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and Dr. Sandra Rose Michael, DNM*

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.

JASON SHURKA, an individual;

Counterclaimant,

v.

ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company,
MICHAEL BERTOLACINI, an individual;

Case No. A-25-910216-B

Dept. No. 27

**MOTION TO DISSOLVE TEMPORARY
RESTRAINING ORDER**

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME AND ORDER
THEREON**

OST Hearing Date:
OST Hearing Time:

1 DR. SANDRA ROSE MICHAEL, DNM, an
2 individual; DOES I-X; and ROE
CORPORATIONS XI-XX;

3 Counterdefendants.

4 UNIFYD WORLD, INC., a South Carolina
corporation;

5 Counterclaimant,

6 v.

7 MICHAEL BERTOLACINI, an individual;
8 ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company;

9 Counterdefendant.

10 Pursuant to NRCP 65(b)(4), Plaintiff/Counterdefendant Michael Bertolacini
11 (“Bertolacini”) by and through counsel, hereby submits this motion to dissolve the Temporary
12 Restraining Order entered ex parte by this Court on August 21, 2026—without any notice to
13 Plaintiffs or opportunity to be heard.

14 This Motion is made and based on the attached memorandum of points and authorities, the
15 exhibits attached hereto, the papers and pleadings on file herein, and any oral argument this Court
16 may allow.

17 DATED this 26th day of August, 2026.

18 **HOLLAND & HART LLP**

19 /s/ Robert J. Cassity

20 Robert J. Cassity
21 Joseph G. Went
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23 *Attorneys for Energy Enhancement*
24 *System, LLC, Michael Bertolacini, and Dr.*
Sandra Rose Michael, DNM

25 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME**

26 Pursuant to EDCR 2.26 and NRCP 65(b)(4), Bertolacini, by and through his undersigned
27 counsel of record, respectfully requests that the hearing on this Motion to Dissolve the Temporary
28

1 Restraining Order entered by this Court on August 21, 2026 (the “Motion”) be heard on an order
2 shortening time.

3 As set forth in the Declaration of Robert J. Cassity, Esq., below, good cause supports the
4 request for hearing of the Motion on an order shortening time.

5 NRCP 65(b)(4) provides that “[o]n 2 days’ notice to the party who obtained the order
6 without notice—or on shorter notice set by the court—the adverse party may appear and move to
7 dissolve or modify the order. The court must then hear and decide the motion as promptly as justice
8 requires.” Accordingly, Bertolacini respectfully requests that this Court set the Motion for hearing
9 as soon as possible but in no event later than two days after the entry of the Order Shortening Time
10 in accordance with NRCP 65(b)(4).

11 As set forth in detail in the Motion, Bertolacini recorded a November 14, 2024 Zoom
12 meeting between himself, Jason Shurka, Manny Shurka, and a third-party witness Humphrey
13 Angeles. The Shurkas knew Bertolacini was recording this November 14th Meeting, recorded the
14 meeting themselves (and produced the same in this action without confidentiality designation),
15 and later confirmed on two separate occasions that they recorded the meeting and knew Bertolacini
16 had, as well. Thus, all parties consented to the recording of the November 14th Meeting. Despite
17 this, Shurka represented to this Court in an *ex parte* motion that the November 14th Meeting was
18 recorded without his consent and obtained a TRO without notice enjoining Bertolacini from
19 disseminating the recording. But the November 14th Meeting video is already publicly available
20 online. Accordingly, the Court should dissolve the TRO, and any delay in dissolving the TRO is
21 an unconstitutional prior restraint on Bertolacini’s right to free speech.

22 **DECLARATION OF ROBERT J. CASSITY, ESQ. IN SUPPORT OF APPLICATION**
23 **FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO DISSOLVE**
24 **TEMPORARY RESTRAINING ORDER**

25 I, Robert J. Cassity, Esq., do hereby declare:

26 1. I am an attorney duly licensed to practice law in the state of Nevada. I am a partner
27 at the law firm of Holland & Hart, LLP, and am the attorney of record for the Plaintiff in the above-
28 captioned action.

2. If called upon to testify, I could and would testify completely to the following facts that are true within my personal knowledge.

3. In accordance with EDCR 2.26, good cause exists and the circumstances warrant an order shortening time on Bertolacini's Motion.

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

5. As set forth in detail in the Motion, Bertolacini recorded a November 14, 2024 Zoom meeting between himself, Jason Shurka, Manny Shurka, and a third-party witness Humphrey Angeles.

6. The Shurkas knew Bertolacini was recording this November 14th Meeting, recorded the meeting themselves (and produced the same in this action without confidentiality designation), and later confirmed on two separate occasions that they recorded the meeting and knew Bertolacini had, as well.

7. Despite this, Shurka now claims that the November 14th Meeting was recorded without his consent and has sought and obtained a TRO enjoining Bertolacini from disseminating the same. But the November 14th Meeting video is already publicly available online.

8. Accordingly, the Court should dissolve the TRO, and any delay in dissolving the TRO is an unconstitutional restraint on Bertolacini's right to free speech.

9. Bertolacini requests that the Motion be set for hearing at the Court's earliest convenience.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 26th day of August 2026.

/s/ Robert J. Cassity, Esq.
Robert J. Cassity, Esq.

ORDER SHORTENING TIME

The Court having reviewed the Ex Parte Application for Order Shortening Time, and good cause appearing,

IT IS HEREBY ORDERED that Bertolacini's Motion to Dissolve the Temporary Restraining Order shall be heard on the ____ day of _____ 2026, at __:__.m., in Department 27. September 2, 2026 at 10:30am

IT IS SO ORDERED.

Dated this 26th day of August, 2026



Respectfully submitted by:

HOLLAND & HART LLP

**447 24E ACA4 014E
Erika Mendoza
District Court Judge**

By: /s/ Robert J. Cassity

Robert J. Cassity
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System, LLC, Michael Bertolacini, and Dr.
Sandra Rose Michael, DNM*

To the extent the parties believe briefing specific to the request to dissolve the TRO, as separate and distinct from the Motion for Preliminary Injunction, is necessary -

Opposition due August 28, 2026
by 5:00pm
Reply due August 31, 2026 by
5:00pm

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Shurka sought and obtained—without notice to Plaintiffs or opportunity to be heard—a temporary restraining order enjoining Bertolacini from disseminating a recording of a November 14th Zoom meeting between the parties *by misleading this Court with wholly false assertions* that the recording was made without Shurka’s or his father Manny’s consent. Shurka failed to disclose to this Court that (1) Shurka and his father both knew the November 14th meeting was being recorded, (2) Shurka specifically announced during the November 14th meeting that he was also recording the meeting for AI transcription, and (3) Shurka produced his own copy of the recording in discovery more than a year ago (and without any confidentiality designation under the protective order in this case). Indeed, in the audio recordings of *two subsequent meetings* on November 24, 2024 and December 9, 2024 that were recorded by Shurka and produced during discovery in this case, both Shurka and his father admitted that they had recorded the November 14th meeting and that they knew Michael was also recording the November 14th meeting. Moreover, the TRO does not operate to preserve a legitimate status quo. It provides Shurka with extraordinary injunctive relief to suppress evidence of Shurka’s and his father’s threats and attempts to extort Plaintiffs for millions of dollars. Indeed, the Complaint discusses the contents of this shake-down meeting at length. Shurka cannot meet his burden entitling him to injunctive relief and, therefore, the Court should dissolve the TRO.

Shurka’s theory fails at the threshold. He has never pleaded a claim concerning the November 14th Meeting, has not sought leave to amend his counterclaim to add one, and cannot obtain preliminary relief on a cause of action that is not before the Court. Even on the merits of this unasserted claim, the record defeats his lack-of-consent theory. At the outset of the meeting, Shurka himself announced that the call was being recorded for AI transcription—a process that necessarily creates a recording—and Manny Shurka responded, “That’s fine.” The Shurkas thus separately recorded the meeting, later acknowledged the same on at least two separate occasions and acknowledged that they knew Bertolacini was recording too, and produced their own recording in discovery without designating it confidential. Shurka’s assertion in this ex parte Motion that the

1 meeting was secretly recorded without his consent cannot be reconciled with his own words,
2 conduct, and discovery production.

3 Shurka also cannot show an imminent, irreparable injury. The recording has already been
4 publicly disseminated online and has been available for approximately a year. The alleged loss of
5 confidentiality—which never was asserted since the recording was made or produced in this
6 litigation—has already occurred; no injunction can un-ring a bell that was rung long ago, restore
7 the status quo, or retrieve copies that third parties have downloaded, reposted, or circulated
8 lawfully and without any violation of the protective order entered in this case. Shurka’s
9 extraordinary delay of more than a year confirms the absence of any urgency. Moreover, he knew
10 of Bertolacini’s intent to publish no later than August 5, 2026, yet waited more than two weeks—
11 until August 21, 2026—to seek emergency relief. That timing is especially revealing because
12 Shurka waited until the week before his own deposition and two business days before the
13 deposition of Robert Gaudet, Robert Religa’s power of attorney, to suddenly claim emergency
14 that, to the extent any exists, was caused solely by his own delay.

15 Finally, the TRO prohibits Bertolacini from publishing a lawfully recorded video and
16 would therefore operate as a classic prior restraint on speech. Shurka’s attempt to label the
17 injunction “narrow” does not change its nature: the proposed order forbids publication of the
18 recording, its excerpts, and reproductions before any adjudication that Bertolacini acted
19 unlawfully. Bertolacini would suffer substantial, unrecoverable losses if enjoined from a time-
20 sensitive public broadcast of evidence central to Plaintiffs’ claims, while the public has a strong
21 interest in free speech and access to information bearing on an ongoing dispute.

22 The irony in Shurka’s ex parte filing cannot be overstated. Throughout this lawsuit, Shurka
23 has repeatedly sought to invoke First Amendment protections over undisputedly false statements
24 he has made publicly about Plaintiffs, but when Shurka’s own statements are about to be brought
25 to light, Shurka sought Court protection in the form of a gag order. The TRO should be dissolved,
26 and the \$1,000 bond should be released to Plaintiffs.

II. RELEVANT FACTUAL BACKGROUND

Energy Enhancement System, LLC (“EES”) was co-founded by Sandra Rose Michael and Bertolacini, EES’s Chief Executive Officer (together, “Plaintiffs”). Declaration of Michael Bertolacini, attached hereto as **Exhibit 1**, ¶ 4. In or around June 2022, EES verbally agreed to allow Shurka and his organization, UNIFYD Healing (“UH”), to support EES’s marketing efforts. *Id.* at ¶ 5. However, in the fall of 2024, Shurka began demanding that Plaintiffs acquire UH, which Shurka now claims is not even a legal entity, for exorbitant and unsupported amounts.

