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11 *Dale Buczkowski*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 WEALTHY INC. and DALE  
15 BUCZKOWSKI,

16 Plaintiffs,

17 v.

18 SPENCER CORNELIA, CORNELIA  
19 MEDIA LLC, and CORNELIA  
EDUCATION LLC,

20 Defendants.

Case No.: 2:21-cv-01173-JCM-EJY

**OPPOSITION TO DEFENDANTS'  
MOTION TO COMPEL**

21 Plaintiffs Wealthy Inc. and Dale Buczkowski (collectively, "Plaintiffs") file this response  
22 in opposition to "Defendants' Motion to Compel [ECF No. 45]" (the "Motion to Compel").

23 This Response is supported by the following Memorandum of Points and Authorities, the  
24 exhibits attached hereto, and the papers and pleadings on file herein.

25  
26  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC (collectively, "Defendants") ask the Court to compel Plaintiff Mr. Buczkowski to sit for another deposition because their counsel was "[c]urious." They make this request even after conceding that his "testimony was consistent with the documents Plaintiffs had produced" and that it was Defendants, not Mr. Buczkowski, who ended the deposition taken on August 13, 2022.

What is more, Defendants filed their Motion to Compel on August 30, 2022, the day before the last day of discovery despite Mr. Buczkowski's objection and assertion of privilege regarding specific client information on March 28, 2022. That is, Defendants failed to seek judicial intervention for over five months regarding Mr. Buczkowski's claim of privilege and Plaintiffs' production of financial data by identifying customers by number rather than by name. And then, when they finally did so, they filed their Motion to Compel at the last minute and had the temerity<sup>1</sup> to claim it was Mr. Buczkowski who was using stall tactics.

Despite Defendants' characterization of Mr. Buczkowski as attempting to stonewall them at his deposition, they contradict themselves both in argument and through their attachment to the Motion to Compel of excerpts from Mr. Buczkowski's deposition. In doing so, Defendants demonstrate that Mr. Buczkowski was attempting to provide as much relevant information as he could without divulging privileged identifying information about his clients.

Because Defendants knew of Mr. Buczkowski's privilege-based objections for over five months before filing their Motion to Compel and their last-minute desire to conduct a second deposition to satisfy their curiosity after their unilateral termination of Mr. Buczkowski's deposition, the Court should deny Defendants' Motion to Compel.

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<sup>1</sup> Defendants' claim that Mr. "Buczkowski's allegedly extremely limited availability ... was a dilatory tactic to run out the clock on discovery," (Motion to Compel [ECF No. 45], at 4:6-8), is contradicted by their own concession that "scheduling issues with both Buczkowski and Defendants' counsel" led to difficulty scheduling Mr. Buczkowski's deposition (Defendants' Motion for Extension of Discovery [ECF No. 44], at 4:18 n.3.).

1     **II.     FACTUAL AND PROCEDURAL BACKGROUND**

2             On March 28, 2022, Plaintiffs served responses to Defendants' request for production of  
3 documents and objected to various requests based on irrelevance, the trade secret privilege, and  
4 Defendant Spencer Cornelia's public statements that he intends to retaliate for Plaintiffs  
5 commencing this lawsuit. (*See* Plaintiffs Wealthy Inc. and Dale Buczkowski's Response to  
6 Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC's Third Set of  
7 Requests for Production of Documents, served on March 28, 2022 ("Responses"), **Exhibit 1**.) The  
8 requests asked for identifying information for Plaintiffs' clients, including "YouTube Analytics  
9 Reports for the Derek Moneyberg YouTube channel," "conversion data (meaning date tending to  
10 show customers viewing advertisements and then purchasing Your services)," and "website  
11 analytics reports for <moneyberg.com>." (*Id.*)

12             On March 28, 2022, Plaintiffs produced financial data of the company including a full list  
13 of customers, identified by client identification number rather than by name. (*See* Plaintiffs' Third  
14 Supplement to Initial Disclosures Pursuant to F.R.C.P. 26, **Exhibit 2**, at 6:17-28.) Along with the  
15 financial data, Plaintiff responded to Defendants' requests for discovery noted above. To each of  
16 these requests, Plaintiffs objected based on irrelevance and because the requests sought "privileged  
17 information and is not permitted pursuant to FRCP 26(b)(1). *See* Nev. Rev. Stats. § 49.325 (trade  
18 secret privilege)." (*Id.*) Further, Plaintiffs stated that the "protective order cannot adequately  
19 protect Plaintiffs' significant confidentiality and proprietary business interest." (*Id.*)

20             Over four months after the above-referenced Responses were served, on August 13, 2022,  
21 Mr. Buczkowski's deposition was taken. (*See* Motion to Compel [ECF No. 45], at 3:3.) Repeatedly,  
22 Defendants' counsel asked for the specific identity of Plaintiffs' clients. (*See* Exhibit 2 to Motion  
23 to Compel [ECF No. 45-2], at 134:13-135:10, 136:1-13, 137:24-138:8, 149:18-22.) Plaintiffs  
24 objected on the same grounds as they had asserted over four months earlier in discovery. (*Id.*) That  
25 is, Plaintiffs claimed that the information Defendants were asking for was protected by the trade  
26 secrets privilege. (*Id.*)

1 Defendants terminated the deposition (*see* Motion to Compel [ECF No. 45], at 3:18-20),  
 2 and seventeen days later, on August 30, 2022<sup>2</sup>, filed their Motion to Compel.

