

DISTRICT COURT, CITY AND COUNTY OF DENVER  
STATE OF COLORADO  
1437 Bannock Street  
Denver, CO 80202

DATE FILED: July 19, 2024 4:39 PM  
FILING ID: 1B706B8EEF8CC  
CASE NUMBER: 2024CV30763

**Plaintiffs:** Ross Berman, an individual; Jason H. Karp, an individual; IMJ I LLC, a Delaware limited liability company; Rachel Farber as trustee for the Rachel Farber Revocable Trust; Stephen Farber as trustee for the Stephen Farber Revocable Trust; and Red Cloud Capital, LLC, a Connecticut limited liability company;

**and Plaintiff-Intervenors:** Trevor Gallup, an individual; and Lynn Honderd, an individual.

v.

**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.

v.

**Third-Party Defendants:** Andrew Schweibold, an individual; James Harvey, an individual; Rise Investments International II Series 7, LLC, a Georgia limited liability company; High Street Capital Partners, LLC, a New York limited liability company; and Acreage Holdings America, Inc., a Nevada Corporation.

▲ COURT USE ONLY ▲

***Attorneys for Intervenor Trevor Gallup:***

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**INTERVENORS' NOTICE OF WITHDRAWAL OF JURY DEMAND**

Plaintiff-Intervenors Trevor Gallup, by and through his attorneys FOSTER GRAHAM MILSTEIN AND CALISHER, LLP, and Lynn Honderd, by and through her attorneys TREECE ALFREY MUSAT, P.C., (collectively "Intervenors") hereby withdraw their demand for a jury trial in this matter and consent to a trial to the bench as follows:

1. The parties have previously stipulated a bench trial in this case and a 5-day bench trial is scheduled to begin on January 27, 2025.
2. On June 27, 2024, when the Intervenors filed their Joint Amended Complaint In Intervention, Third-Party Complaint In Intervention, And Jury Demand, the jury demand was inadvertently left in the amended complaint in intervention.
3. The Intervenors have not paid the jury fee.
4. C.R.C.P. 38(e) permits a party with withdraw its jury demand provided that it obtains the "written consent of every party who has demanded a trial by jury and paid the requisite jury fee and of every party who has failed to waive the right to a trial by jury and paid the requisite jury fee." C.R.C.P. 38(e). When no other party has demanded a trial by jury or paid the requisite jury fee, the party who timely demanded a trial by jury may unilaterally withdraw its demand

without the written consent of the other parties. *See Crawford v. Melby*, 89 P.3d 451, 453 (Colo. App. 2003).

5. Intervenor hereby withdraw their jury demand and waive their right to try this matter to a jury as permitted by C.R.C.P. 38(e). As no other party has demanded a trial by jury and/or paid the requisite jury fee, there are no other parties whose written consent is required.

Dated this 19th day of July, 2024.

FOSTER GRAHAM MILSTEIN  
& CALISHER, LLP

/s/ Julie M. Behrman

John A. Chanin, Reg. No. 20749

Katherine A. Roush, Reg. No. 39267

Julie M. Behrman, Reg. No. 37825

*Attorneys for Plaintiff in Intervention Trevor Gallup*

TREECE ALFREY MUSAT P.C.

/s/ Reza D. Rismani

Reza D. Rismani, Reg. No. 31184

*Attorneys for Plaintiff in Intervention Lynn Honderd*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 19, 2024, a true and correct copy of the foregoing **INTERVENORS' NOTICE OF WITHDRAWAL OF JURY DEMAND** was filed and served via the *Colorado Courts E-filing System* upon all counsel of record.

*/s/ Angelica McClurg* \_\_\_\_\_  
Angelica McClurg

IN THE DISTRICT COURT, DENVER COUNTY, COLORADO	FOR COURT USE ONLY
<b>ROSS BERMAN, AN INDIVIDUAL, ET AL.</b> Plaintiff/Petitioner vs. <b>BELLROCK BRANDS, INC., A BRITISH COLUMBIA CORPORATION, ET AL.</b> Defendant/Respondent	Case # <b>2024CV30763</b> DATE FILED: July 19, 2024 4:39 PM FILING ID: 1B706B8EEF8CC Hearing Date: CASE NUMBER: 2024CV30763

**DECLARATION OF SERVICE**

Received by **Joshua Balsam**, on the **3rd day of July, 2024 at 7:43 PM** to be served on **Andrew Schweibold** at **60 Lockwood Rd, Riverside, Fairfield County, CT 06878**.

I, **Joshua Balsam**, declare under penalty of perjury that I am 18 years or older and not a party to the action and that on the **19th day of July, 2024 at 8:51 AM**, I **SERVED** the within named defendant at **60 Lockwood Rd, Riverside, Fairfield County, CT 06878**, at the usual place of abode, in the manner indicated below:

**PERSONAL SERVICE**, by personally delivering **1** copy(ies) of the below-listed documents to the named Defendant.

**Documents Served: SUMMONS; JOINT AMENDED COMPLAINT IN INTERVENTION, THIRD-PARTY COMPLAINT IN INTERVENTION, AND JURY DEMAND; EXHIBITS.**

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS: **Andrew Schweibold, I delivered the documents to Andrew Schweibold with identity confirmed by subject reaching for docs when named. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white male contact 35-45 years of age, 6'0"-6'2" tall and weighing 180-200 lbs.**

Service Fee Total: **\$135.00**

Per C.R.S. § 13-27-101 I declare under penalty of perjury under the law of Connecticut that the foregoing is true and correct.

Executed on 07/19/2024  
(date)

at Fairfield County  
(city or other location, and state OR county)

Joshua Balsam  
(printed name)

  
(signature)

IN THE DISTRICT COURT, DENVER COUNTY, COLORADO	FOR COURT USE ONLY
<b>Ross Berman, an individual , ET AL</b> Plaintiff/Petitioner vs. <b>Bellrock Brands Inc., a British Columbia corporation; ET AL</b> Defendant/Respondent	Case # <b>2024CV30763</b> DATE FILED: July 19, 2024 4:39 PM FILING ID: 1B706B8EEF8CC Hearing Date: CASE NUMBER: 2024CV30763

**DECLARATION OF SERVICE**

Received by **Saron Tadesse**, on the **9th day of July, 2024 at 11:22 PM** to be served on **James Harvey at 7482 Augusta Dr, Washington, Macomb County, MI 48094.**

I, **Saron Tadesse**, declare under penalty of perjury that I am 18 years or older and not a party to the action and that on the **13th day of July, 2024 at 2:33 PM**, I **SERVED** the within named defendant at **7482 Augusta Dr, Washington, Macomb County, MI 48094**, at the usual place of abode, in the manner indicated below:

**PERSONAL SERVICE**, by personally delivering **1** copy(ies) of the below-listed documents to the named Defendant.

**Documents Served: SUMMONS; JOINT AMENDED COMPLAINT IN INTERVENTION, THIRD-PARTY COMPLAINT IN INTERVENTION, AND JURY DEMAND; EXHIBITS.**

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS: **James Harvey, I delivered the documents to James Harvey with identity confirmed by subject reaching for docs when named. The individual accepted service with direct delivery. The individual appeared to be a white male contact 55-65 years of age, 5'8"-5'10" tall and weighing 200-240 lbs.**


Service Fee Total: **\$95.00**

Per C.R.S. § 13-27-101 I declare under penalty of perjury under the law of Michigan that the foregoing is true and correct.

Executed on 07/19/2024  
(date)

at Wayne County  
(city or other location, and state OR county)

Saron Tadesse  
(printed name)

  
(signature)