In September and October 2024, Shurka made two separate proposals to Bertolacini for EES to purchase UH, which EES declined. *Id.* at ¶ 7. After the offers, the parties agreed to meet on November 15, 2024 to discuss a potential acquisition of UH’s assets by EES. *Id.* at ¶ 8. However, on November 14, 2024, the day before the parties were scheduled to meet, Shurka demanded that Bertolacini have a phone call with Shurka, his father, Manny, and Humphrey Angeles, who was purpose was to act as a witness (the “November 14th Meeting”).¹ *Id.* at ¶ 9.

Bertolacini recorded the November 14th Meeting. *See* November 14th Meeting Video, attached hereto as **Exhibit 2** and produced in this action as EES_050926.² When Shurka and Manny joined the call, they acknowledged that the meeting was being transcribed by AI:

Shurka: The meeting is being transcribed.

Manny: What do you mean transcribed?

Shurka: That there’s AI transcribing the meeting.

Manny: That’s fine.

Shurka: Yeah, I’m just letting you know.

¹ Shurka refers to the November 14th Meeting as a “mediation.” However, Mr. Angeles is not a trained mediator, the parties did not formally agree to a formal mediation, and there was no advance notice for any preparation for the same. Thus, the November 14th Meeting was not a mediation at all and was not subject to the sort of confidentiality provisions that parties may expect in a formal mediation set to resolve a pending lawsuit. Instead, the November 14th Meeting proved to be another opportunity for the Shurkas to attempt to corner Bertolacini and pressure him into agreeing to the Shurkas’ demanded price for UH.

² Bertolacini will submit the video and audio exhibits referenced herein to the Court by delivering a USB flash drive containing the same. Accordingly, no videos will publicly be attached to this pleading. Thus, to the extent that the Court finds that the videos and audio recordings should not be publicly accessible, despite both parties having produced them without confidentiality designation, legally recorded, and previously disseminated, such information is submitted only to this Court.

Ex. 2 at 3:45-3:55. Bertolacini took this to mean that the Shurkas consented to the November 14th Meeting being recorded, as AI necessarily records when it transcribes meetings. Ex. 1, ¶ 11.

Separately, the Shurkas also recorded the November 14th Meeting and have produced the same in this action on July 11, 2025 (over a year ago), without any confidentiality designation. *See* Jason Shurka, UNIFYD World, UNIFYD Healing and UNIFYD TV’s Initial Disclosures attached hereto as **Exhibit 3** (producing a “Video of November [14]th Mediation Part 1 (Bates No.: UNIFYD001969-70).”). The November 14th Meeting recording produced by Shurka in this action as UNIFYD001969-70 is attached hereto as **Exhibit 4**.³

On November 24, 2024, Bertolacini and Shurka met with Scott McKay in Dallas, Texas, to attempt to resolve the disputes between the parties. Ex. 1, ¶ 13. Shurka also produced a recording of this November 24th Meeting in this action as UNIFYD001971. *See* Ex. 3 (“Video of November [24]th Mediation with Scott Mckay (Bates No.: UNIFYD001971)”); November 24th Meeting recording produced by Shurka in this action as UNIFYD001971 is attached hereto as **Exhibit 5**. During the November 24th Meeting, Shurka confirmed that he recorded the November 14th Meeting:

Shurka: I have the whole recording of the call. Two and a half hours.
Bertolacini: Will you release that to all of us?
Shurka: Sure.

Ex. 5 at 1:04:05-1:04:11.

On December 9, 2024, Jason and Manny Shurka met with Andy Nichols, a representative of EES, at the Marriott hotel in downtown West Palm Beach, Florida to further attempt to resolve the parties’ disputes. Declaration of Andrew Nichols, attached hereto as **Exhibit 6**, ¶ 4. Shurka also produced recordings of this December 9th Meeting as UNIFYD001972-74. Ex. 3; Part 1 of the December 9th Meeting produced by Shurka in this action as UNIFYD001972 is attached hereto as **Exhibit 7**. During the December 9th Meeting, the Shurkas again confirmed that they had

³ Bertolacini notes that Shurka’s disclosures identify the recording as a “video,” but the recording as received is audio only. It is unclear whether Shurka improperly identified the recording as a video, or if the visual recording was inadvertently removed/omitted when producing the recording.

recorded the November 14th Meeting and that they *knew* that Bertolacini was *also recording* the November 14th Meeting:

Shurka: I told him that there would be people canceling orders. I told him in advance.

Nichols: Again –

Shurka: I told him in advance.

Nichols: I’ll just – okay.

Shurka: It’s recorded.

Manny: You should listen to the conversation.

Nichols: Which conversation?

Manny: The first Zoom meeting that I was on.

Nichols: Did you record it?

Manny: *Yes. We recorded it, Michael recorded it also. You should listen.*

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

Ex. 7 at 9:35-9:57 (emphasis added). The “first Zoom meeting” that Manny Shurka was on was the November 14th Meeting. Ex. 6, ¶ 7. Accordingly, **Shurka and his father Manny** acknowledged that the November 14th Meeting was recorded by both the Shurkas and Bertolacini, and that the Shurkas recorded it because Bertolacini was recording it as well.

Although Shurka had previously produced the November 14th Meeting recording on July 11, 2025, his counsel called Plaintiffs’ counsel on August 5, 2026, to state that Shurka objected to any release of the video and confirmed that objection in an email dated August 6, 2026. *See* August 6, 2026 email from Shevorski, attached hereto as **Exhibit 8**. Shurka’s counsel never followed up on that correspondence. Instead, Shurka’s counsel filed the *Ex Parte* Application for Temporary Restraining Order, seeking emergency and extraordinary relief from this Court.

III. LEGAL ARGUMENT

NRCP 65(b)(4) provides that “[o]n 2 days’ notice to the party who obtained the order without notice—or on shorter notice set by the court—the adverse party may appear and move to dissolve or modify the order. “Dissolving a preliminary injunction or temporary restraining order is within the sound discretion of the district court.” *North v. Bank of America Corp.*, No. 2:11-cv-00136-RLH-PAL, 2011 U.S. Dist. LEXIS 12158, at *2 (D. Nev. Jan. 31, 2011).

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). An injunction should not be granted if any doubt exists or is created in the record regarding the merits of a plaintiff's claim. *See Sid Berk, Inc. v. Uniroyal, Inc.*, 425 F. Supp. 22, 29 (C.D. Cal. 1977) ("The existence of any debate or doubts on the record as to the merits of the claim or the power of the court to act will ordinarily bar the granting of a preliminary injunction.") (citation omitted). The Court should dissolve the TRO as Shurka has failed to meet his burden on all four elements.

A. Shurka is Unlikely to Succeed on the Merits of His Unasserted Claims.

As an initial matter, Shurka has not asserted any cause of action in this lawsuit relating to the November 14th recording. His existing counterclaims do not put any recording-related claim before the Court, and Shurka has neither moved for leave to amend his counterclaim to assert claims under NRS 200.630 or NRS 200.650 nor proposed an amended pleading that would allow this Court to assess the merits of such a claim. An injunction (whether TRO or preliminary injunction) is ancillary relief; it cannot create a cause of action, supply missing allegations, or provide relief on a claim that has never been pleaded. Without an operative pleading, Shurka cannot establish the elements of a claim, Bertolacini lacks fair notice of the case he must defend, and the Court cannot meaningfully assess likelihood of success on the merits.

The Court should grant this Motion on this basis alone. *See Leonard v. McDaniel*, No. 3:06-CV-00559-LRH (RAM), 2008 U.S. Dist. LEXIS 114181, at *34-35 (D. Nev. Aug. 6, 2008) ("Furthermore, Plaintiff has not requested to amend his complaint to assert any new claims; thus, this claim, even if exhausted, is not currently before the court. Accordingly, Plaintiff's motion to continue legal assistance should be construed as a request for injunctive relief on a new unasserted claim and should, therefore, be DENIED."); *Giving Back Fund Inc. v. Miami Mktg. Grp. LLC*, No. CV 10-9705 GAF (JEMx), 2011 U.S. Dist. LEXIS 168729, at *9 (C.D. Cal. Jan. 20, 2011) ("If Plaintiffs amend their complaint, they are free to seek any preliminary relief

1 based on any newly asserted claims. The Court cannot, however, imply an unasserted cause of
2 action to support the requested injunctive relief.”).

3 Shurka cannot avoid this defect by presenting his request as a narrow application of
4 Nevada’s privacy statutes. The requested order would adjudicate the merits of a statutory privacy
5 theory without an operative pleading, without fair notice of the claim, and without the procedural
6 safeguards that ordinarily accompany litigation of that claim. Equitable relief is ancillary to a
7 viable cause of action; it cannot be used to litigate a new claim by motion while bypassing the
8 pleading and amendment process. Because the Motion depends entirely on an unasserted claim,
9 its failure is dispositive regardless of how Shurka labels the requested relief.

10 **1. The Shurkas Consented to Recording the November 14th Meeting.**

11 In any event, Shurka cannot show a likelihood of success on any claim under NRS 200.630
12 or NRS 200.650 because the record conclusively establishes consent by Shurka and his father
13 Manny. First, Shurka announced at the outset of the November 14th Meeting that the call was
14 being recorded for AI transcription. *See* Ex.⁴ 2 at 3:45-3:55. Because an AI transcription service
15 must capture the audio to generate a transcript, that announcement put every participant on notice
16 that the meeting was being recorded. Second, Manny Shurka immediately consented to the
17 recording, stating “That’s fine,” and the Shurkas continued participating in the November 14th
18 meeting; that express consent, followed by continued participation, is consent—it was not silence
19 in the face of an allegedly undisclosed recording. Third, the Shurkas separately recorded the
20 meeting themselves and later acknowledged that they knew Bertolacini was recording as well. *See*
21 Exs. 3, 4, 5, 7. Finally, Shurka produced his recording in this action on July 11, 2025, without any
22 confidentiality designation. *See* Exs. 3, 4. These facts are mutually reinforcing: contemporaneous
23 notice and consent, continued participation, independent recording, later admissions of the
24

25 ⁴Shurka now claims that his production of the November 14th Meeting “was made for litigation
26 purposes and did not authorize Bertolacini to publish any mediation recording to the public.” But
27 Shurka did not produce the November 14th Meeting video as confidential and has made no attempt
28 to designate the video as confidential. As Shurka is well aware, and has readily taken advantage
of in this case by publishing information from discovery and other documents that were not
designated as confidential, nothing precludes the public disclosure of non-confidential materials
produced in this case.

1 recording and consent, and an unqualified discovery production of their recording. Shurka's
2 current suggestion that he did not consent to Bertolacini recording the very meeting Shurka was
3 also recording is irreconcilable with the record and should be rejected.

4 Shurka's declaration to his Motion for Preliminary Injunction confirms the point. He does
5 not state that he withheld consent to the November 14th Meeting being *recorded*; he states only
6 that he "did not consent to the **public dissemination** of any audio or video recording of the
7 mediation[.]" Motion for Preliminary Injunction at Ex. 1, ¶ 8 (emphasis added). That distinction
8 is dispositive of his theory: an objection to later *dissemination* does not establish that the
9 underlying recording was made without authorization. Although the Nevada statutes regulate
10 certain disclosures, Shurka still must establish that the recording was made without authorization
11 under the statutes and that Bertolacini's conduct satisfies the statutory requirements; Shurka cannot
12 use a purported objection to publication to escape his prior acknowledged consent to the recording.
13 Shurka's privacy theory therefore has little to do with a genuine lack of consent and everything to
14 do with controlling the narrative and suppressing evidence of Shurka's and his father's attempts
15 to extort Plaintiffs for millions of dollars. The record shows that both Shurkas knew Bertolacini
16 was recording and continued with the meeting anyway, then later touted the recording on at least
17 two separate occasions as proof of his alleged altruism.

18 Despite these facts, Shurka now asks the Court to declare an emergency because
19 Bertolacini intends to publish a video that reveals the Shurkas' efforts to pressure Plaintiffs into
20 purchasing UNIFYD Healing for an exorbitant and unsupported price—the very conduct
21 underlying much of Plaintiffs' Complaint. Not only had the recordings been produced in the
22 litigation for more than a year, but Shurka knew of Bertolacini's intent to publish no later than
23 August 5, 2026, and waited more than two weeks before filing the Motion on August 21, 2026.
24 See Ex. 8. The timing is no coincidence: Shurka waited until the week before his own deposition
25 and days before the deposition of Robert Gaudet, Robert Religa's power of attorney, to seek
26 emergency relief concerning a recording he had already produced and that had already been
27 publicly disseminated. The delay is inconsistent with any claim that immediate judicial
28 intervention was necessary and strongly suggests that the Motion is being used to suppress

1 damaging evidence, not to prevent an imminent and irreparable injury—as well as to interfere with
2 Plaintiffs’ preparation for Shurka’s deposition on August 28th.

3 Shurka’s position is irreconcilable. He cannot simultaneously claim that the November
4 14th Meeting was recorded without his consent and rely on a purported privacy objection to
5 prevent publication when Shurka (1) announced transcription, (2) continued participating after
6 Manny expressly consented “That’s fine” to the recording, (3) recorded the meeting himself, (4)
7 later acknowledged that Bertolacini was also recording the meeting and that he recorded the
8 meeting because Bertolacini was also recording it, and (5) produced the recording without any
9 confidentiality designation. At minimum, these facts defeat any reasonable inference that
10 Bertolacini knowingly violated Nevada’s recording laws. They also foreclose Shurka’s meritless
11 attempt to re-characterize the recording as some secret, unauthorized and unlawful recording of
12 the meeting. Shurka therefore cannot establish a likelihood of success on either the merits of his
13 unasserted claim or the factual premise underlying his Motion.

14 **2. Bertolacini Did Not Willfully and Knowingly Violate Recording Laws.**

15 Even if the Court were to disregard the overwhelming evidence that the Shurkas consented
16 to the November 14th Meeting being recorded, Shurka still cannot establish that Bertolacini
17 “willfully and knowingly” violated NRS 200.630 and NRS 200.650, as required by NRS 200.690.
18 At the beginning of the meeting, Shurka announced that he was having the meeting transcribed,
19 Manny responded, “That’s fine,” and the parties continued the conversation. Ex. 2 at 3:45-3:56.
20 Bertolacini therefore understood that the participants had authorized the recording. Ex. 1, ¶ 11.
21 That understanding was grounded in an express announcement, an affirmative response, continued
22 participation, the Shurkas’ own recording of the meeting, and their later admissions that they knew
23 Bertolacini was also recording the meeting.

24 At most, Shurka identifies a disputed issue about the scope of consent without having
25 limited the scope of consent during the actual recording; he cannot show the intentional statutory
26 violation necessary to obtain relief. Shurka is therefore unlikely to succeed on the merits of his
27 unasserted, unalleged claims.

B. Bertolacini Publishing a Recording Shurka Consented to Cannot Irreparably Harm Shurka.

“Generally, harm is ‘irreparable’ if it cannot adequately be remedied by compensatory damages.” *Hamm v. Arrowcreek Homeowner’s Ass’n*, 124 Nev. 290, 297, 183 P.3d 895, 901 (2008) (citing *Univ. Sys. v. Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004)). “For harm to be irreparable, it cannot be speculative, and the *impending* injury must be imminent.” *Giesbrecht v. Williams*, No. 2:23-cv-00927-JAD-NJK, 2024 U.S. Dist. LEXIS 83491, at *5-6 (D. Nev. May 7, 2024) (emphasis added) (internal citations and quotations omitted).

Shurka’s irreparable-harm showing fails for two independent reasons. First, it rests on the premise that the recording was unauthorized, but the full record clearly shows consent and, at minimum, a reasonable belief in consent. Second, Shurka waited more than a year after the material had been produced and more than two weeks after learning of the planned publication before filing. He knew of the planned publication no later than August 5, 2026 (when he sent an email to Plaintiffs’ counsel), yet did not seek relief until August 21, 2026. That delay is powerful evidence that the threatened injury was not truly imminent or irreparable. *See Dahl v. Swift Distribution, Inc.*, 2010 U.S. Dist. LEXIS 35938, 2010 WL 1458957, at *4 (C.D. Cal. Apr. 1, 2010) (finding that an eighteen-day delay in filing the TRO application “implies a lack of urgency and irreparable harm”). A party who genuinely believes that publication will cause an irreversible injury does not knowingly wait through most of the period before the announced release date and then present the matter as an emergency. Shurka’s delay also allowed the recording to remain available online while he waited, further undermining any assertion that the requested injunction would preserve a meaningful status quo.

Regardless, the relief Shurka seeks is moot—or, at minimum, cannot remedy the injury he identifies—as to the alleged first public disclosure. The November 14th Meeting video has already been posted publicly online by others and has been available for approximately a year.⁵ The

⁵ *See, e.g.*, <https://www.youtube.com/watch?v=I0-wHzFwRNE> (published December 2, 2025); https://rumble.com/v6x1yiy-sg-anon-update-aug-2-discuss-extortion-and-verbal-threats-made-in-a-continu.html?e9s=src_v1_sa%2Csrc_v1_sa_o%2Csrc_v1_ucp_a (published in August 2025).

1 claimed loss of confidentiality has therefore already occurred. An injunction directed to Bertolacini
2 cannot retrieve copies already downloaded, reposted, or circulated by third parties, and it cannot
3 un-ring a bell rung long ago. Nor can Shurka convert a request to prevent a future publication into
4 a request for a mandatory takedown order that he did not plead or obtain.

5 Because the central harm Shurka invokes is completed, there is no impending injury for a
6 preliminary injunction to prevent. And to the extent he seeks to stop additional dissemination, he
7 still must show a lawful entitlement to suppress speech that is already public, a showing the Motion
8 cannot make given the obvious mutual consent. *Cf. Frederick v. Fannie Mae*, No. 2:11-cv-00522-
9 GMN-CWH, 2012 U.S. Dist. LEXIS 164038, at *1 (D. Nev. Nov. 16, 2012) (finding that movant
10 failed to demonstrate likelihood of irreparable harm where the harm had already occurred).

11 **C. The Balance of Hardships and Public Interest Favors Bertolacini.**

12 On balance, the injury to Bertolacini that would be caused by restricting his speech and
13 preventing him from publishing a lawfully recorded recording bearing directly on Plaintiffs'
14 claims far surpasses any purported harm to Shurka. The requested order would not preserve a
15 neutral status quo; it would prohibit future publication of expressive material, deprive Bertolacini
16 of the opportunity to communicate evidence supporting his claims while public attention is
17 focused on the dispute, and potentially require him to dismantle a time-sensitive broadcast
18 campaign. *See, e.g., Rhodes Co v. Belleville Co.*, 32 Nev. 230, 238, 106 P. 561, 562 (1910) ("It is
19 a settled rule of the court of chancery, in acting on applications for injunction, to regard the
20 comparative injury which would be sustained by the defendant if an injunction were granted, and
21 by the complainant if it were refused." (quoting *Russell v. Farley*, 105 U.S. 433, 438 (1881))).
22 "The public interest analysis for the issuance of [injunctive relief] requires [district courts] to
23 consider whether there exists some critical public interest that would be injured by the grant of
24 preliminary relief." *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1138 (9th Cir. 2011)
25 (citation omitted). "[I]t is always in the public interest to prevent the violation of a party's
26 constitutional rights." *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*,
27 82 F.4th 664, 645 (9th Cir. 2023) (overruled in part on other grounds). When a party "raise[s]

1 serious First Amendment questions, that alone compels a finding that the balance of hardships
2 tips sharply in its favor.” *Id.* (cleaned up).

3 “Viewing, possessing, and distributing videos are acts protected by the First Amendment.”
4 *Massimino v. Benoit*, No. 25-1104, 2026 U.S. App. LEXIS 492156, at *9 (2d Cir. Aug. 17, 2026)
5 (citing *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 502, 72 S. Ct. 777, 96 L. Ed. 1098 (1952)
6 (concluding “that expression by means of motion pictures is included within the free speech and
7 free press guaranty of the First and Fourteenth Amendments”)). “A necessary antecedent to those
8 acts is recording a video in the first place; to distribute a recording, one must first create a
9 recording. Thus, creating a recording is part of the speech process.” *Id.* (citations omitted). These
10 principles matter here because Shurka seeks to enjoin publication of the recording itself—not
11 merely conduct incidental to speech. The requested order would prevent Bertolacini from
12 communicating through a recording and would bar excerpts, clips, transcripts, and other
13 reproductions that convey its contents. It therefore restrains both the expressive act of publishing
14 and the means by which Bertolacini communicates his account of the parties’ dispute.

15 An order forbidding publication of speech before the Court has adjudicated its lawfulness
16 is a prior restraint, and prior restraints bear a “heavy presumption” against constitutional validity.
17 *See Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971). The requested relief is exactly
18 that: it would prohibit Bertolacini, in advance, from publishing a recording and any excerpt, clip,
19 still image, transcript, or reproduction conveying its contents. Shurka’s effort to describe the order
20 as merely “narrow” does not change its constitutional character. It targets the content of the speech
21 and silences publication before a final determination on consent, statutory liability, or any other
22 merits issue. The fact that the order would leave Bertolacini free to discuss the litigation in his
23 own words does not cure the defect; the First Amendment protects the right to choose the medium
24 and content of lawful expression, including the publication of evidence bearing on an ongoing
25 dispute.

26 Shurka’s reliance on cases such as *Bartnicki v. Vopper*, 532 U.S. 514 (2001), and *Lane v.*
27 *Allstate Ins. Co.*, 114 Nev. 1176, 969 P.2d 938, is misplaced. In *Bartnicki*, the Supreme Court
28 addressed a third party who lawfully obtained an *illegally intercepted* recording and played no

1 part in the interception—a scenario fundamentally different from this case, where Bertolacini
2 made the recording with the participants’ knowledge and consent. In *Lane*, the court barred use
3 of conversations illegally recorded without consent. Here, by contrast, the recording was made
4 after Shurka announced AI transcription, Manny Shurka assented, and the Shurkas themselves
5 recorded the meeting. Even if Shurka now disputes the legal effect of those facts, a disputed
6 factual premise cannot overcome the heavy presumption against a prior restraint. By focusing on
7 the alleged illegality of the recording rather than any unprotected feature of Bertolacini’s speech,
8 Shurka confirms that the requested injunction would suppress publication of a lawfully recorded
9 video.

10 Moreover, before he even posted bond, Shurka attempted to turn this Court’s TRO into a
11 mandatory takedown order by demanding that Bertolacini remove the November 14th Meeting
12 video wherever it has already been posted online. *See* August 22, 2026 email from Shurka’s
13 counsel, attached hereto as **Exhibit 9**. But the TRO did not direct Bertolacini to remove
14 previously posted material, and Shurka did not request that relief in the Motion itself. *See* Motion.
15 The requested takedown would be mandatory, not prohibitory: it would require affirmative action
16 to undo alleged past dissemination and would go beyond preserving the status quo. Such relief is
17 subject to a heightened standard because it would force Bertolacini to take action rather than
18 merely refrain from acting.⁶ Shurka’s attempt to expand the TRO beyond its terms further
19 confirms that he seeks to muzzle Bertolacini and suppress evidence of the Shurkas’ conduct, not
20 merely preserve a legitimate status quo.

21 Shurka’s First Amendment argument rests on the misleading assertion that Bertolacini
22 unlawfully recorded the November 14th Meeting. But Shurka himself admitted that he recorded
23 the same meeting, knew Bertolacini was recording, and produced his recording without any
24

25 ⁶ “Courts require a higher burden to be met in order to issue mandatory injunctions because the
26 requested action would force the non-moving party to go beyond simply maintaining the status
27 quo.” *Chudacoff v. Urdu. Med. Ctr. of S. Nev.*, 609 F. Supp. 2d 1163, 1178 (D. Nev. 2009). “A
28 mandatory injunction is a stern remedy.” *Leonard v. Stoebling*, 102 Nev. 543, 551, 728 P.2d 1358,
1363 (1986). A mandatory preliminary injunction, which may not be “granted unless extreme or
very serious damage will result.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571
F.3d 873, 879 (9th Cir. 2009) (quotations omitted).

1 confidentiality designation. Those facts defeat the premise that the recording was unlawfully
2 obtained and make the requested order a prior restraint on lawfully recorded speech. Both cannot
3 be true: Shurka cannot claim the recording was unauthorized while relying on his own recording
4 and production of it to prevent Bertolacini from publishing. Because Shurka has not shown a
5 likelihood of success, and because the requested relief would impose a direct and substantial
6 burden on protected speech, the TRO should be dissolved.

7 **IV. CONCLUSION**

8 For the foregoing reasons, the Court should grant the Motion and dissolve the Temporary
9 Restraining Order entered on August 21, 2026.

10 DATED this 26th day of August, 2026.

11 **HOLLAND & HART LLP**

12
13 /s/ Robert J. Cassity

14 Robert J. Cassity
15 Joseph G. Went
16 Sydney R. Gambee
17 Caitlan J. Bohn
18 9555 Hillwood Drive, 2nd Floor
19 Las Vegas, NV 89134

20 *Attorneys for Energy Enhancement*
21 *System, LLC, Michael Bertolacini, and Dr.*
22 *Sandra Rose Michael, DNM*
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August 2026, a true and correct copy of the foregoing **MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER** was served by the following method(s):

☒ Electronic: filed the document electronically with the Clerk of the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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Tyler W. Stevens, Esq.
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*Co-Counsel for
Plaintiffs/Counterdefendants
Energy Enhancement System, LLC,
Michael Bertolacini, and Dr. Sandra Rose
Michael, DNM*

/s/ Kristina R. Cole
An Employee of Holland & Hart LLP

39206541.v1

EXHIBIT 1

DECL

Robert J. Cassity (NV Bar No. 9779)
Joseph G. Went (NV Bar No. 9220)
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*Attorneys for Energy Enhancement
System, LLC, Michael Bertolacini,
and Dr. Sandra Rose Michael, DNM*

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; UNIFY TV; ROBERT
RELIGA, an individual; DOES I-X; and ROE
CORPORATIONS XI-XX,

Defendants.

JASON SHURKA, an individual;

Counterclaimant,

v.

ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company,

Case No. A-25-910216-B

Dept. No. 27

**DECLARATION OF MICHAEL
BERTOLACINI IN SUPPORT OF
BERTOLACINI'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

MICHAEL BERTOLACINI, an individual;
DR. SANDRA ROSE MICHAEL, DNM, an
individual; DOES I-X; and ROE
CORPORATIONS XI-XX;

Counterdefendants.

UNIFYD WORLD, INC., a South Carolina
corporation;

Counterclaimant,

v.

MICHAEL BERTOLACINI, an individual;
ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company;

Counterdefendant.

I, Michael Bertolacini, do hereby declare as follows:

1. I am over the age of 18, competent to testify, and I have personal knowledge of the facts stated in this declaration.

2. I am the CEO and co-founder of Energy Enhancement System, LLC (“EES”).

3. I make this declaration in support of my motion to dissolve the Temporary Restraining Order entered by this Court on August 21, 2026 (the “Motion”).

4. EES was co-founded by Sandra Rose Michael and myself, as Chief Executive Officer.

5. In or around June 2022, EES verbally agreed to allow Shurka and his organization, UNIFYD Healing (“UH”), to support EES’s marketing efforts.

6. However, in the fall of 2024, Shurka began demanding that EES acquire UH for exorbitant and unsupported amounts.

7. In September and October 2024, Shurka made two separate proposals to me for EES to purchase UH, which EES declined.

8. After the offers, the parties agreed to meet on November 15, 2024 to discuss a potential acquisition of UH’s assets by EES.

1 9. However, on November 14, 2024, the day before the parties were scheduled to
2 meet, Shurka demanded that I have a phone call with Shurka, his father, Manny, and Humphrey
3 Angeles whose purpose was to act as a witness (the “November 14th Meeting”).

4 10. I recorded the November 14th Meeting. Exhibit 2 to the Motion is a true and
5 correct copy of this recording.

6 11. When Shurka and Manny joined the call, they acknowledged that the meeting was
7 being transcribed by AI. I took this to mean that the Shurkas consented to the November 14th
8 Meeting being recorded, as AI necessarily records when it transcribes meetings.

9 12. The Shurkas also recorded the November 14th Meeting.

10 13. On November 24, 2024, I met with Jason Shurka and Scott McKay in Dallas,
11 Texas, to attempt to resolve the disputes between the parties. The recording attached to the Motion
12 as Exhibit 5 and produced by Shurka in this action is a true and correct recording of this meeting.

13 14. During the November 24th Meeting, Shurka confirmed that he recorded the
14 November 14th Meeting, which was approximately two and a half hours long.

15 I declare under penalty of perjury that the foregoing is true and correct based on my
16 knowledge, information, and belief.

17 EXECUTED this 26th day of August 2026 in Clark County, Nevada.

18
19
20 /s/ Michael Bertolacini
MICHAEL BERTOLACINI

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EXHIBIT 2



EXHIBIT 3

1 **ECWD**

ADAM R. FULTON, ESQ.

2 Nevada Bar No. 11572

3 E-mail: afulton@jfnvlaw.com

STEVE SHEVORSKI, ESQ.

4 Nevada Bar No. 8256

E-mail: steve@jfnvlaw.com

5 **JENNINGS & FULTON, LTD.**

2580 Sorrel Street

6 Las Vegas, Nevada 89146

7 Telephone: (702) 979-3565

Facsimile: (702) 362-2060

8 *Attorneys for Jason Shurka, UNIFYD World, Inc.*

9 *UNIFYD Healing and UNIFY TV*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 ENERGY ENHANCEMENT SYSTEM, LLC,
13 a Nevada limited liability company; MICHAEL
14 BERTOLACINI, an individual; DR. SANDRA
ROSE MICHAEL, DNM, an individual,

15 Plaintiffs,

16 vs.

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

20 Defendants.
21

CASE NO.: A-25-910216-B

DEPT. NO.: 16

22 **JASON SHURKA, UNIFYD WORLD, UNIFYD HEALING AND UNIFYD TV'S INITIAL**

23 **EARLY CASE CONFERENCE LIST OF WITNESSES & DOCUMENTS AND NRCP**

24 **16.1(a)(3) PRE-TRIAL DISCLOSURES**

25 Defendant/Counterclaimant, Jason Shurka, UNIFYD World, Inc., UNIFY Healing,¹ and
26 UNIFY TV, by and through their attorneys of record, ADAM R. FULTON, ESQ. and STEVE
27

28 ¹ UNIFY Healing and UNIFY TV are not legal entities.

1 SHEVORSKI, ESQ., of the law firm of JENNINGS & FULTON, LTD., and discloses their list of
2 witnesses and documents produced pursuant to Nevada Rules of Civil Procedure 16.1(b)(1) and
3 16.1(b)(5) as follows:

4 I.

5 **LIST OF WITNESSES**

- 6 1. JASON SHURKA
7 c/o Adam R. Fulton, Esq.
8 Steve Shevorsi, Esq.
9 JENNINGS & FULTON, LTD.
2580 Sorrel Street
Las Vegas, Nevada 89146
Telephone: (702) 979-3565

10 Jason Shurka is expected to testify as to the facts and circumstances regarding the events
11 described in plaintiffs' complaint and Mr. Shurka's counterclaim.

- 12 2. UNIFYD WORLD, INC, Corporate Representative
13 c/o Adam R. Fulton, Esq.
14 Steve Shevorsi, Esq.
15 JENNINGS & FULTON, LTD.
2580 Sorrel Street
Las Vegas, Nevada 89146
Telephone: (702) 979-3565

16 UNIFYD World, Inc.'s corporate representative is expected to testify as to the facts and
17 circumstances regarding UNIFYD World, Inc.'s date of corporate formation, its resident agent for
18 service of process, and any knowledge UNIFYD World, Inc. may have regarding the plaintiffs'
19 complaint.

- 20 3. SANDRA MICHAEL
21 c/o Robert J. Cassity, Esq.
22 Joseph G. Went, Esq.
23 Sydney R. Gambia, Esq.
24 Caitlan J. McMasters, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Telephone (702) 669-4600

25 Sandra Michael is expected to testify as to the facts and circumstances regarding the events
26 described in plaintiffs' complaint and Mr. Shurka's counterclaim.

27 ///

28 ///

1 4. MICHAEL BERTOLACINI
2 c/o Robert J. Cassity, Esq.
3 Joseph G. Went, Esq.
4 Sydney R. Gambia, Esq.
5 Caitlan J. McMasters, Esq.
6 HOLLAND & HART LLP
7 9555 Hillwood Drive, 2nd Floor
8 Las Vegas, NV 89134
9 Telephone (702) 669-4600

10 Sandra Michael is expected to testify as to the facts and circumstances regarding the events
11 described in plaintiffs' complaint and Mr. Shurka's counterclaim.

12 5. RALPH "MAX" BEHNER
13 c/o Robert J. Cassity, Esq.
14 Joseph G. Went, Esq.
15 Sydney R. Gambia, Esq.
16 Caitlan J. McMasters, Esq.
17 HOLLAND & HART LLP
18 9555 Hillwood Drive, 2nd Floor
19 Las Vegas, NV 89134
20 Telephone (702) 669-4600

21 Ralph "Max" Behner is expected to testify as to the facts and circumstances regarding the
22 events described in plaintiffs' complaint and Mr. Shurka's counterclaim.

23 6. ROBERT RELIGA
24 c/o Alayne Opie, Esq.
25 Kirche Ray, Esq.
26 GREENBERG TRAURIG LLP
27 10845 Griffith Peak Drive, Suite 600
28 Las Vegas, NV 89135
 Telephone: (702) 792-3773

 Robert Religa is expected to testify as to the facts and circumstances regarding the events
described in plaintiffs' complaint.

 7. Karen Reifinger
 Address: Unknown
 Telephone: Unknown
 E-mail: kreifinger@hotmail.com

 Karen Reifinger is expected to testify as to the facts and circumstances regarding the events
described in plaintiffs' complaint, including but not limited to, facts relating to Sandra Michael's
credentials and experience

 8. Diane Caruana
 Address: Unknown
 Telephone: (702) 370-3331

1 Diane Caruana is expected to testify as to the facts and circumstances regarding the events
2 described in plaintiffs' complaint, including but not limited to, facts relating to Sandra Michael's
3 credentials and experience.

4 9. Kjell Nesen
Address: Unknown
5 Telephone: (818) 929-1500

6 Kjell Nesen is expected to testify as to the facts and circumstances regarding the events
7 described in plaintiffs' complaint, including but not limited to, the negotiations between EES and
8 Shurka for the UNIFYD Healing project.

9 10. Susan Bowman
Address: Unknown
10 Telephone: (425) 260-7528

11 Ms. Bowman is expected to testify as to the facts and circumstances regarding the events
12 described in plaintiffs' complaint, including but not limited, to Plaintiffs' allegations regarding
13 Shurka's alleged misappropriation of funds.

14 11. Emily Graves
Address: Unknown
15 Telephone: (386) 405-1966

16 Emily Graves is expected to testify as to the facts and circumstances regarding the events
17 described in plaintiffs' complaint, including but not limited, to Plaintiffs' allegations regarding
18 Shurka's alleged misappropriation of funds.

19 12. Jeremiah Delson
Address: Unknown
20 Telephone: (845) 774-9495

21 Jeremiah Delson is expected to testify as to the facts and circumstances regarding the
22 events described in plaintiffs' complaint, including but not limited to, his experience as a former
23 employee of EES.

24 13. Humphrey Angeles
Address: Unknown
25 Telephone: (925) 382-3562

26 Humphrey Angeles is expected to testify as to the facts and circumstances regarding the
27 events described in plaintiffs' complaint, including but not limited to, his actions as a mediator
28 between EES and Shurka on November 14, 2024.

14. Jonathan Kavner
Address: Unknown
Telephone: (516) 503-7177

Jonathan Kavner is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited, his knowledge of the success of the UNIFYD Healing project.

15. Derek Vincent
Address: Unknown
Telephone: (561) 410-8963

Derek Vincent is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, that EES never paid Shurka, had no contract with Shurka or UNIFYD World, Inc., and Bertolacini's allegations regarding the Sound of Freedom movie.

16. Marcy Galazan
10 Hoffstot Lane
Sands Point, NY 11050
Telephone: (516) 220-7677

Marcy Galazan is a reverend and is president of Light System, Inc. and is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint.

17. Talia Havakook
10 Pine Drive
Great Neck, NY 11021
Telephone: (516) 666-2320

Talia Havakook is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, her knowledge that EES never paid Shurka for any of his actions to promote EES.

18. Jarrod Barakett
Address: Unknown
Telephone: (905) 261-5364

Jarrod Barakett is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, EES' allegations that Shurka misappropriated funds.

1 19. Robert Gaudet
2 c/o Alayne Opie, Esq.
3 Kirche Ray, Esq.
4 GREENBERG TRAURIG LLP
5 10845 Griffith Peak Drive, Suite 600
6 Las Vegas, NV 89135
7 Telephone: (702) 792-3773

8 Robert Gaudet holds power of attorney for Robert Religa and is expected to testify as to
9 the facts and circumstances regarding the events described in plaintiffs' complaint.

10 20. Barbara Pinder
11 Address: Unknown
12 Telephone: (415) 559-9561

13 Barbara Pinder is expected to testify as to the facts and circumstances regarding the events
14 described in plaintiffs' complaint, including but not limited to, Sandra Michael's credentials and
15 experience.

16 21. Chris Kaufmann
17 Address: Unknown
18 Telephone: (970) 764-8758

19 Chris Kaufman is expected to testify as to the facts and circumstances regarding the events
20 described in plaintiffs' complaint, including but not limited to, Sandra Michael's credentials and
21 experience.

22 22. Tamir Malnick
23 Address: Unknown
24 Telephone: (516) 554-1484

25 Tamir Malnick is expected to testify as to the facts and circumstances regarding the events
26 described in plaintiffs' complaint, including but not limited to, EES' allegations that Shurka
27 misappropriated funds.

28 23. Dr. Bryna Ardis
Address: Unknown
Telephone: (972) 658-4281

Dr. Bryna Ardis is expected to testify as to the facts and circumstances regarding the events
described in plaintiffs' complaint, including but not limited to, Sandra Michael's credentials and
experience.

24 24. Andy Nichols
25 Address: Unknown
26 Telephone: (207) 577-7963

1 Andy Nichols is expected to testify as to the facts and circumstances regarding the events
2 described in plaintiffs' complaint.

3 25. Jordan Gaitan
4 Address: Unknown
5 Telephone: (702) 581-8115

6 Jordan Gaitan is expected to testify as to the facts and circumstances regarding the events
7 described in plaintiffs' complaint, including but not limited, comments he heard Sandra Michael
8 make regarding silencing Mr. Religa's claims about the source code used by EES.

9 26. Michael Graves
10 Address: Unknown
11 Telephone: (212) 621-9008

12 Michael Graves is expected to testify as to the facts and circumstances regarding the events
13 described in plaintiffs' complaint, including but not limited to, the declaration he gave regarding
14 Plaintiffs' application for an order to show cause.

15 27. Edward Dowd
16 Address: Unknown
17 Telephone: (631) 871-1219

18 Edward Dowd is a private investigator and is expected to testify as to the facts and
19 circumstances regarding the events described in plaintiffs' complaint, including but not limited to,
20 his investigation into Sandra Michael's credentials.

21 28. Nabil Gazdar
22 c/o Adam R. Fulton, Esq.
23 Steve Shevorski, Esq.
24 JENNINGS & FULTON, LTD.
25 2580 Sorrel Street
26 Las Vegas, Nevada 89146
27 Telephone: (702) 979-3565

28 Ms. Gazdar is expected to testify as to the facts and circumstances regarding the events
described in plaintiffs' complaint and Mr. Shurka's counterclaim, including but not limited,
attempts to hack UNIFYD World's computers and technological systems.

29 29. Rebecca Michaluk
Address: Unknown
Telephone: Unknown

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1 Rebecca Michaluk is expected to testify as to the facts and circumstances regarding the
2 events described in plaintiffs' complaint, including but not limited to, payments she received from
3 EES for marketing services.

4 30. Selena Stitzer
5 Address: Unknown
6 Telephone: (917) 284-2074

7 Selena Stitzer is expected to testify as to the facts and circumstances regarding the events
8 described in plaintiffs' complaint, including but not limited to, EES' allegations that Shurka
9 misappropriated funds.

10 31. Elly Eldridge
11 Address: Unknown
12 Telephone: Unknown

13 Elly Eldridge is expected to testify as to the facts and circumstances regarding the events
14 described in plaintiffs' complaint, including but not limited to, payments she received from EES
15 for marketing services.

16 32. Nena Jukes
17 Address: Unknown
18 Telephone: Unknown

19 Nena Jukes is expected to testify as to the facts and circumstances regarding the events
20 described in plaintiffs' complaint, including but not limited to, payments she received from EES
21 for marketing services.

22 33. Gareth Jukes
23 Address: Unknown
24 Telephone: Unknown

25 Gareth Jukes is expected to testify as to the facts and circumstances regarding the events
26 described in plaintiffs' complaint, including but not limited to, payments he received from EES
27 for marketing services.

28 34. Laura Arkle
Address: Unknown
Telephone: Unknown

Laura Arkle is expected to testify as to the facts and circumstances regarding the events
described in plaintiffs' complaint, including but not limited to, payments she received from EES
for marketing services.

35. Nicole Kinge
Address: Unknown
Telephone: Unknown

Nicole Kinge is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, payments she received from EES for marketing services.

36. Marko Mustac
Address: Unknown
Telephone: Unknown

Marko Mustac is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, payments he received from EES for marketing services.

37. Carla Aaron
Address: Unknown
Telephone: Unknown

Carla Aaron is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, payments she received from EES for marketing services.

38. Charles van Goch
Address: Unknown
Telephone: Unknown

Charles van Goch is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, payments he received from EES for marketing services.

39. Paula C. Bing
Address: Unknown
Telephone: Unknown

Paul C. Bing is expected to testify as to the facts and circumstances regarding the events described in plaintiffs' complaint, including but not limited to, payments she received from EES for marketing services.

40. Sarah Tornare
Address: Unknown
Telephone: Unknown

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1 Sarah Tornare is expected to testify as to the facts and circumstances regarding the events
2 described in plaintiffs' complaint, including but not limited to, payments she received from EES
3 for marketing services.

4 41. Mary Ann Fanning
5 Address: Unknown
6 Telephone: Unknown

7 Mary Ann Fanning is expected to testify as to the facts and circumstances regarding the
8 events described in plaintiffs' complaint, including but not limited to, payments she received from
9 EES for marketing services.

10 42. Priscilla Ferguson
11 Address: Unknown
12 Telephone: Unknown

13 Priscilla Ferguson is expected to testify as to the facts and circumstances regarding the
14 events described in plaintiffs' complaint, including but not limited to, payments she received from
15 EES for marketing services.

16 The UNIFYD Defendants reserve the right to identify any and all witnesses identified by
17 the Plaintiffs in this action.

18 The UNIFYD Defendants reserve the right to identify any and all witnesses deemed
19 necessary for impeachment or rebuttal purposes.

20 The UNIFYD Defendants reserve the right to supplement this witness list with the names
21 of any persons having knowledge of relevant matters pertaining to this litigation not known to the
22 UNIFYD Defendants at this time, as discovery is continuing.

23 II.

24 LIST OF DOCUMENTS

- 25 1. Complaint filed on January 16, 2025 (Bates No.: UNIFYD000001 – UNIFYD000043).
- 26 2. Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary
27 Injunction filed on January 27, 2025 (Bates No.: UNIFYD000044 – UNIFYD000118)
- 28 3. Temporary Restraining Order filed on February 6, 2025 (Bates No.: UNIFYD000119
– UNIFYD000124)
4. Ex Parte Motion for Order Permitting Service by Alternative Methods filed on

- February 18, 2025 (Bates No.: UNIFYD000125 – UNIFYD000147)
5. Objection to the Court Order Granting Plaintiffs an Ex Parte Temporary Restraining Order from Reverend Jason Shurka filed on February 18, 2025 (Bates No.: UNIFYD000148 – UNIFYD000166)
6. Request for Extension of Temporary Restraining Order filed on February 18, 2025 (Bates No.: UNIFYD000167 – UNIFYD000182)
7. Order Granting Ex Parte Motion for Order Permitting Service by Alternative Methods filed on February 19, 2025 (Bates No.: UNIFYD000183 – UNIFYD000185)
8. Order Extending Temporary Restraining Order and Setting Hearing on Plaintiffs’ Motion for Preliminary Injunction filed on February 20, 2025 (Bates No.: UNIFYD000186 – UNIFYD000189)
9. Ex Parte Application for Order to Show Cause Why Defendants Should not be Held in Contempt of Court filed on March 6, 2025 (Bates No.: UNIFYD000190 – UNIFYD000222)
10. Ex Parte Application for Order Shortening Time for Hearing on Motion for Preliminary Injunction and Order Thereon filed on April 2, 2025 (Bates No.: UNIFYD000223 – UNIFYD000228)
11. Exhibit filed on April 8, 2025 (Bates No.: UNIFYD000229 – UNIFYD000235)
12. Objection to Court Order filed on April 8, 2025 (Bates No.: UNIFYD000236 – UNIFYD000334)
13. Order to Show Cause Why Defendants Should not be Held in Contempt filed on April 22, 2025 (Bates No.: UNIFYD000335 – UNIFYD000337)
14. Supplement to Motion for Preliminary Injunction -and- Reply to Objection to the Court Order Granting Plaintiffs An Ex Parte Temporary Restraining Order from Reverend Jason Shurka filed on April 24, 2024 (Bates No.: UNIFYD000338 – UNIFYD000367)
15. Exhibit A – Copy of Terms and Conditions of UNIFYD World filed on April 25, 2025 (Bates No.: UNIFYD000368 – UNIFYD000382)
16. Exhibit B – Copy of Online Signature by Plaintiff Michael “Scalar” Bertolacini for his

- 1 Agreement to their Terms and Conditions of the Private Ecclesiastic Research Trust
2 filed on April 25, 2025 (Bates No.: UNIFYD000383 – UNIFYD000384)
- 3 17. Private Ecclesiastic Contractual Agreement, Non-Disclosure, Waiver and
4 Acknowledgment filed on April 25, 2025 (Bates No.: UNIFYD000385 –
5 UNIFYD000389)
- 6 18. Motion to Dismiss filed on April 25, 2025 (Bates No.: UNIFYD000390 –
7 UNIFYD000408)
- 8 19. Notice of Motion to Dismiss filed on April 25, 2025 (Bates No.: UNIFYD000409 –
9 UNIFYD000411)
- 10 20. Expedited Motion to Adjourn Hearing for Preliminary Injunction Scheduled for April
11 30th, 2025 filed on April 28, 2025 (Bates No.: UNIFYD000412 – UNIFYD000415)
- 12 21. Notice of Entry of Stipulation and Order Setting Preliminary Injunction Briefing
13 Schedule filed on May 9, 2025 (Bates No.: UNIFYD000416 – UNIFYD000425)
- 14 22. Stipulation and Order filed on May 9, 2025 (Bates No.: UNIFYD000426 –
15 UNIFYD000430)
- 16 23. Answer and Counterclaim filed on May 16, 2025 (Bates No.: UNIFYD000431 –
17 UNIFYD000480)
- 18 24. Robert Religa’s Joinder to Defendants Jason Shurka, UNIFYD World, Inc., UNIFYD
19 Healing and UNIFYD TV’s Opposition to Plaintiff’s Ex Parte Application for an Order
20 to Show Cause Why Defendants Should not be Held in Contempt filed on May 16,
21 2025 (Bates No.: UNIFYD000481 – UNIFYD000483)
- 22 25. UNIFYD World, Inc.’s Motion to Quash Insufficient and Defective Service of Process
23 Pursuant to NRCP 12(b)(4) filed on May 16, 2025 (Bates No.: UNIFYD000484 –
24 UNIFYD000501)
- 25 26. Jason Shurka, UNIFYD World, Inc., UNIFYD Healing, and UNIFYD TV’s Opposition
26 to Plaintiffs’ Ex Parte Application for an Order to Show Cause Why Defendants Should
27 not be Held Contempt filed on May 16, 2025 (Bates No.: UNIFYD000502 –
28 UNIFYD000564)

- 1 27. Robert Religa's Opposition to Plaintiffs' Application for an Order to Show Cause Why
- 2 Defendants Should not be Held in Contempt filed on May 16, 2025 (Bates No.:
- 3 UNIFYD000565 – UNIFYD000583)
- 4 28. Robert Religa's Answer to Complaint filed on May 16, 2025 (Bates No.:
- 5 UNIFYD000584 – UNIFYD000621)
- 6 29. First Amended Answer and Counterclaim filed on May 19, 2025 (Bates No.:
- 7 UNIFYD000622 – UNIFYD000672)
- 8 30. Declaration of Michael Bertolacini in Support of Plaintiffs' Reply in Support of Motion
- 9 for Order to Show Cause Why Defendants Should not be Held in Contempt filed on
- 10 May 19, 2025 (Bates No.: UNIFYD000673 – UNIFYD000675)
- 11 31. Reply in Support of Motion for Order to Show Cause Why Defendants Should not be
- 12 Held in Contempt of Court filed on May 19, 2025 (Bates No.: UNIFYD000676 –
- 13 UNIFYD000708)
- 14 32. Defendants' Joint Motion for Clarification of Court's Temporary Restraining Order on
- 15 an Order Shortening Time filed on May 20, 2025 (Bates No.: UNIFYD000709 –
- 16 UNIFYD000779)
- 17 33. Second Stipulation and Order Setting Preliminary Injunction Briefing Schedule filed
- 18 on May 30, 2025 (Bates No.: UNIFYD000780 – UNIFYD000786)
- 19 34. Plaintiffs' Opposition to Defendant UNIFYD World, Inc.'s Motion to Quash
- 20 Insufficient and Defective Service of Process Pursuant to NRCP 12(b)(4) filed on May
- 21 30, 2025 (Bates No.: UNIFYD000787 – UNIFYD000801)
- 22 35. Order Denying Contempt Application Without Prejudice filed on May 30, 2025 (Bates
- 23 No.: UNIFYD000802 – UNIFYD000808)
- 24 36. Plaintiffs' Opposition to Defendants' Joint Motion for Clarification of Court's
- 25 Temporary Restraining Order filed on June 3, 2025 (Bates No.: UNIFYD000809 –
- 26 UNIFYD000823)
- 27 37. Defendants' Reply Supporting Their Joint Motion for Clarification of Court's
- 28 Temporary Restraining Order on an Order Shortening Time filed on June 3, 2025

- 1 (Bates No.: UNIFYD000824 – UNIFYD000866)
- 2 38. Before the Honorable Timothy C. Williams, District Court Judge Wednesday, June 4,
- 3 2025 Recorder's Transcript of Hearing: *Defendants' Motion for Clarification of*
- 4 *Court's Temporary Restraining order on an Order Shortening Time* filed on June 6,
- 5 2025 (Bates No.: UNIFYD000867 – UNIFYD000879)
- 6 39. Errata to Robert Religa's Opposition to Plaintiffs' Motion for Preliminary Injunction
- 7 filed on June 9, 2025 (Bates No.: UNIFYD000880 – UNIFYD000894)
- 8 40. Shurka and the UNIFYD Defendants' Opposition to Plaintiffs' Motion for Preliminary
- 9 Injunction filed on June 9, 2025 (Bates No.: UNIFYD000895 – UNIFYD000999)
- 10 41. Robert Religa's Opposition to Plaintiffs' Motion for Preliminary Injunction filed on
- 11 June 9, 2025 (Bates No.: UNIFYD001000 – UNIFYD001043)
- 12 42. Plaintiffs' Answer to Jason Shurka's First Amended Counterclaim filed on June 11,
- 13 2025 (Bates No.: UNIFYD001044 – UNIFYD001054)
- 14 43. Order Granting Defendants' Joint Motion for Clarification of Court's Temporary
- 15 Restraining Order on an Order Shortening Time filed on June 25, 2025 (Bates No.:
- 16 UNIFYD001055 – UNIFYD001061)
- 17 44. Plaintiffs' Reply in Support of Their Motion for Preliminary Injunction filed on June
- 18 30, 2025 (Bates No.: UNIFYD001062 – UNIFYD001171)
- 19 45. UNIFYD World, Inc.'s Reply Supporting its Motion to Quash Insufficient and
- 20 Defective Service of Process Pursuant to NRCP 12(b)(4) filed on July 3, 2025 (Bates
- 21 No.: UNIFYD001172 – UNIFYD001178)
- 22 46. Body of Light Copyright Record for Higher Self Alignment – Publication Date:
- 23 January 1, 1990 (Bates No.: UNIFYD001179 – UNIFYD001180)
- 24 47. Body of Light Copyright Record for Body Mapping – Publication Date: January 1,
- 25 1995 (Bates No.: UNIFYD001181 – UNIFYD001182)
- 26 48. Robert Joh Religa d.b.a. Jedi Technologies Copyright Record for Synchronicity Engine
- 27 1996 – Publication Date: May 1, 1996 (Bates No.: UNIFYD001183 –
- 28 UNIFYD001184)

- 1 49. The State of Nevada Department of Business and Industry, Consumer and Affairs
- 2 Division's Appendix filed on June 18, 2020 (Bates No.: UNIFYD001185 –
- 3 UNIFYD001368)
- 4 50. Text Message Correspondence Between Jason Shurka and Dr. Sandra Michaels, and
- 5 Jason Shurka and Michael Bertolacini – Date: April 20, 2022 – June 11, 2024 (Bates
- 6 No.: UNIFYD001369 – UNIFYD001377)
- 7 51. Text Message Correspondence Between Jason Shurka and Dr. Sandra Michaels – Date:
- 8 May 27, 2022 (Bates No.: UNIFYD001378 – UNIFYD001379)
- 9 52. Email Correspondence Between Jason Shurka and Michael Bertolacini – Date:
- 10 November 4, 2022 (Bates No.: UNIFYD001380 – UNIFYD001384)
- 11 53. Cash and Equipment from Energy Enhancement System, LLC to UNIFYD and
- 12 Marketing Funds – Date: November 11, 2022 – November 8, 2022 (Bates No.:
- 13 UNIFYD001385 – UNIFYD001385)
- 14 54. Multiple Facebook Posts Showing Support for Jason and UNIFYD – Date: December
- 15 5, 2022 – November 11, 2022 (Bates No.: UNIFYD001386 – UNIFYD001389)
- 16 55. Donation Receipts – Date: December 15, 2022 – February 2, 2024 (Bates No.:
- 17 UNIFYD001390 – UNIFYD001399)
- 18 56. Energy Enhancement System Letter Regarding Robert Religa – Date: 2023 (Bates No.:
- 19 UNIFYD001400 – UNIFYD001400)
- 20 57. Sound of Freedom Funds Analysis – Date: May 31, 2023 – August 20, 2024 (Bates
- 21 No.: UNIFYD001401 – UNIFYD001401)
- 22 58. Sound of Freedom Movies, LLC – Exhibit B – Subscription Agreement Signed – Date:
- 23 May 31, 2023 (Bates No.: UNIFYD001402 – UNIFYD001416)
- 24 59. Sound of Freedom Movies, LLC – Exhibit C – Subscriber Suitability Questionnaire
- 25 Signed – Date: May 31, 2023 (Bates No.: UNIFYD001417 – UNIFYD001427)
- 26 60. UNIFYD World Inc. Donation Receipt and Acknowledgment to Energy Enhancement
- 27 System LLC – Date: May 31, 2023 (Bates No.: UNIFYD001428 – UNIFYD001428)
- 28 61. Membership Application and Service Agreement – Aaron Freeman – Date: July 11,

- 1 2023 (Bates No.: UNIFYD001429 – UNIFYD001443)
- 2 62. South Carolina Secretary of State – UNIFYD World Inc – Corporate Formation – Date:
- 3 September 18, 2023 (Bates No.: UNIFYD001444 – UNIFYD001444)
- 4 63. Wire Statements – Date: October 26, 2023 – April 5, 2024 (Bates No.: UNIFYD001445
- 5 – UNIFYD001445)
- 6 64. TD Bank Statement - \$500,000.00 Wire for Advertisement Statement – Date: February
- 7 1, 2024 – February 29, 2024 (Bates No.: UNIFYD001446 – UNIFYD001446)
- 8 65. Energy Enhancement System and UNIFYD Healing Press Release – Date: February
- 9 23, 2024 (Bates No.: UNIFYD001447 – UNIFYD001449)
- 10 66. Marketing Fund Transaction Breakdown – Date: February 25, 2024 – October 18, 2024
- 11 (Bates No.: UNIFYD001450 – UNIFYD001450)
- 12 67. Game Changer Publishing & Best Seller Launch Invoice – Date: February 27, 2024
- 13 (Bates No.: UNIFYD001451 – UNIFYD001452)
- 14 68. UNIFYD World Inc. Donation Receipt and Acknowledgment to Energy Enhancement
- 15 System LLC – Date: February 27, 2024 (Bates No.: UNIFYD001453 –
- 16 UNIFYD001453)
- 17 69. Energy Enhancement System Influencer Compensation Agreement – Aaron Abke, 4D
- 18 University – Date: March 4, 2024 (Bates No.: UNIFYD001454 – UNIFYD001460)
- 19 70. Energy Enhancement System Influencer Compensation Agreement – Druthers – Date:
- 20 March 4, 2024 (Bates No.: UNIFYD001461 – UNIFYD001467)
- 21 71. Energy Enhancement System Influencer Compensation Agreement – Modern Stoa
- 22 Limited – Date: April 9, 2024 (Bates No.: UNIFYD001468 – UNIFYD001475)
- 23 72. Energy Enhancement System Influencer Compensation Agreement – TTAC Publishing
- 24 LLC – Date: May 2, 2024 (Bates No.: UNIFYD001476 – UNIFYD001483)
- 25 73. UNIFYD Healing Financials – Date: June 2024 – September 2024 (Bates No.:
- 26 UNIFYD001484 – UNIFYD001489)
- 27 74. Introductory Messages with Andy Nichols – Date: June 3, 2024 – August 15, 2024
- 28 (Bates No.: UNIFYD001490 – UNIFYD001503)

- 1 75. Message Correspondence with Michael Bertolacini Regarding Dr. Sandra Michaels –
2 Date: June 3, 2024 (Bates No.: UNIFYD001504 – UNIFYD001506)
- 3 76. Energy Enhancement System Influencer Compensation Agreement –
4 4biddenknowledge Inc – Date: June 5, 2024 (Bates No.: UNIFYD001507 –
5 UNIFYD001514)
- 6 77. Energy Enhancement System Influencer Compensation Agreement – Robert Edward
7 Grant – Date: June 10, 2024 (Bates No.: UNIFYD001515 – UNIFYD001522)
- 8 78. Text Message Correspondence with Andy – Date: June 10, 2024 – December 12, 2024
9 (Bates No.: UNIFYD001523 – UNIFYD001543)
- 10 79. UNIFYD World Private Ecclesiastic Research Joint Venture Contractual Agreement
11 of UNIFYD Healing and Highest Potential LLC – Date: July 9, 2024 (Bates No.:
12 UNIFYD001544 – UNIFYD001564)
- 13 80. UNIFYD World and Santa Fe Films, LLC – Transfer Agreement – Date: August 13,
14 2024 (Bates No.: UNIFYD001565 – UNIFYD001567)
- 15 81. Element 41 LLC (Andy) Business and Management Review of Energy Enhancement
16 System LLC – Date: August 15, 2024 (Bates No.: UNIFYD001568 – UNIFYD001576)
- 17 82. Energy Enhancement System Influencer Compensation Agreement – Camelot
18 Ministries – August 25, 2024 (Bates No.: UNIFYD001577 – UNIFYD001584)
- 19 83. Message Correspondence Between Jason Shurka and Michael Bertolacini – Date:
20 September 9, 2024 (Bates No.: UNIFYD001585 – UNIFYD001585)
- 21 84. UNIFYD Healing Valuation Information – Date: September 11, 2024 (Bates No.:
22 UNIFYD001586 – UNIFYD001588)
- 23 85. Message Correspondence Between Jason Shurka and Michael Bertolacini Regarding
24 Letters from Dee – Date: September 17, 2024 – October 9, 2024 (Bates No.:
25 UNIFYD001589 – UNIFYD001591)
- 26 86. First Letter from Dee (Bates No.: UNIFYD001592 – UNIFYD001597)
- 27 87. Second Letter from Dee (Bates No.: UNIFYD001598 – UNIFYD001600)
- 28 88. Michael Bertolacini's Response to Dee's Letter (Bates No.: UNIFYD001601 –

- 1 UNIFYD001604)
- 2 89. Last Letter from Dee (Bates No.: UNIFYD001605 – UNIFYD001608)
- 3 90. Energy Enhancement System Influencer Compensation Agreement – Alarm Inc,
- 4 Signed by Marla Maples. – Date: September 23, 2024 (Bates No.: UNIFYD001609 –
- 5 UNIFYD001616)
- 6 91. Energy Enhancement Influencer Compensation Agreement – Elevate Films, Signed by
- 7 Mikki Willis – Date: September 23, 2024 (Bates No.: UNIFYD001617 –
- 8 UNIFYD001625)
- 9 92. Message Correspondence Between Jason Shurka and Michael Bertolacini Regarding
- 10 Security Analyst Bill – Date: October 1, 2024 (Bates No.: UNIFYD001626 –
- 11 UNIFYD001629)
- 12 93. Group Chat Correspondence Message Correspondence Between Jason Shurka,
- 13 Michael Bertolacini, Humphrey Angeles – Date: November 12, 2024 – November 25,
- 14 2024 (Bates No.: UNIFYD001630 – UNIFYD001635)
- 15 94. Asset Acquisition and Separation Agreement – Date: December 2024 (Bates No.:
- 16 UNIFYD001636 – UNIFYD001650)
- 17 95. The Light System Inc Formation and Filing History Document – Date: December 13,
- 18 2024 (Bates No.: UNIFYD001651 – UNIFYD001654)
- 19 96. Former Security Guard and Contractor for Energy Enhancement System, Jordan Gaitan
- 20 – Letter Regarding Recent Findings – Date: December 14, 2024 (Bates No.:
- 21 UNIFYD001655 – UNIFYD001657)
- 22 97. Email Correspondence Between Jason Shurka, Andy Nichols, and Michael Bertolacini
- 23 Regarding Negotiations and Farewell – Date: December 14, 2024 – January 14, 2025
- 24 (Bates No.: UNIFYD001658 – UNIFYD001662)
- 25 98. Text Message Correspondence Between Jason Shurka and Andy Nichols – Signature
- 26 Coercion – Date: January 2, 2025 (Bates No.: UNIFYD001663 – UNIFYD001663)
- 27 99. Energy Enhancement System Letters to Owners, Stewards, and Colleagues Regarding
- 28 Legal Matter – Date: January 15, 2025 – April 18, 2025 (Bates No.: UNIFYD001664

- 1 – UNIFYD001669)
- 2 100. Karen Reifinger, Previous Owner of Eight (8) Energy Enhancement System Units
- 3 Located in Pennsylvania – Letter Regarding Business Shutdown, and Personal and
- 4 Professional Ruination Threat by Sandra Michaels and Michael Bertolacini – Date:
- 5 January 23, 2025 (Bates No.: UNIFYD001670 – UNIFYD001674)
- 6 101. United States Patent and Trademark Office – Body of Light Trademark Document –
- 7 Date: March 27, 2025 (Bates No.: UNIFYD001675 – UNIFYD001677)
- 8 102. Jason Shurka’s Email to WordPress on Behalf of UNIFYD World, Inc, UNIFYD
- 9 Healing, and UNIFYD TV – Request to Remove EES Fraud to Comply with the
- 10 Court’s Order – Date: May 1, 2025 (Bates No.: UNIFYD001678 – UNIFYD001682)
- 11 103. Energy Enhancement System Letter to Owners, Stewards, and Family Regarding
- 12 Update on Legal Proceedings – Date: May 10, 2025 (Bates No.: UNIFYD001683 –
- 13 UNIFYD001684)
- 14 104. Board of Natural Medicine Doctors and Practitioners (BNMDP) Email
- 15 Correspondence – No Current Certification for the Name Dr. Sandra Rose Michaels,
- 16 DNM in the BNDMP Database – Date: May 15, 2025 (Bates No.: UNIFYD001685 –
- 17 UNIFYD001686)
- 18 105. EESystem Facebook Post with Comments – Date: May 15, 2025 (Bates No.:
- 19 UNIFYD001687 – UNIFYD001688)
- 20 106. Additional Comments on EESystem Facebook Post – Date: May 15, 2025 (Bates No.:
- 21 UNIFYD001689 – UNIFYD001690)
- 22 107. Screenshot of WordPress – essfraud.wordpress.com – No Longer Available – Date:
- 23 May 16, 2025 (Bates No.: UNIFYD001691 – UNIFYD001691)
- 24 108. Defendants’ Response in Opposition to Plaintiffs’ Emergency Order to Show Cause
- 25 for Temporary Restraining Order, Preliminary Injunction, and Expedited Briefing
- 26 Schedule filed in the Eastern District of New York on June 13, 2025 (Bates No.:
- 27 UNIFYD001692 – UNIFYD001734)
- 28 109. Screenshot of Copyright Website – Body of Light Registration for Body Mapping on

