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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WEALTHY INC., and DALE BUCZKOWSKI,  
  
Plaintiffs,  
  
v.  
  
SPENCER CORNELIA, CORNELIA MEDIA  
LLC, and CORNELIA EDUCATION LLC,  
  
Defendants.

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

**DEFENDANTS SPENCER CORNELIA,  
CORNELIA MEDIA LLC, and  
CORNELIA EDUCATION LLC'S  
REPLY IN SUPPORT OF THE MOTION  
TO COMPEL**

Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC (“Defendants”) file this Reply in support of their Motion to Compel (ECF No. 45) and ask that the Court compel Plaintiff Dale Buczkowski’s complete, continued deposition as requested in Defendants’ Motion.

**1.0 The Requested Discovery is Relevant and Discoverable**

A principal source of damages claimed by Plaintiffs is a loss of income from their clients, purportedly because of Defendants’ actions. It follows quite simply, then, that it is nearly impossible to assess the scope of Plaintiffs’ alleged damages without knowing the identity of Plaintiffs’ clients and asking them directly whether their business with Plaintiffs was impacted at all by Defendants’ actions. Without this crucial information, there only remains the speculation

1 that Plaintiffs were harmed by Defendants' conduct, and thus any damages would be completely  
2 imaginative.

3 Plaintiff refused to provide this information in his deposition. He claims that he preserved  
4 an objection on this information by lodging boilerplate objections about trade secrets in the  
5 relevant set of discovery responses and by claiming to withhold information concerning social  
6 media analytics in a completely different set of discovery responses.

7 First, Plaintiffs' trade secrets objections were not properly lodged. In their opposition,  
8 Plaintiffs argue that their assertion of trade secret protection over the information sought  
9 concerning Plaintiffs' clients was objected to in a boilerplate objection hidden in one of Plaintiffs'  
10 discovery responses. The District of Nevada has long recognized that such objections are  
11 impermissible and subject to being stricken from a party's discovery responses. *See Reflex Media*  
12 *v. Wallace*, No. 2:18-cv-02423-RFB-PAL, 2020 U.S. Dist. LEXIS 96182, at \*10 (D. Nev. June 2,  
13 2020); *V5 Techs. v. Switch, Ltd.*, 334 F.R.D. 297, 301 (D. Nev. 2019) citing *F.T.C. v. AMG Servs.,*  
14 *Inc.*, 291 F.R.D. 544, 553 (D. Nev. 2013) (“[t]he party resisting discovery must specifically detail  
15 the reasons why each request is [] objectionable, and may not rely on boilerplate, generalized,  
16 conclusory, or speculative arguments”); *Kristensen v. Credit Payment Servs., Inc.*, No. 2:12-CV-  
17 0528-APG, 2014 U.S. Dist. LEXIS 165489, 2014 WL 6675748, at \*4 (D. Nev. Nov. 25, 2014)  
18 (“boilerplate objections are improper”); *Takiguchi v. MRI Int’l, Inc.*, No. 2:13-CV-1183-HDM-  
19 VCF, 2016 U.S. Dist. LEXIS 18340, 2016 WL 614393, at \*1 (D. Nev. Feb. 16, 2016),  
20 supplemented, No. 2:13-CV-1183-HDM-VCF, 2016 U.S. Dist. LEXIS 48976, 2016 WL 1441796  
21 (D. Nev. Apr. 11, 2016) quoting *A. Farber & Partners, Inc. v. Garber*, 234 F.R.D. 186, 188 (C.D.  
22 Cal. 2006) (“[b]oilerplate objections such as ‘overly burdensome and harassing’ are improper”).  
23 Moreover, the Court has held that boilerplate objections are presumptively insufficient are  
24 insufficient to assert a privilege. *Takiguchi*, 2016 U.S. Dist. LEXIS 18340, at \*4.

25 Second, Nevada's trade secrets privilege is inapplicable. In their opposition, Plaintiffs  
26 argue that even if the information is otherwise discoverable, and even if it could be produced under  
27

1 attorneys'-eyes-only protections, the information is privileged under Nevada's trade secrets  
2 statute, NRS 49.325. While Plaintiffs go to great lengths to argue that the client information is a  
3 trade secret, they point to no cases that stand for the proposition that because they might be a trade  
4 secret, they are not discoverable whatsoever. This is because no court within this state or district  
5 has made that ruling, to the undersigned's knowledge. The statute itself allows courts to order  
6 production of that information with appropriate safeguards. *See* NRS 49.325(b) ("When disclosure  
7 is directed, the judge shall take such protective measure as the interests of the holder of the  
8 privilege and of the parties and the furtherance of justice may require.") As discussed at length in  
9 Defendants' Motion, this Court has held that even trade secrets that are discoverable are subject to  
10 production under a protective order.

11 Plaintiffs also ignore the undeniable fact that they have already provided responses to  
12 discovery requests that contained the names and other information about individual customers on  
13 an attorneys'-eyes-only basis without making any objection that such documents contained trade  
14 secrets or that they were so sensitive they could not be provided even on an AEO basis. (*See* ECF  
15 No. 45-1 at ¶¶ 12-13 (noting that Plaintiffs provided these documents on an AEO basis); *see also*  
16 Plaintiffs' first supplement to responses to second set of requests for production of documents,  
17 attached as **Exhibit 1** (stating that documents containing customer identities and other information  
18 were produced on an AEO basis without objection).