### 3 **III. LEGAL ARGUMENT**

4 FRCP 26(b)(1) governs the scope of discovery and allows "discovery regarding any  
 5 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs  
 6 of the case, considering the importance of the issues at stake in the action, the amount in  
 7 controversy, the parties' relative access to relevant information, the parties' resources, the  
 8 importance of the discovery in resolving the issues, and whether the burden or expense of the  
 9 proposed discovery outweighs its likely benefit."

10 FRCP 26(b)(2)(C) states that "[o]n motion or on its own, the court must limit the frequency  
 11 or extent of discovery otherwise allowed by these rules or by local rule if it determines that: ... (ii)  
 12 the party seeking discovery has had ample opportunity to obtain the information by discovery in  
 13 the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1)."

#### 14 **A. Information Identifying Plaintiffs' Clients is Privileged.**

15 "A person has a privilege, which may be claimed by the person ... to refuse to disclose ...  
 16 a trade secret owned by him or her, if the allowance of the privilege will not tend to conceal fraud  
 17 or otherwise work injustice." NRS 49.325.

18 "Broadly defined, a trade secret is information that derives independent economic value,  
 19 actual or potential, from not being generally known to, and not being readily ascertainable by proper  
 20 means by the public as well as information that is the subject of efforts that are reasonable under  
 21 the circumstances to maintain its secrecy." *Finkel v. Cashman Professional, Inc.*, 128 Nev. 68, 74,  
 22 270 P.3d 1259, 1264 (2012) (citations and quotations omitted). Going to extreme efforts to protect  
 23 customer information and limiting access to customer information, customer data, and contracts is  
 24 substantial evidence that customer information is a trade secret. *Id.* at 75, 1264; *see also Frantz v.*  
 25 *Johnson*, 116 Nev. 455, 467, 999 P.2d 351, 359 (2000) (holding customer and pricing list to be a  
 26

27 \_\_\_\_\_  
 28 <sup>2</sup> The discovery cut-off date was August 31, 2022. (*See* order Granting Stipulation to  
 Extend Discovery Deadlines (Fourth Request), entered on May 16, 2022, [ECF No. 39].)

1 trade secret when it is extremely confidential, its secrecy is guarded, it was not readily available to  
2 others, and was in a highly specialized industry).

3 As a threshold matter, Defendants agree that the scope of discovery only includes  
4 "nonprivileged" information. (*See* Motion to Compel [ECF No. 45], at 4:11-12.) Rather,  
5 Defendants appear to dispute that trade secrets are privileged material. (*See* Exhibit 2 to Motion to  
6 Compel [ECF No. 45-2], at 134:18-20.) However, Plaintiffs have the statutory privilege to refuse  
7 to disclose trade secrets that they own. NRS 49.325. Further, Plaintiffs' client lists and client  
8 identities are trade secrets because they have gone to great lengths to maintain the secrecy of that  
9 information which is not readily available to the public or to competitors. *Finkel*, at 75, 1264;  
10 *Frantz*, at 467, 359.

11 Plaintiffs refused to disclose identifying information of clients when they served their  
12 Responses on March 28, 2022. (Ex. 1.) Not only did Plaintiffs refuse to disclose the specific  
13 identifying client information, but they identified that information as protected under the trade  
14 secret privilege. (*Id.*) Defendants did not take issue with Plaintiffs' assertion of privilege by  
15 conducting a meet and confer followed by requesting judicial intervention to compel production of  
16 documents. Rather, Defendants asked Mr. Buczkowski, at his deposition, for the same information  
17 that he had already objected to on the grounds of privilege. (*Compare* Ex. 1 with Exhibit 2 to  
18 Motion to Compel [ECF No. 45-2].) Nowhere in their Motion to Compel do Defendants refute  
19 Plaintiffs' assertion that identifying information about Plaintiffs' clients is privileged as trade  
20 secrets. (*See generally* Motion to Compel [ECF No. 45].)

21 Privileged matters fall outside the scope of discovery under FRCP 26(b)(1), and the Court  
22 should deny the Motion to Compel.

23 **B. The Motion to Compel Was Unduly Delayed.**

24 The Court has broad discretionary power to control discovery. *Little v. City of Seattle*, 863  
25 F.2d 681, 685 (9<sup>th</sup> Cir. 1988). "With respect to a motion to compel discovery, there is no specific  
26 deadline enunciated in the governing rules and a determination as to the timeliness of such a motion  
27 is left to the exercise of judicial discretion." *Herndon v. City of Henderson*, 507 F.Supp.3d 1243,  
28 1247 (D. Nev. 2020). That determination is based on whether the movant unduly delayed. *Id.* "A

1 finding of untimeliness, standing alone, dooms a motion to compel regardless of its substantive  
2 merits." *Id.* All discovery must be completed by the discovery cut-off date and a "motion to compel  
3 was untimely because it noticed a hearing after the discovery cut-off date." *Red Bull GmbH v. Mon*  
4 *Chong Loong Trading Corp.*, No. CV0500392DDPSSX, 2006 WL 8434036, at \*2 (C.D. Cal. June  
5 20, 2006).

