspondence may pertain to but is not limited to
3 budgeting and financial decisions, official positions, planning, directing, policy and rulemaking,
4 prominent; celebrated and/or noteworthy achievements, formal announcements, awards and/or
5 events." (*Id.* at p. 9.) Under Nevada law, such executive correspondence must be retained
6 permanently. (*See id.*) Unremarkably, there is no retention/destruction policy which permits the
7 immediate and wholesale destruction of public records based upon the personal wants of County
8 personnel.

9 The County cannot seriously pretend that the use of private cell phones and other electronic
10 devices by County Commissioners and County employees to communicate concerning public
11 business has not been a topic of concern and scrutiny. Indeed, in 2017, the Las Vegas
12 Review Journal published articles, raised questions, and interviewed local government officials,
13 including County Commissioners, concerning their practices of using private cell phones to conduct
14 government business, and questioned the propriety of doing so. (*See Ex. 7, Colton Lochhead,*
15 *Should Nevada government officials' private devices be public? Many leaders say yes, LAS VEGAS*
16 *REVIEW JOURNAL, Mar. 15, 2017.*) Then, on March 29, 2018, the Nevada Supreme Court
17 unanimously resolved any issue with its decision in *Comstock Residents Ass'n v. Lyon Ctny. Bd. of*
18 *Comm'rs*, 134 Nev. 142, 414 P.3d 318 (2018). There, the court addressed the actions of County
19 Commissioners concerning a land use application and ruled that the County Commissioners could
20 not circumvent Nevada's public records laws through use of their private cell phones to send
21 messages.

22 As the Court explained, Nevada law provides that "all public books and public records of a
23 governmental entity must be open to public inspection unless declared by law to be confidential."
24 NRS 239.010(1). And this applied to the County as well as personally to its Commissioners. The
25 Court explained that it did not matter that privately-owned devices were involved. In fact, doing
26 so would permit the government officials to circumvent the public's right to access and see those
27 communications. As such, the Court explained that any records on the Commissioners' private
28

1 phones were still "public records" – which state law requires to be preserved, maintained and
2 accessible – if they pertain to conduct of public business. *Id.* at 146-47, 414 P.3d at 321-22.

3 So what did the County and its Board of Commissioners do to comply with this unanimous,
4 watershed ruling? By all appearances, nothing. The County's own document retention policy
5 indicates that they have simply flaunted the law ever since. The County's document retention policy
6 claims it is to "establish a policy for a comprehensive program of integrated policies and procedures
7 for the management of records and information from their creation or receipt to their ultimate
8 disposition, consistent with Clark Counties (County) business requirements, ***and in compliance***
9 ***with applicable laws and regulations.***" (Emphasis added.) (Ex. 8 at CC-001.) That policy goes
10 on to explain that it "applies to all information, data and documents preserved in paper,
11 photographic, electronic, or any other permanent or quasi-permanent formats that have been
12 generated or received by the County and ***its employees*** in conducting the County's business." (*Id.*
13 (emphasis added).)

14 The County expressly defines its "Employees" as "individuals employed by Clark County,
15 including appointed officials ***and elected officials.*** Employees are subject to complying with
16 established Clark County policies and procedures." (*Id.* (emphasis added).) Thus, by the County's
17 own directive – which the County is statutorily required to adopt and have approved by the State –
18 the Commissioners are "employees" for purposes of document handling and preservation
19 requirements.

20 But, the document retention policy the County has provided to Gypsum indicates that the
21 County last updated it on February 25, 2015, three years before the State's highest court explained
22 that public officials and employees could not evade the public records requirements through the use
23 of privately-owned electronic devices, such as cell phones. (*Id.* at CC-001.) The County produced
24 nothing to indicate that it updated its policies and procedures to comply with Nevada law or to take
25 any steps to ensure the proper retention of these public records.

26 To the contrary, the County has effectively conceded that it is not complying with Nevada's
27 public records law. For instance, the County commissioners and employees routinely communicate
28 via text messaging in order to conduct County business. Yet, they do nothing to preserve those text

1 messages, and regularly delete them despite the requirements of Nevada law. That action is in
2 flagrant violation of Nevada law and must be immediately halted. *See Treppel v. Biovail Corp.*,
3 233 F.R.D. 363, 368-70 (S.D.N.Y. 2006) (recognizing that court has power to enter preservation
4 order of electronically stored information, particularly where there is evidence of past destruction);⁶
5 *see also Pueblo of Laguna v. U.S.*, 60 Fed. Cl. 133, 136 (2004) (court explaining that orders to
6 preserve electronically stored information are commonplace in complex cases and particularly in
7 instances where there is a showing of past destruction of evidence).

8 **III. CONCLUSION**

9 Gypsum asks this Court to issue an immediate preservation order directing defendants,
10 including County commissioners and employees, to preserve all evidence and public records,
11 including their text messages. The County's refusal to stipulate to that preservation further confirms
12 its intent on continuing to ignore its legal obligations to preserve such materials.

13 DATED this 20th day of June, 2023.

14 PISANELLI BICE PLLC

15
16 By: /s/ Todd L. Bice
17 James J. Pisanelli, Esq., #4027
18 Todd L., Bice, Esq., #4534
19 Debra L. Spinelli, Esq., #9695
20 Jordan T. Smith, Esq., #12097
21 Emily A. Buchwald, Esq., #13442
22 400 South 7th Street, Suite 300
23 Las Vegas, Nevada 89101

24 *Attorneys for Plaintiff Gypsum Resources, LLC*

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28 ⁶ The court in *Treppel* denied the motion for preservation because in that case there was no showing that prior evidence had been destroyed.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 20th day of June, 2023, I caused to be served via email and the Court's e-filing/e-service system true and correct copies of the above and foregoing **MOTION FOR ORDER TO PRESERVE EVIDENCE ON ORDER SHORTENING TIME** to the following:

Thomas D. Dillard, Jr., Esq.
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/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC