

ORDER

DISTRICT COURT

CLARK COUNTY, NEVADA

ENERGY ENHANCEMENT SYSTEM
LLC, a Nevada Limited Liability
Company, MICHAEL BERTOLACINI,
an individual, DR. SANDRA ROSE
MICHAEL, DNM, an individual,

Plaintiffs,

v.

JASON SHURKA, an individual,
UNIFYD WORLD, INC., a South
Carolina Corporation, UNIFYD Healing;
UNIFYD TV; ROBERT RELIGA, an
individual; DOES I-X; and ROE
CORPORATIONS XI-XX,

Defendants.

CASE NO.: A-25-910216-B
DEPT NO.: XXVII

**ORDER DENYING DEFENDANT SHURKA'S
MOTION FOR PRELIMINARY INJUNCTION
AND GRANTING PLAINTIFF BERTOLACINI'S
MOTION TO DISSOLVE RESTRAINING ORDER**

This matter came before the Court on September 2, 2026, on Defendant/Counterclaimant Jason Shurka's ("Shurka") Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction (the "Motion") and Plaintiff/Counterdefendant Michael Bertolacini's ("Bertolacini") Motion to Dissolve the Temporary Restraining Order entered *ex parte* by this Court on August 21, 2026 (the "Motion to Dissolve"). Robert J. Cassity and Joseph G. Went, of Holland & Hart LLP, appeared on behalf of Bertolacini. Steve Shevorski, of Greenberg Traurig, LLP, appeared on behalf of Defendant/Counterclaimant Jason Shurka ("Shurka").

This Court reviewed and considered the papers and pleadings on file herein. Having considered the oral arguments of counsel at the hearing, and good cause appearing, this Court **FINDS** and **ORDERS** as follows:

FINDINGS OF FACT

1. On August 21, 2026, Shurka filed his *Ex Parte* Application for Temporary Restraining

1 Order and Motion for Preliminary Injunction.

2 2. Shurka sought to prevent public dissemination of an audio and video recording of a
3 November 14, 2024 Zoom meeting between Jason Shurka, his father Manny Shurka, Bertolacini, and
4 Humphrey Angeles (the “November 14th Meeting”). PI Motion at 1–2.

5 3. In the Motion, Shurka argued that dissemination of Bertolacini’s recording of the
6 November 14th Meeting (the “November 14th Recording”) would violate NRS 200.630 and NRS
7 200.650.

8 4. The same day, the Court entered an Order Issuing Temporary Restraining Order
9 without any notice to Bertolacini or opportunity to be heard, enjoining Bertolacini from publicly
10 disseminating the November 14th Recording (the “TRO”).

11 5. Pursuant to NRCP 65(c) and the TRO, Shurka was required to deposit with the Clerk
12 of the Court a cash bond in the amount of \$1,000 to implement the injunction, which was to pay the
13 costs and damages sustained by any party found to have been wrongfully restrained.

14 6. NRCP 65(b)(4) provides that “[o]n 2 days’ notice to the party who obtained the order
15 without notice—or on shorter notice set by the court—the adverse party may appear and move to
16 dissolve or modify the order. The court must then hear and decide the motion as promptly as justice
17 requires.”

18 7. On August 24, 2026, Shurka filed a Notice of Posting Bond.

19 8. On August 26, 2026, Bertolacini filed a Motion to Dissolve the TRO pursuant to
20 NRCP 65(b)(4).

21 9. On August 28, 2026, Bertolacini filed his Opposition to the Motion.

22 10. On August 31, 2026, Shurka filed his Reply in support of the Motion.

23 11. It is undisputed that public dissemination of the Mediation Recording does not
24 implicate the Protective Order previously entered in this case. Hr’g Tr., Sept. 2, 2026, at 12.

25 12. There are multiple recordings of the November 14th Meeting.

26 13. First, Manny Shurka recorded the Meeting using his cell phone. *Id.* at 14.

27 14. Second, at the beginning of the November 14th Meeting, Jason Shurka announced that
28

1 the Zoom meeting was being transcribed by AI. Manny Shurka responded, "That's fine." Mot. Ex. 2
2 at 3:45-3:55.

3 15. Third, Bertolacini produced his recording of the November 14th Meeting in this case
4 [EES_050926] initially as confidential but later de-designated to not confidential. Hr'g Tr., Sept. 2,
5 2026, at 16, 21.

6 16. Bertolacini understood the Shurkas' announcement as an acknowledgment that the
7 November 14th Meeting was being recorded, and Bertolacini recorded the meeting himself. Opp. Ex.
8 1.

9 17. Shurka produced Manny Shurka's recording of the November 14th Meeting in this
10 case [UNIFYD001969-70] on July 11, 2025 without any confidentiality designation. Opp. Exs. 3, 4.

11 18. During two subsequent meetings between the parties on November 24, 2024 and
12 December 9, 2024, which meetings were recorded and produced by Shurka in this action, the Shurkas
13 acknowledge they have their own recording(s) of the November 14, 2025 meeting and suggest they
14 were aware of Bertolacini's recording. Opp. Exs. 5-7.

15 19. Specifically, during the November 24, 2024 meeting Jason Shurka acknowledges he
16 has a two and a half hour recording of the November 14, 2024 meeting. Ex. 5 at 1:04:05. Further,
17 during the December 9, 2024 meeting, the Shurkas stated:

18 Jason Shurka: It's recorded.

19 Manny Shurka: You should listen to the conversation, [] the first Zoom
20 meeting I was on

Unknown: Did you record it?

21 Manny Shurka: Yes.

Manny Shurka: Yes. We record, Michael recorded it also. You should
22 listen.

Jason Shurka (simultaneous to Manny above): Yes.

23 Jason Shurka: He recorded it with note taker or AI. We recorded it
because he was recording.

24 Ex. 7 at 9:35.

25 20. Moreover, the portions of the November 14, 2024 recording have
26 previously been posted online and remain online. See, Opp. At 13, n.6.

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CONCLUSIONS OF LAW

21. A preliminary injunction is an extraordinary remedy that should not be granted unless the movant demonstrates: (1) a reasonable likelihood of success on the merits; (2) irreparable harm absent injunctive relief; (3) that the balance of hardships favors the movant; and (4) that the public interest supports the requested injunction. *Boulder Oaks Cmty. Ass'n v. B & J Andrews Enters., Ltd. Liab. Co.*, 215 P.3d 27, 31 (Nev. 2009); *Clark Cty. Sch. Dist. v. Buchanan*, 924 P.2d 716, 719 (Nev. 1996).

22. An injunction may be granted “[w]hen it shall appear by the complaint or affidavit that the commission or continuance of some act, during the litigation, would produce great or irreparable injury to the plaintiff” or “the defendant is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff’s rights respecting the subject of the action, and tending to render the judgment ineffectual.” NRS 33.010.

23. “Whenever it appears that a defendant or other person is doing, about to do, threatening to do or procuring to be done some act against a victim of a crime or a witness in violation of any provision of NRS 199.230, 199.240 or 199.305, a court of competent jurisdiction may issue an injunction restraining the defendant or other person from the commission or continuance of that act.” NRS 33.015.

24. NRS 200.620 prohibits interception of wire communications without a court order unless the interception is made with prior consent of one of the parties and an emergency situation exists rendering a court order impracticable. Absent the foregoing, all parties to a conversation conducted via wire communications must consent to its recording. See, *Ditech Financial LLC v. Buckles*, 133 Nev. 493, 401 P.3d 215 (2017).

25. NRS 200.630 provides “a person shall not disclose the existence, content, substance, purport, effect or meaning of any wire or radio communication to any person unless authorized to do so by either the sender or receiver.” As NRS 200.630 permits disclosure if authorized to do so “by either the sender or receiver” consent from both parties is not required to *disclose* the recorded communications.

1 26. Finally, NRS 200.650 states “a person shall not intrude upon the privacy of other
2 persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or
3 record, by means of any mechanical, electronic or other listening device, any private conversation
4 engaged in by the other persons, or disclose the existence, content, substance, purport, effect or
5 meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one
6 of the persons engaging in the conversation.”

7 27. NRS 200.650 therefore prohibits concealed recordings of conversations and/or
8 disseminating recordings of said conversations without authorization from one of the persons to the
9 conversation engaged in by other persons. See, *Summers v. State*, 102 Nev. 195, 200-01, 718 P.2d
10 676, 680 (1986). NRS 200.650 is distinguished from NRS 200.620 and NRS 200.630 as NRS 200.650
11 addresses recording *private conversations*, as opposed to those conducted *via wire or radio*
12 *communication*. Further, the limitations as to private conversations set forth in NRS 200.650 apply
13 only to surreptitious, as in secret or covert, recordings.

14 28. Here, in arguing to enjoin Bertolacini from publishing the recordings Shurka does not
15 address the likelihood of success of his underlying claims. Shurka instead argues as to the likelihood
16 of success regarding violations of NRS 200.620 through NRS 200.650. However, Shurka has not
17 brought any claims related to violations of NRS 200.620 through NRS 200.650 and has not sought
18 amendment to add such claims.

19 29. Even assuming the likelihood of success as to an unpled claim is relevant, Shurka fails
20 to establish a likelihood of success as to purported violations of NRS 200.620 through NRS 200.650.

21 30. Assuming the recording constituted an interception of wire or radio communications,
22 the recording is governed by NRS 200.620 and dissemination is governed by NRS 200.630. The
23 recording would require consent from both parties. Here, the evidence before the Court undermines
24 his position that the November 14, 2024 meeting was recorded without his consent. Further, NRS
25 200.630 permits dissemination of an intercepted wire or radio communication with one party’s
26 consent. Thus, Shurka need not agree to dissemination of the recording¹.

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28 ¹ The Court acknowledges it suggested at the hearing that dissemination of the recording required Shurka’s consent.
However, upon further review of the statutes, the Court was incorrect.

31. If the recording was not an interception of wire or radio communications, but is instead a “private conversation”, such is governed by NRS 200.650. Only one party consent is required to record and/or disseminate private party conversations. Thus, Shurka’s consent to recording or disclosure is irrelevant to the question of Bertolacini’s recording or dissemination a “private conversation”.

32. Aside from Shurka's likelihood of success, Shurka fails to establish irreparable injury would result from disclosure of the recordings. Shurka's claims of irreparable injury are undermined by several circumstances, including, but not limited to: 1) Shurka was aware, to some degree, that Bertolacini was recording or, at least memorializing verbatim, the meeting; 2) at least some portions of the November 14, 2024 meeting have already been disseminated; 3) Shurka produced the recording without a confidentiality designation; and 4) Shurka has his own recordings, which mitigate potential prejudice created by the possibility that Bertolacini could edit or manipulate the recording.

33. Similarly, Shurka has not established dissemination of the recordings would lead to some harm that would render judgment ineffectual as required by NRS 33.010(3).

34. Moreover, the balance of hardships does not weigh in Shurka's favor and public interest does not support an injunction.

35. Finally, NRS 31.035 does not apply because there has been no violation of or threatened violation of any provision of NRS 199.230, 199.240 or 199.305. *Id.* at 25, 32-35.

ORDER

Based upon the foregoing, and good cause appearing, **IT IS HEREBY ORDERED** that Shurka's Motion for Preliminary Injunction is **DENIED**.

IT IS FURTHER ORDERED that Bertolacini's Motion to Dissolve the TRO is GRANTED. The TRO is and has been dissolved as of the time of the hearing on the Motions.

IT IS FURTHER ORDERED that Bertolacini's request for fees pursuant to NRS 18.010(2) and EDCR 7.60(b) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court shall release to counsel for Plaintiffs, Holland & Hart LLP, the security posted on August 24, 2026 in the amount of \$1,000.

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IT IS SO ORDERED.

Dated this 25th day of September, 2026



**C1D 04C B0B8 CC46
Erika Mendoza
District Court Judge**

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Energy Enhancement System
LLC, Plaintiff(s)

CASE NO: A-25-910216-B

7 vs.

DEPT. NO. Department 27

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9 Jason Shurka, Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/25/2026

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If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 9/28/2026

Steven Shevorski	Greenberg Traurig, LLP Attn: Steven G Shevorski Esq. 10845 Griffith Peak Drive, Suite 600 Las Vegas, NV, 89135
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