6 Here, Defendants ask the Court to compel Mr. Buczkowski to appear, again, for a deposition  
7 and to provide identifying information about Plaintiffs' customers which Plaintiffs had asserted  
8 previously was privileged information. (Motion to Compel, [ECF No. 45], at 4:3-4, 6:4-5.)  
9 However, Mr. Buczkowski's objections to Defendants' questions were not new and were not  
10 presented for the first time at the August 13, 2022 deposition. (*See* Section II, *supra.*) In fact,  
11 Plaintiffs had objected to requests for identifying information about their clients over *four* months  
12 earlier. (*See id.*) At the time that Plaintiffs originally objected to providing specific information  
13 about their clients, Defendants did not follow up by narrowing the requests, by conducting a meet  
14 and confer, or by requesting judicial intervention in obtaining answers to their written discovery  
15 requests. Rather, in a case that was filed June 21, 2021, Defendants waited until seventeen days  
16 prior to the close of discovery and fourteen months after commencement of the litigation to ask Mr.  
17 Buczkowski, a named plaintiff, for the same information to which he objected and asserted the  
18 trade secrets privilege. (*See* Sections II and III(A), *supra.*)

19 Defendants' request in August for information that it did not receive in March does not make  
20 the discovery dispute ripe in August. *See* FRCP 26(b)(2)(C)(ii) ("the court must limit the frequency  
21 of discovery ... if it determines that the party seeking discovery has had ample opportunity to obtain  
22 the information by discovery in the action."). Rather, Defendants unduly delayed in filing their  
23 Motion to Compel and the Court should deny it as untimely. *Herndon*, 507 F.Supp.3d at 1247.  
24 Additionally, by waiting until the last day of discovery to file their Motion to Compel, Defendants  
25 ask the Court to order a deposition after the discovery cut-off date.  
26 Accordingly, the Court should deny the Motion to Compel as untimely. *Red Bull GmbH*, No.  
27 CV0500392DDPSSX, 2006 WL 8434036, at \*2.

28

1           **C.     The Breadth of Defendants' Request is Unreasonable.**

2           In one breath, Defendants state that "the Court should enter an order compelling Plaintiff  
3 Dale Buczkowski to complete his deposition and to answer questions regarding Plaintiffs'  
4 customers." (Motion to Compel [ECF No. 45], at 6:4-5.) In the next breath, Defendants inform  
5 the Court that "the subject matter of the continued deposition should not be limited, as Defendants  
6 have other areas to explore in this deposition." (*Id.* at 6:6-7.) Neither request should be granted.

7           Defendants' unreasonable request effectively is asking the Court to extend discovery  
8 because they are not asking for the compulsion of discovery on a particular subject matter<sup>3</sup> but  
9 rather as to an unlimited subject matter. (*Id.*) Plaintiffs specifically attempted to prevent this very  
10 scenario by requesting that Defendants' counsel ask all of his questions at the deposition so that the  
11 discovery dispute was limited to a discrete subject matter. (*See* Exhibit 2 to Motion to Compel  
12 [ECF No. 45-2], at 138:15-18 (Counsel for Plaintiff: "So we should do everything else that you  
13 might ask, and then we can separately brief that issue."), 154:12-20 (Counsel for Plaintiffs: "And I  
14 want to be specific, that we're objecting to the disclosure of specific names or identifying  
15 information of clients."), 155:19-22 (Counsel for Plaintiffs: "I would only have a problem with  
16 questions that would reveal the identity of these individuals, and we're willing to work around just  
17 about anything else about that.")) Despite Plaintiffs' offer to "work around" all subject matters  
18 outside of identifying information about clients, Defendants still chose unilaterally "to suspend  
19 Buczkowski's deposition." (Motion to Compel [ECF No. 45], at 3:19-20.)

20           Defendants' focus at the deposition was on the names of clients who spent in excess of  
21 \$75,000 and an examination of Defendants' line of questioning at the deposition illustrates the  
22 overbreadth of their request for a deposition with an unlimited subject matter:

23           Q Can you list one person that has paid you \$75,000 for one-on-one coaching?

24           A There are several people that have paid me more than that. I would say it's a trade  
secret to say those people's names. I'm not saying --

25           Q I don't care if it's a trade secret. It's not privileged, and it's not subject to a  
protective order. Answer the question.

26 \_\_\_\_\_  
27 <sup>3</sup> Defendants' Motion to Compel [ECF No. 45] does not comply with LR 26-6(b) which states that  
28 "[a]ll motions to compel ... must set forth in full the text of the discovery originally sought and  
any response to it." Defendants fail to specifically identify what questions it wishes the Court to  
compel Mr. Buczkowski to answer and the Court should deny the Motion to Compel.



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1 MS. PETERSON: Well, it is privileged, and under Nevada law, it is trade secret  
2 information.

3 (Exhibit 2 to Motion to Compel [ECF No. 45-2], at 134:13-22.)

4 Q Name one person who spent more than \$75,000 with you.  
5 A I'd be happy to answer the question if I knew the law better in this area. I feel like  
6 you're asking me to divulge trade secrets, and I don't know that I'm legally required  
7 to do that. I don't believe that I am, and my Counsel has advised me as much under  
8 Nevada law that I'm not required to do that.

9 (*Id.* at 135:3-10.)

10 Q Yeah. So you are not willing to put anything on the record of anyone who spent  
11 more than 75,000 with you?

12 A Several people have spent more money than that. I'm not going to divulge the  
13 names of my top clients. I don't believe that, given the way that your client has  
14 attacked me in the past, I don't trust to share that information. I don't believe I'm  
15 required to share that information under Nevada law, either.

16 (*Id.* at 136:2-10.)

17 Additionally, Defendants never articulate why they need additional information beyond the  
18 full list of customers, identified by client identification number rather than by name, that Plaintiffs  
19 produced on March 28, 2022. (*See* Section II, *supra*.) Defendants fail to explain why they did not  
20 seek the identity of high paying customers in March when Plaintiffs produced the underlying  
21 financial information while specifically withholding the identities of its customers and asserting  
22 trade secret privilege for information disclosing the identifies of Plaintiffs' customers. Defendants'  
23 request that the Court order the second deposition of Mr. Buczkowski with an unlimited subject  
24 matter is overbroad and unreasonable and the Court should deny the Motion to Compel.

25 **D. The Court Should Deny Defendants' Request for Costs and Attorneys' Fees**

26 Almost as an afterthought, Defendants ask the Court to award them costs and attorneys' fees  
27 in connection with their Motion to Compel and the taking of Mr. Buczkowski's deposition. (Motion  
28 to Compel [ECF No. 45], at 2:5-6, 6:13-15.) However, Pursuant to LR 7-2(a), "[a]ll motions ...  
must be supported by a memorandum of points and authorities." "The failure of a moving party to  
file points and authorities in support of the motion constitutes a consent to the denial of the motion."

LR 7-2(d).



1 Here, Defendants have not provided *any* points or authorities in support of their request for  
2 fees and costs, nor do they even provide the Court with a reason for their request. What's more, the  
3 excerpts of the transcript from Mr. Buczkowski's deposition demonstrates the good faith of  
4 Plaintiffs in attempting to answer all questions except those for which they asserted the trade secrets  
5 privilege. (*See* Section III(C), *supra*.)

6 Without points and authorities and absent even a shadow of bad faith by Plaintiffs for  
7 objecting to questions based on an assertion of privilege, the Court should deny Defendants' request  
8 for costs and fees pursuant to LR 7-2(d).

9 **IV. CONCLUSION**

10 For the foregoing reasons, the Court should deny the Motion to Compel.

11 Respectfully submitted this 13th day of September, 2022.

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**CERTIFICATE OF SERVICE**

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of Peterson Baker, PLLC, and that a true and correct copy of the **OPPOSITION TO DEFENDANTS' MOTION TO COMPEL** was served via electronic service, via CM/ECF, on this 13th day of September, 2022, and to the following:

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**INDEX OF EXHIBITS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
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<b>Exhibit Number</b>	<b>Title</b>
1.	Plaintiffs Wealthy Inc. and Dale Buczkowski's Response to Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC's Third Set of Requests for Production of Documents, served on March 28, 2022
2.	Plaintiffs' Third Supplement to Initial Disclosures Pursuant to F.R.C.P. 26

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# **EXHIBIT 1**

**Plaintiffs Wealthy Inc. and Dale  
Buczowski's Response to  
Defendants Spencer Cornelia,  
Cornelia Media LLC, and Cornelia  
Education LLC's Third Set of  
Requests for Production of  
Documents, served on March 28,  
2022**

**EXHIBIT 1**

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11 *Dale Buczkowski*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 WEALTHY INC. and DALE  
15 BUCZKOWSKI,

16 Plaintiffs,

17 v.

18 SPENCER CORNELIA, CORNELIA  
19 MEDIA LLC, and CORNELIA  
20 EDUCATION LLC,

Defendants.

Case No.: 2:21-cv-01173-JCM-EJY

**PLAINTIFFS WEALTHY INC. AND  
DALE BUCZKOWSKI'S RESPONSE TO  
DEFENDANTS SPENCER CORNELIA,  
CORNELIA MEDIA LLC, AND  
CORNELIA EDUCATION LLC'S THIRD  
SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

21 Plaintiffs Wealthy Inc. and Dale Buczkowski ("Plaintiffs or Wealthy"), by and through their  
22 attorneys, the law firms of Peterson Baker, PLLC and Culhane Meadows PLLC, hereby respond to  
23 "Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC's Third Set of  
24 Requests for Production of Documents to Wealthy Inc. and Dale Buczkowski" as follows:

25 **DEFINITIONS**

26 The following definitions apply to Plaintiffs' objections:

27 A. "Non-discoverable/Irrelevant" – The request in question concerns a matter that is  
28 not relevant to the subject matter of this litigation and is not proportional to the needs of the case.

1 B. "Unduly burdensome" – The request in question seeks discovery which is unduly  
2 burdensome or expensive, taking into account the needs of the case, limitations on the parties'  
3 resources, and the importance of the issues at stake in the litigation.

4 C. "Vague" – The request in question contains a word or phrase which is not adequately  
5 defined, or the overall request is confusing or ambiguous, and Plaintiffs are unable to reasonably  
6 ascertain what information or documents Defendants Spencer Cornelia, Cornelia Media LLC, and  
7 Cornelia Education LLC's ("Defendants" or "Cornelia") seek in the request.

8 D. "Overly broad" – The request seeks information or documents beyond the scope of,  
9 or beyond the time period relevant to, the subject matter of this litigation and, accordingly, seeks  
10 information or documents which are non-discoverable/irrelevant and is unduly burdensome.

11 **GENERAL OBJECTIONS**

12 Plaintiffs object to Defendants' Requests on the following grounds:

13 A. Plaintiffs object to Defendants' requests to the extent they seek documents or  
14 disclosure of information that is protected from disclosure by the attorney-client privilege in  
15 accordance with Rule 26 of the Federal Rules of Civil Procedure and sections 49.035-49.115 of the  
16 Nevada Revised Statutes.

17 B. Plaintiffs object to Defendants' requests to the extent they seek documents or  
18 disclosure of information that is protected from disclosure by the work-product exemption in  
19 accordance with Rule 26 of the Federal Rules of Civil Procedure and applicable case law.

20 C. Plaintiffs object to Defendants' requests to the extent they seek documents or  
21 information protected from disclosure pursuant to the consultant-expert exemption in accordance  
22 with Rule 26 of the Federal Rules of Civil Procedure and applicable case law.

23 D. Plaintiffs object to Defendants' requests to the extent they seek trade secrets,  
24 commercially sensitive information, or confidential proprietary data entitled to protection under  
25 Rule 26 of the Federal Rules of Civil Procedure and section 49.325 of the Nevada Revised Statutes.

26 E. Plaintiffs object to Defendants' requests to the extent they purport to impose  
27 obligations that are greater than or inconsistent with those set forth in the Federal Rules of Civil  
28 Procedure and the Local Rules of the United States District Court for the District of Nevada.

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1 F. Plaintiffs object to Defendants' requests to the extent they are excessively  
2 burdensome and that much of the information requested may be obtained by Defendants from other  
3 sources more conveniently, less expensively, and with less burden.

4 G. Plaintiffs object to Defendants' requests to the extent they purport to require  
5 Plaintiffs to produce documents that are in the possession, custody or control of any person or entity  
6 other than Plaintiffs.

7 H. This response will be made on the basis of information and writings available to and  
8 located by Plaintiffs upon reasonable investigation of their records, and inquiry of their present  
9 officers and/or employees. There may be other and further information respecting the requests  
10 propounded by Defendants of which Plaintiffs, despite their reasonable investigation and inquiry,  
11 are currently unaware. Plaintiffs reserve the right to modify or enlarge any response with such  
12 pertinent additional information as they may subsequently discover.

13 I. No incidental or implied admissions will be made by the responses to requests. The  
14 fact that Plaintiffs may respond or object to any request or part thereof shall not be deemed an  
15 admission that they accept or admit the existence of any facts set forth or assumed by such request,  
16 or that such response constitutes admissible evidence. The fact that Plaintiffs respond to part of  
17 any request is not to be deemed a waiver by Plaintiffs of their objections, including privilege, to  
18 other parts of such requests.

19 J. Each response will be subject to all objections as to competence, relevance,  
20 materiality, propriety, and admissibility, and to any and all other objections on any ground which  
21 would require the exclusion from evidence of any statement herein if any such statements were  
22 made by a witness present and testifying at trial, all of which objections and grounds are expressly  
23 reserved and may be interposed at such hearings.

24 K. Plaintiffs adopt by reference the above objections and incorporate each objection as  
25 if it were fully set forth below in each of their responses.

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**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 28:**

Produce an export of the following YouTube Analytics Reports for the Derek Moneyberg YouTube channel:

- a. Reach – Traffic Source: Suggested Videos
- b. Reach – Traffic Source: YouTube search
- c. Engagement – Top Videos
- d. Engagement – Top videos by end screen
- e. Engagement – Top Playlists
- f. Audience – Watch time from subscribers
- g. Audience – Age and Gender
- h. Audience – Other YouTube channels Your audience watches
- i. Audience – Other YouTube videos Your audience watched
- j. Audience – Top geographies

**RESPONSE TO REQUEST NO. 28:**

Objection. This request is non-discoverable / irrelevant. This request further seeks privileged information and is not permitted pursuant to FRCP 26(b)(1). *See* Nev. Rev. Stats. §49.325 (trade secret privilege). Furthermore, while a Stipulated Confidentiality and Protective Order [ECF No. 30] has been entered in this case, such protective order cannot adequately protect Plaintiffs' significant confidentiality and proprietary business interest. Responsive documents, for example, would allow anyone, including Defendants, to market their competing products directly to Plaintiffs' customers and/or gain direct access to many of Plaintiffs' customers. Defendant Spencer Cornelia has stated publicly after the filing of this suit that he intends to retaliate for the filing of this lawsuit, and access to information within the responsive documents or publication of that information would serve to facilitate that illicit objective.

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1 **REQUEST NO. 29:**

2 Produce all conversion data (meaning data tending to show customers viewing  
3 advertisements and then purchasing Your services) for Your services from online advertisements,  
4 including but not limited to advertisements on Google, YouTube, and Instagram.

5 **RESPONSE TO REQUEST NO. 29:**

6 Objection. This request is non-discoverable / irrelevant. This request further seeks  
7 privileged information and is not permitted pursuant to FRCP 26(b)(1). *See* Nev. Rev. Stats.  
8 §49.325 (trade secret privilege). Furthermore, while a Stipulated Confidentiality and Protective  
9 Order [ECF No. 30] has been entered in this case, such protective order cannot adequately protect  
10 Plaintiffs' significant confidentiality and proprietary business interest. Responsive documents, for  
11 example, would allow anyone, including Defendants, to market their competing products directly  
12 to Plaintiffs' customers and/or gain direct access to many of Plaintiffs' customers. Defendant  
13 Spencer Cornelia has stated publicly after the filing of this suit that he intends to retaliate for the  
14 filing of this lawsuit, and access to information within the responsive documents or publication of  
15 that information would serve to facilitate that illicit objective.

16 **REQUEST NO. 30:**

17 Produce all annual profit and loss statements for Wealthy Inc. from January 1, 2017 to the  
18 present day.

19 **RESPONSE TO REQUEST NO. 30:**

20 There no documents responsive to this request.

21 **REQUEST NO. 31:**

22 Produce all website analytics reports for <moneyberg.com>.

23 **RESPONSE TO REQUEST NO. 31:**

24 Objection. This request is vague as to the term "website analytics reports" and such term is  
25 not defined in the "Definitions". Further, this request is non-discoverable / irrelevant. This request  
26 further seeks privileged information and is not permitted pursuant to FRCP 26(b)(1). *See* Nev.  
27 Rev. Stats. §49.325 (trade secret privilege). Furthermore, while a Stipulated Confidentiality and  
28 Protective Order [ECF No. 30] has been entered in this case, such protective order cannot

1 adequately protect Plaintiffs' significant confidentiality and proprietary business interest.  
2 Responsive documents, for example, would allow anyone, including Defendants, to market their  
3 competing products directly to Plaintiffs' customers and/or gain direct access to many of Plaintiffs'  
4 customers. Defendant Spencer Cornelia has stated publicly after the filing of this suit that he intends  
5 to retaliate for the filing of this lawsuit, and access to information within the responsive documents  
6 or publication of that information would serve to facilitate that illicit objective.

7 Respectfully submitted this 28<sup>th</sup> day of March, 2022.

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9  
10 By: /s/ Tamara Beatty Peterson  
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27 *Attorneys for Plaintiffs Wealthy Inc. and*  
28 *Dale Buczkowski*

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**CERTIFICATE OF SERVICE**

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of Peterson Baker, PLLC, and that a true and correct copy of the **PLAINTIFFS WEALTHY INC. AND DALE BUCZKOWSKI'S RESPONSE TO DEFENDANTS SPENCER CORNELIA, CORNELIA MEDIA LLC, AND CORNELIA EDUCATION LLC'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** was served via electronic mail and via U.S. Mail, postage prepaid, on this 28<sup>th</sup> day of March, 2022, and to the following:

MARC J. RANDAZZA, ESQ.  
mjr@randazza.com  
ALEX J. SHEPARD, ESQ.  
ajs@randazza.com  
RANDAZZA LEGAL GROUP, PLLC  
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*Attorneys for Defendants  
Spencer Cornelia, Cornelia Media LLC,  
and Cornelia Education LLC*

/s/ Erin Parcels  
Employee of Peterson Baker, PLLC

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# **EXHIBIT 2**

## **Plaintiffs' Third Supplement to Initial Disclosures Pursuant to F.R.C.P. 26**

# **EXHIBIT 2**

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10 *Attorneys for Plaintiffs Wealthy Inc. and*  
11 *Dale Buczkowski*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 WEALTHY INC. and DALE  
15 BUCZKOWSKI,

16 Plaintiffs,

17 v.

18 SPENCER CORNELIA, CORNELIA  
19 MEDIA LLC, and CORNELIA  
EDUCATION LLC,

20 Defendants.

Case No.: 2:21-cv-01173-JCM-EJY

**PLAINTIFFS' THIRD SUPPLEMENT TO  
INITIAL DISCLOSURES PURSUANT TO  
F.R.C.P. 26**

**(Supplemental Information Appears in Bold)**

21 Plaintiffs Wealthy Inc. ("Wealthy") and Dale Buczkowski (collectively, "Plaintiffs"), by  
22 and through their undersigned counsel, Culhane Meadows PLLC and Peterson Baker, PLLC,  
23 provide the following third supplement to their initial disclosures pursuant to F.R.C.P. 26.

24 **A. WITNESSES**

25 Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), the following is a list of names, and if known,  
26 the addresses and telephone numbers of each individual likely to have discoverable information –  
27 along with the subjects of that information—that Plaintiffs may use to support their claims or  
28 defenses, unless the use would be solely for impeachment:

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1           1.     Dale Buczkowski  
2                 c/o Culhane Meadows PLLC, National Litigation Support Center  
3                 13101 Preston Road, Suite 110-1510  
4                 Dallas, Texas 75240  
5                 Telephone: (212) 920-5547 or (917) 853-0057

6           Mr. Buczkowski is expected to provide testimony with regard to his business, Wealthy Inc.;  
7           the false and defamatory statements maliciously made by defendants about him and/or Wealthy  
8           Inc. and/or the Derek Moneyberg brand, and disseminated widely online; and the damage caused  
9           to him and Wealthy, Inc. by the defendants' defamatory statements that were widely disseminated  
10           by defendants, including loss of clients and severe emotional and mental distress that he suffered.

11           2.     Thomas Peterson  
12                 c/o Culhane Meadows PLLC, National Litigation Support Center  
13                 13101 Preston Road, Suite 110-1510  
14                 Dallas, Texas 75240  
15                 Telephone: (212) 920-5547 or (917) 853-0057

16           Mr. Peterson provides services to Wealthy, Inc. through an entity that he owns. Mr.  
17           Peterson is expected to have knowledge regarding the facts and circumstances surrounding the  
18           issues in this action.

19           3.     Francesco Iantorno  
20                 c/o Culhane Meadows PLLC, National Litigation Support Center  
21                 13101 Preston Road, Suite 110-1510  
22                 Dallas, Texas 75240  
23                 Telephone: (212) 920-5547 or (917) 853-0057

24           Mr. Iantorno provides services to Wealthy Inc. through an entity that he owns. Mr. Iantorno  
25           is expected to have knowledge regarding the facts and circumstances surrounding the issues in this  
26           action.

27           4.     An individual using the nickname Coffeezilla  
28                 Address and Telephone Number Unknown

            Coffeezilla is expected to have knowledge of admissions regarding false statements made  
            in Spencer Cornelia's videos.

            5.     Graham Stephan  
                    Address and Telephone Number Unknown

            Mr. Stephan is expected to have knowledge regarding Spencer Cornelia's activities in the  
            real estate coaching business.



