

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202	
Plaintiff(s) ROSS BERMAN et al.	DATE FILED: June 14, 2024 1:35 PM
v.	CASE NUMBER: 2024CV30763
Defendant(s) BELLROCK BRANDS INC et al.	
△ COURT USE ONLY △	
Case Number: 2024CV30763	
Division: 466 Courtroom:	
STIPULATED DISCOVERY AND SCHEDULING ORDER	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 6/14/2024



MARK T BAILEY
District Court Judge

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER STATE OF COLORADO 1437 Bannock Street Denver, CO 80202</p>	
<p>Plaintiffs: Ross Berman, Jason H. Karp, IMJ I LLC, a Delaware limited liability company, Rachel Farber Revocable Trust, Stephen Farber Revocable Trust, and Red Cloud Capital, LLC, a Connecticut limited liability company,</p> <p>and Plaintiff-Intervenors: Trevor Gallup, an individual; and Lynn Honderd, an individual.</p> <p>v.</p> <p>Defendants: Bellrock Brands Inc., a British Columbia corporation, BRB DB Holdings, Inc., a Delaware corporation, BRB Mary’s Holdings Corp., a Delaware corporation, Dixie Brands (USA) Inc., a Delaware corporation, Mary’s Operations, LLC, a Colorado limited liability company, Mary’s Pets, LLC, a Colorado limited liability company, Mary’s Nutritionals, LLC, a Colorado limited liability company, DB Finance, Nevada, LLC, a Nevada limited liability company, and DB Oklahoma, LLC, a Colorado limited liability company.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	<p>Case Number: 2024CV30763</p> <p>Division: 466</p>
<p>[PROPOSED] STIPULATED DISCOVERY AND SCHEDULING ORDER</p>	

The Plaintiffs, Ross Berman, Jason H. Karp, IMJ I LLC, Rachel Farber Revocable Trust, Stephen Farber Revocable Trust, and Red Cloud Capital, LLC (“Plaintiffs”), Defendants Bellrock Brands Inc., BRB DB Holdings, Inc., BRB Mary’s Holdings Corp., Dixie Brands (USA) Inc., Mary’s Operations, LLC, Mary’s Pets, LLC, Mary’s Nutritionals, LLC, DB Finance, Nevada, LLC, and DB Oklahoma, LLC (“Defendants”), Receiver West 4 Holding, LLP (“Receiver”), and

Plaintiff-Intervenors Lynn Honderd and Trevor Gallup (“Intervenors”) (together, the “Parties”), by and through their undersigned attorneys, propose the following Discovery and Scheduling Order for the Proceeding in Intervention (“Stipulated Order”).

The Parties have conferred and agree that, if the Court deems it appropriate, this Court may enter an order granting the Joint Motion to Intervene, subject to the limitations set forth below:

A. STIPULATION AS TO SCOPE OF INTERVENTION:

The Court entered a Claims Administration Procedure (May 13, 2024 Order). Intervenors agree to submit a claim pursuant to that Order. Intervenors, however, challenge the priority of the Plaintiffs’ claims based on an alleged violation of Colorado's Fraudulent Transfer act as well as seek rescission from the Defendants based on claims of duress or voiding the agreements with Defendants based on illusory and unconscionable theories. Because the composition of the assets of the estate of the Defendants in receivership may be affected by an adjudication of these three issues and claims raised Intervenors, and certain discovery is needed to resolve those three issues, it is agreed that the Intervenors are granted intervention to pursue discovery and claims based on those three issues and claims. Those three claims are set forth in Intervenor's joint complaint as claims 1, 2, and 8 (“Intervention Claims”).

B. STIPULATED DISCOVERY LIMITATIONS:

The Parties agree to the following discovery limitations for Intervenors’ claims:

1. Number of Depositions per Party Group: One deposition pursuant to C.R.C.P. 30(b)(6) of Defendant Companies group, one deposition pursuant to C.R.C.P. 30(b)(6) of a representative of the Plaintiff secured creditors group, one deposition of each of the Intervenors, and each party-group may take depositions of 5 other persons or entities, exclusive of experts.
2. Number of interrogatories per party group: Limit of twenty (20).
3. Number of requests for production of documents per party group: Limit of twenty (25).
4. Number of requests for admission per party group: Limit of ten (10).

C. STIPULATED SCHEDULE

The Parties stipulate to the following modified scheduling order that shall govern this proceeding:

1. Discovery set forth above in Section B shall start upon the entry of this order.

2. Discovery cut-off: November 29, 2024
3. Expert reports, if necessary: September 20, 2024
4. Trial date: the Parties propose a five day bench trial on Intervenors' first, second, and eighth claims in December 2024.
5. The Parties anticipate that the Claims Administration Procedure as ordered by the Court on May 13, 2024 will proceed concurrently with these proceedings on the Intervention Claims. However, a final determination by the Court as to the priority or amount of or payment schedule under the Claims Administration Procedure should not complete until after the Court issues its ruling on the Intervention's Claims.

Respectfully submitted this 5th Day of June, 2024.

APPROVED:

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/s/ John A. Chanin

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Attachment to Order - 2024CV30763

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 6, 2024, a true and correct copy of the foregoing was filed and served via the *Colorado Courts E-filing System* upon all parties/counsel of record.

/s/ Angelica McClurg
Angelica McClurg

Attachment to Order - 2024CV30763