## 19 **2.0 Defendants' Motion is Timely**

20 Plaintiffs again attempt to conflate timelines, discovery responses, and depositions in order  
21 to paint the incorrect picture that Defendants' Motion to Compel is untimely. As set forth in  
22 Defendants' Motion, however, the timeline is clear – at no time prior to Buczkowski's actual  
23 deposition did Plaintiffs attempt to assert that any information regarding Plaintiffs' clients would  
24 be staunchly withheld from discovery. Instead, Plaintiffs produced documents relating to those  
25 same clients without lodging any objection. Plaintiffs themselves waited until the close of  
26 discovery, during a party deposition, to spring this new and baseless theory in an attempt to  
27

1 shortchange Defendants of their due process rights. Defendants' Motion is timely and the Court  
2 should grant the requested relief.

3 To reiterate, Plaintiffs provided documents on an AEO basis, without objection, that  
4 contained the names and other identifying information of many of their customers. Defendants  
5 also served a separate set of requests for production that asked for documents pertaining to  
6 Plaintiff's analytics data, in response to which Plaintiffs provided nothing and claimed such data  
7 was too sensitive to provide under any circumstances. Then, when Defendants asked Buczkowski  
8 about his *customers, not his analytics*, Buczkowski claimed such information was too sensitive to  
9 provide. And now Plaintiffs assert that that has always been their position. Plaintiffs' repeated  
10 dishonest claim that they stated these objections previously, then citing responses to a completely  
11 different set of discovery requests that did not ask for the information at issue, should draw at least  
12 an admonition from this Court.

### 13 **3.0 Defendants' Request is Narrowly Tailored**

14 Defendants' Motion to Compel asks the Court to order specific and tailored relief  
15 considering the Plaintiffs' obfuscation: a continued deposition under the supervision of a  
16 Magistrate. Defendants asked that Buczkowski be ordered to testify as to his clients, but also did  
17 not limit their request to matters directly related to those clients. This is not surprising, despite  
18 Plaintiffs' protestations. It is clear that the subjects of depositions often interlink. A deponent's  
19 answers on one topic frequently influence the other party's questions on other topics. Unexpected  
20 answers to deposition questions warrant unexpected questions. This is the nature of a deposition.  
21 If it were not, parties would just take depositions by written questions, as provided by Fed. R. Civ.  
22 P. 31. There's a reason, however, that Fed. R. Civ. P. 31 is covered in a couple inches of dust –  
23 such depositions are ineffective and inflexible, and oral depositions allow a party flexibility in  
24 fleshing out its case with factual testimony.

25 Defendants ask that the deposition be continued, period. After Buczkowski's testimony on  
26 his clients is concluded, the deposition may end, or Defendants' counsel may have some limited  
27

1 follow-up questions. However, Defendants do not want a situation where Buczkowski answers a  
 2 few questions and then refuses any further questions, deciding to interpret this Court's ultimate  
 3 order in the most pedantically narrow fashion possible.

4 For these reasons, the relief requested in Defendants' Motion to Compel is not only  
 5 reasonable, but narrowly tailored to the circumstances, and Defendants ask the Court to grant their  
 6 Motion.

#### 7 **4.0 Defendants Did Not Violate LR 7-2(a)**

8 Plaintiffs' argue that Defendants' request for attorneys' fees and costs should be denied  
 9 outright for violation of this Court's local rules. Defendants only note that Plaintiffs have  
 10 misinterpreted the Court's rule. Defendants did not wish to burden the Court with overcomplicated  
 11 briefing on a simple issue and maintain that judicial economy supports granting the requested  
 12 relief. To that end, Defendants submitted a brief memorandum. "The purpose of LR 7-2(a) is to  
 13 prohibit a motion from being filed separately from a memorandum of points and authorities."  
 14 *Schrader v. Wynn*, No. 2:19-CV-2159 JCM (BNW), 2021 U.S. Dist. LEXIS 29340, at \*9 (D. Nev.  
 15 Feb. 17, 2021).<sup>1</sup> The Court is plainly aware of fee shifting in discovery disputes and needs no  
 16 reminder; accordingly, Defendants kept their motion brief. LR 7-2(a) is no reason to deny their  
 17 requested relief.

#### 18 **5.0 Conclusion**

19 In light of the foregoing, Defendants ask that the Court grant their Motion to Compel and  
 20 order the relief requested therein.

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26 <sup>1</sup> Between this case and the *Mulvehill* case, this is the third time that Plaintiffs have made  
 27 this argument, and it never gets any more meritorious.

1 Dated: September 20, 2022.

Respectfully Submitted,

/s/ Alex J. Shepard

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 20, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Trey A. Rothell  
Trey A. Rothell  
Randazza Legal Group, PLLC

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# **EXHIBIT 1**

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



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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

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

**(Supplemental Information Appears in Bold)**

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  
23 supplements their responses to "Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia  
24 Education LLC's Second Set of Requests for Production of Documents to Wealthy Inc. and Dale  
25 Buczkowski" as follows:

26 **DEFINITIONS**

27 The following definitions apply to Plaintiffs' objections:  
28

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

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

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

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

13 **GENERAL OBJECTIONS**

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

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

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

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

25 D. Plaintiffs object to Defendants' requests to the extent they seek trade secrets,  
26 commercially sensitive information, or confidential proprietary data entitled to protection under  
27 Rule 26 of the Federal Rules of Civil Procedure and section 49.325 of the Nevada Revised Statutes.  
28

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

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

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

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

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

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

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



**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 27:**

*See* WEALTHY000589 - WEALTHY002611, designated **HIGHLY CONFIDENTIAL- ATTORNEYS' EYES ONLY** pursuant to the Confidentiality and Protective Order [ECF No. 30] filed March 18, 2022.

Respectfully submitted this 28<sup>th</sup> day of March, 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 **FIRST SUPPLEMENT TO PLAINTIFFS WEALTHY INC. AND DALE BUCZKOWSKI'S RESPONSE TO DEFENDANTS SPENCER CORNELIA, CORNELIA MEDIA LLC, AND CORNELIA EDUCATION LLC'S SECOND 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:

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