**B. DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), the following is a list of descriptions by category and location of all documents, electronically stored information, and tangible things that the Plaintiffs have in their possession, custody or control and may use to support their claims or defenses, unless the use would be solely for impeachment:

1. Documents and electronically stored information concerning the finances and operations of Wealthy Inc. and the impact upon Wealthy Inc. of the complained-of statements, including programs offered, their costs and numbers of participants for two years preceding the earliest statement(s) complained of through the most recently concluded quarter. The financial information of Wealthy Inc. is stored on a company Google drive maintained by Thomas Peterson. The sales and marketing information of Wealthy Inc. is stored on a company Google drive which is maintained by Francesco Iantorno. Mr. Peterson and Mr. Iantorno each own separate businesses that are paid by Wealthy in order to manage their respective functions.

2. The First, Second and Third Videos, identified in the Complaint.

3. Documents bates stamped and as described below:

DATE	DESCRIPTION	BATES RANGE
06/13/2015	Image of Mr. Buczkowski's diploma from the University of Chicago Booth School of Business with a Masters of Business Administration	WEALTHY000001
06/2014	Image of the award trophy of Dean's Prize for Building the Chicago Booth Brand awarded to Mr. Buczkowski	WEALTHY000002
	Image of the Chicago Booth School Dean (Sunil Kumar) presenting the Dean's Prize for Building the Chicago Booth Brand to Mr. Buczkowski	WEALTHY000003
	Picture of the Assistant Dean (George Andrews) with Mr. Buczkowski celebrating Mr. Buczkowski receiving the Dean's Prize for Building the Chicago Booth Brand	WEALTHY000004
2005	Image of Mr. Buczkowski's academic achievement award from Bradley University	WEALTHY000005
	Excerpts from "House Hack Expert" e-book by Spencer Cornelia	WEALTHY000006- WEALTHY000014
	Excerpts from "First 1,000 Subscribers" e-book by Spencer Cornelia	WEALTHY000015- WEALTHY000022

DATE	DESCRIPTION	BATES RANGE
05/15/2021	Register of Actions <i>State of Nevada v. John Mulvehill</i> , Case No. 13F08642X	WEALTHY000023- WEALTHY000024
03/04/2015	Daily Beast Article regarding John Mulvehill	WEALTHY000025- WEALTHY000042
	Example of a written cancellation	WEALTHY000043- WEALTHY000046
10/22/2020	Copy of comment "For anyone who's looking to be a victim of Dale Buczkowski (aka Derek Moneyberg), please watch this first"	WEALTHY000047- WEALTHY000048
	Copy of comment by Instagram account named "dale_buczkowski"	WEALTHY000049- WEALTHY000050
	Screenshot of a search result showing archival references to the e-books on Spencer Cornelia's About page	WEALTHY000051
	Copy of the Derek Moneyberg Hate Account	WEALTHY000052- WEALTHY000054
	Copy of the thumbnail images for the First, Second, and Third Videos on Twitter entitled "Derek Moneyberg Hate Account" at the "@moneyberg_hate" Twitter address	WEALTHY000055- WEALTHY000057
12/19/2020	Transcription of YouTube Video "The Authentic or Charlatan"	WEALTHY000058- WEALTHY000089
12/19/2020	YouTube Video "The Authentic or Charlatan"	WEALTHY000090
05/17/2021	Page Vault of Authentic or Charlatan: Derek Moneyberg / RSD Derek – YouTube	WEALTHY000091- WEALTHY000115
02/19/2021	Transcription of YouTube Video "Derek Moneyberg – Fake Guru?"	WEALTHY000116- WEALTHY000172
02/19/2021	YouTube Video "Derek Moneyberg – Fake Guru?"	WEALTHY000173
05/17/2021	Page Vault of Derek Moneyberg – Fake Guru? – YouTube	WEALTHY000174- WEALTHY000183
	Transcript of Coffeezilla's YouTube Video " Spencer Cornelia SUED by a Pick Up Artist?!"	WEALTHY000184- WEALTHY000201
	YouTube Video "Spencer Cornelia SUED by a Pick Up Artist?!"	WEALTHY000202
09/20/2021	Page Vault of Spencer Cornelia SUED by a Pick Up Artist?! YouTube	WEALTHY000203- WEALTHY000211
	Transcript of Graham Stephan's YouTube Video "Getting Sued By A Fake Guru   Spencer Cornelia"	WEALTHY000212- WEALTHY000255
	YouTube Video "Getting Sued By A Fake Guru   Spencer Cornelia"	WEALTHY000256
01/11/2022	Page Vault of Getting Sued By A Fake Guru   Spencer Cornelia - YouTube	WEALTHY000257- WEALTHY000321

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DATE	DESCRIPTION	BATES RANGE
01/27/2022	Page Vault of Fake Gurus & Scammers YT Live W/ @Spencer Cornelia – YouTube	WEALTHY000322-WEALTHY000331
12/18/2021	Screen Shot of Fake Gurus & Scammers YT Live W/ @Spencer Cornelia	WEALTHY000332
10/15/2012	Verified Complaint <i>In Rem</i> filed in <i>United States of America v. Real Property Located at 7212 Longboat Drive, Johnston, Polk County, Iowa</i> , Case No. 4:12-cv-484	WEALTHY000333-WEALTHY000339
05/05/2014	United States Court of Appeals for the Eighth Circuit Ruling in <i>United States of America v. Real Properties located at 7215 Longboat Drive (Lot 24), 7223 Longboat Drive (Lot 25), Johnston, Polk County, Iowa; Real Properties Located at 8707 Friestad Court (Lot 4), 8711 Friestad Court (Lot 3), Johnston, Polk County, Iowa</i> , Case Nos. 13-2018 and 13-2050	WEALTHY000340-WEALTHY000352
12/04/2014	Settlement Agreement filed in <i>United States of America v. Real Property Located at 7212 Longboat Drive, Johnston, Polk County, IA, et al.</i> , Case No. 4:12-cv-484-RAW	WEALTHY000353-WEALTHY000357
04/14/2015	Order of Forfeiture filed in <i>United States of America v. Real Property Located at 7212 Longboat Drive, Johnston, Polk County, IA</i> , Case No. 4:12-cv-484-RAW	WEALTHY000358-WEALTHY000359
02/09/2022	7212 Longboat Drive, Johnston, Polk County, IA Property Records	WEALTHY000360-WEALTHY000365
	Message from Jon Anthony	WEALTHY000366
	Various Comments regarding Derek Moneyberg	WEALTHY000367-WEALTHY000381
01/26/2022	Nevada Secretary of State's Filing History Details for Larson Consulting Inc.	WEALTHY000382-WEALTHY000383
01/26/2022	Nevada Secretary of State's Entity Information for Larson Consulting Inc.	WEALTHY000384-WEALTHY000386
	Dale Buczkowski's Profile	WEALTHY000387
06/08/2021	Page Vault of Derek Moneyberg Instagram REMOVED!! Fake Followers PUNISHED LMAOOO   RSD Derek - YouTube	WEALTHY000388-WEALTHY000393
	Derek Moneyberg – Real Estate Riches	WEALTHY000394-WEALTHY000439
01/15/2022	Email from Derek Moneyberg to Travis Green, Subject: Real Estate Riches – Homework Due Tomorrow	WEALTHY000440-WEALTHY000441
09/12/2021	Email from Dylan Martin to Derek Moneyberg, Subject: Partial Refund	WEALTHY000442
11/10/2020	Email from Dylan Martin to Derek Moneyberg, Subject: Your team took all my money	WEALTHY000443

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DATE	DESCRIPTION	BATES RANGE
11/03/2020	Email exchange between Derek Moneyberg and Dylan Martin, Subject: Moneyberg Mentoring Starts Tomorrow! Get Yourself Registered!	WEALTHY000444
11/02/2020	Email exchange between Derek Moneyberg and Dylan Martin, Subject: Important Moneyberg Mentoring Announcements: Please Read & Register!	WEALTHY000445
08/10/2020	Email from Dylan Martin to Derek Moneyberg, Subject: Honestly	WEALTHY000446
07/24/2021	Email from Dylan Martin to Derek Moneyberg, Subject: Dylan martin	WEALTHY000447
	Transcript of 2020 Charlatan of the Year Awards – YouTube	WEALTHY000448- WEALTHY000461
	YouTube Video "2020 Charlatan of the Year Awards"	WEALTHY000462
05/17/2021	Page Vault of 2020 Charlatan of the Year Awards - YouTube	WEALTHY000463- WEALTHY000469
01/27/2022	Page Vault of Fake Gurus & Scammers YT Live W/ @Spencer Cornelia – YouTube	WEALTHY000470- WEALTHY000479
	YouTube Video "Fake Gurus & Scammers YT Live W/ @Spencer Cornelia"	WEALTHY000480
12/18/2021	Screen Shot of Fake Gurus & Scammers YT Live W/ @Spencer Cornelia	WEALTHY000481
02/11/2022	Page Vault of Derek Moneyberg (@derekmoneyberg) Instagram Photos and Videos	WEALTHY000482- WEALTHY000587
02/08/2022	Ian K. McDonough Invoice No. 100 to Culhane Meadows, PLLC	WEALTHY000588
11/13/2021	<b>Spreadsheet of Moneyberg Client Accounts (WEALTHY000589-WEALTHY000886 are designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY pursuant to the Confidentiality and Protective Order [ECF No. 30] filed March 18, 2022.)</b>	<b>WEALTHY000589- WEALTHY000886</b>
12/11/2021	<b>Spreadsheet of Moneyberg Client Accounts (WEALTHY000887-WEALTHY002550 are designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY pursuant to the Confidentiality and Protective Order [ECF No. 30] filed March 18, 2022.)</b>	<b>WEALTHY000887- WEALTHY002550</b>
UNDATED	<b>Spreadsheet of Customer Lifetime Value Conditional Joined on/before 12.19.2020 (WEALTHY002551-WEALTHY002611 are designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY pursuant to the Confidentiality and Protective Order [ECF No. 30] filed March 18, 2022.)</b>	<b>WEALTHY002551- WEALTHY002611</b>

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Not applicable.

Respectfully submitted this 28<sup>th</sup> day of March, 2022.

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By: /s/ Tamara Beatty Peterson

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**CERTIFICATE OF SERVICE**

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of Peterson Baker, PLLC, and that a true and correct copy of the **PLAINTIFFS' THIRD SUPPLEMENT TO INITIAL DISCLOSURES PURSUANT TO F.R.C.P. 26** was served via electronic mail and via U.S. Mail<sup>1</sup>, postage pre-paid, on this 28<sup>th</sup> day of March, 2022, and to the following:

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<sup>1</sup> Parties will be emailed a link to a file-transfer site in order to download WEALTHY000589 – WEALTHY002611.