- 1 June 19, 1997 – Screenshot Date: June 14, 2025 (Bates No.: UNIFYD001735 –
2 UNIFYD001735)
- 3 110. Energy Enhance System Filing History – Date: April 3, 2003 – June 6, 2025 (Bates
4 No.: UNIFYD001736 – UNIFYD001739)
- 5 111. Hawaii Business Express Business Registration Department of Commerce and
6 Consumer Affairs – Body of Light General Info – Date: June 14, 2025 (Bates No.:
7 UNIFYD001740 – UNIFYD001741)
- 8 112. Nevada Secretary of State – SilverFlume’s Business Portal – Energy Enhancement
9 System, LLC Entity Information – Date: June 14, 2025 (Bates No.: UNIFYD001742 –
10 UNIFYD001743)
- 11 113. Nevada Secretary of State – SilverFlume’s Business Portal – Body of Light Inc Entity
12 Information – Date: June 25, 2025 (Bates No.: UNIFYD001744 – UNIFYD001746)
- 13 114. Disclaimer Message on Website – UNIFY Healing is in no way Directly Affiliated
14 with EESystem (Bates No.: UNIFYD001747 – UNIFYD001747)
- 15 115. Payments (Full Systems) (Bates No.: UNIFYD001748 – UNIFYD001757)
- 16 116. Payments (Qubes) (Bates No.: UNIFYD001758 – UNIFYD001761)
- 17 117. Alibaba.com Screenshot of Healing Agate Jade Crystal Pendant/Gemstone (Bates
18 No.: UNIFYD001762 – UNIFYD001762)
- 19 118. Change on EESystem.com/order (website) Without Notice (Bates No.:
20 UNIFYD001763 – UNIFYD001763)
- 21 119. United Healing Deck (Bates No.: UNIFYD001764 – UNIFYD001780)
- 22 120. Message Correspondence Between Jason Shurka and Michael Bertolacini Regarding
23 Sound of Freedom Donation (Bates No.: UNIFYD001781 – UNIFYD001781)
- 24 121. Declaration of Michael Graves (Bates No.: UNIFYD001782 – UNIFYD001783)
- 25 122. Text Message Correspondence Between Derek Vincent and Andy Nichols Regarding
26 Manny Shurka’s Passing (Bates No.: UNIFYD001784 – UNIFYD001784)
- 27 123. Complaint filed on May 22, 2025 (Bates No.: UNIFYD001785 – UNIFYD001815)
- 28 124. Ex Parte Emergency Order to Show Cause for Temporary Restraining Order and

Preliminary Injunction filed on June 5, 2025 (Bates No.: UNIFYD001816 – UNIFYD001968)

125. Video of November 11th Mediation Part 1 (Bates No.: UNIFYD001969)

126. Video of November 11th Mediation Part 2 (Bates No.: UNIFYD001970)

127. Video of November 11th Mediation with Scott McKay (Bates No.: UNIFYD001971)

128. Video of December 9th Mediation Part 1 (Bates No.: UNIFYD001972)

129. Video of December 9th Mediation Part 2 (Bates No.: UNIFYD001973)

130. Video of December 9th Mediation Part 3 (Bates No.: UNIFYD001974)

131. Video Titled “Bryan Ardis 1 – Sandra to Stop Giving Lectures” (Bates No.: UNIFYD001975)

132. Video Titled “Bryan Ardis 2 – Sandra to Stop Giving Lectures” (Bates No.: UNIFYD001976)

133. Video Titled “Dustin Copy” (Bates No.: UNIFYD001977)

134. Video Titled “Jev Copy” (Bates No.: UNIFYD001978)

135. YouTube Video: <https://youtu.be/P5pkvgs-Z54> (Bates No.: UNIFYD001979)

136. YouTube Video: <https://youtu.be/X4oBgOEBFyo> (Bates No.: UNIFYD001980)

<https://www.dropbox.com/scl/fo/v9s83csk7mpw9t1bwdjm5/AKzBqatJB6rc9NT23ck37H4?rlkey=thkdd2ni0sov77jdmmlu1d7ke&st=8scwdwf8&dl=0>

OBJECTIONS TO THE AUTHENTICITY OF DOCUMENTS PRODUCED

Pursuant to N.R.C.P. 16.1(c)(3), the UNIFYD Defendants may object to the authenticity of any documents produced by the parties without proper authentication from the custodian of records or the opportunity to inspect the originals from which they were produced.

The UNIFYD Defendants reserve the right to utilize any and all responses to Interrogatories, Requests for Production and Requests for Admissions from Defendants.

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1 The UNIFYD Defendants reserve the right to supplement this list of documents as
2 information becomes available. The UNIFYD Defendants further reserve the right to utilize any
3 documents produced by the Plaintiffs.

4 **III.**

5 **COMPUTATION OF DAMAGES PURSUANT TO NRCP 16.1(a)(1)(C)**

6 1. Presumed damages for defamation per se in an amount to be determined by the trier
7 of fact.

8 2. Compensatory damages in amount to be determined at trial based on Jason Shurka's
9 hourly rate of \$5,000 per hour for marketing for EES. The amount will be determined by
10 multiplying Mr. Shurka's hourly rate by the hours spent by Mr. Shurka marketing for EES.

11 3. Attorney's fees special damages in an amount to be determined at trial.

12 4. Exemplary damages in an amount to be determined by the trier of fact.

13 5. Pre-judgment interest in an amount to be determined at trial.

14 The UNIFYD Defendants reserve the right to revise this computation of damages.

15 The UNIFYD Defendants reserve all rights to seek other damages including, but not
16 limited to, general and exemplary damages, in an amount to be proved at trial.

17 The UNIFYD Defendants reserve the right to supplement this Computation of Damages
18 with any and all other relevant documents and records, which come into their possession during
19 discovery.

20 The UNIFYD Defendants state that their general damages are in excess of \$15,000 and of
21 an amount to be determined at trial. Discovery is continuing, and the UNIFYD Defendants reserve
22 the right to supplement their NRCP 16.1 disclosures as additional information becomes available.

23 The UNIFYD Defendants reserve the right to supplement this list of documents and
24 witnesses as discovery in this matter continues.

25 ///

26 ///

27 ///

28 ///

1 DATED: July 11th, 2025

JENNINGS & FULTON, LTD.

2
3 By: /s/ Steve Shevorsi, Esq.
4 ADAM R. FULTON, ESQ.
5 Nevada Bar No.11572
6 E-mail: afulton@jfnvlaw.com
7 STEVE SHEVORSKI, ESQ.
8 Nevada Bar No. 8256
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10 2580 Sorrel Street
11 Las Vegas, Nevada 89146
12 Attorneys for Plaintiffs
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JENNINGS & FULTON, LTD.
2580 SORREL STREET
LAS VEGAS, NEVADA 89146
TELEPHONE 702.979.3565 ♦ FAX 702.362.2060

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of JENNINGS & FULTON, LTD., and that on the 11th day of July 2025, I caused a true and correct copy of the foregoing **JASON SHURKA, UNIFYD WORLD, UNIFYD HEALING AND UNIFYD TV'S INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES & DOCUMENTS AND NRCP 16.1(a)(3) PRE-TRIAL DISCLOSURES** to be served as follows:

_____ by depositing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope; or

_____ by facsimile transmission, pursuant to E.D.C.R. 7.26, as indicated below; or

 X by electronic service, pursuant to N.E.F.C.R. 9 and Administrative Order 14-2, as indicated below:

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Joseph G. Went, Esq.
Sydney R. Gambee, Esq.
Caitlan J. McMasters, Esq.
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*Attorneys for Defendant,
Robert Religa*

*Attorneys for Plaintiffs
Energy Enhancement System, LLC, Michael
Bertolacini, and Dr. Sandra Rose Michael, DNM*

/s/ Norma Richter
An Employee of
JENNINGS & FULTON, LTD.

EXHIBIT 4



EXHIBIT 5



EXHIBIT 6

DECL

Robert J. Cassity (NV Bar No. 9779)
Joseph G. Went (NV Bar No. 9220)
Sydney R. Gambee (NV Bar No. 14201)
Caitlan J. Bohn (NV Bar No. 16585)

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*Attorneys for Energy Enhancement
System, LLC, Michael Bertolacini,
and Dr. Sandra Rose Michael, DNM*

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; UNIFY TV; ROBERT
RELIGA, an individual; DOES I-X; and ROE
CORPORATIONS XI-XX,

Defendants.

JASON SHURKA, an individual;

Counterclaimant,

v.

ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company,

Case No. A-25-910216-B

Dept. No. 27

**DECLARATION OF ANDREW
NICHOLS IN SUPPORT OF
BERTOLACINI'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

MICHAEL BERTOLACINI, an individual;
DR. SANDRA ROSE MICHAEL, DNM, an
individual; DOES I-X; and ROE
CORPORATIONS XI-XX;

Counterdefendants.

UNIFYD WORLD, INC., a South Carolina
corporation;

Counterclaimant,

v.

MICHAEL BERTOLACINI, an individual;
ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company;

Counterdefendant.

I, Andrew Nichols, do hereby declare as follows:

1. I am over the age of 18, competent to testify, and I have personal knowledge of the facts stated in this declaration.

2. I am a consultant for Energy Enhancement System, LLC (“EES”).

3. I make this declaration in support of Michael Bertolacini’s (“Bertolacini”) motion to dissolve the Temporary Restraining Order entered by this Court on August 21, 2026 (the “Motion”).

4. On December 9, 2024, I met with Jason Shurka and Manny Shurka at the Marriott hotel in downtown West Palm Beach, Florida to attempt to resolve the parties’ disputes.

5. Attached to the Motion as Exhibit 7 is a true and correct recording of a portion of the December 9th Meeting.

6. During the December 9th Meeting, Jason and Manny Shurka confirmed that they had recorded a meeting with Bertolacini on November 14, 2024 and that they knew that Bertolacini was also recording the November 14, 2024 meeting:

Shurka: I told him that there would be people canceling orders. I told him in advance.

Nichols: Again –

Shurka: I told him in advance.

Nichols: I’ll just – okay.

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Shurka: It's recorded.
Manny: You should listen to the conversation.
Nichols: Which conversation?
Manny: The first Zoom meeting that I was on.
Nichols: Did you record it?
Manny: Yes. We recorded it, Michael recorded it also. You should listen.
Shurka: He recorded it with note taker or AI. We recorded it because he was recording.

See Ex. 7 at 9:35-9:57.

7. The "first Zoom meeting" that Manny Shurka was referring to was the November 14th meeting with Bertolacini.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct based on my knowledge, information, and belief.

EXECUTED this 26th day of August 2026 in Palm Beach County, Florida.

/s/ Andrew Nichols
ANDREW NICHOLS

EXHIBIT 7



EXHIBIT 8

From: Steven.Shevorski@gtlaw.com
To: [Sydney R. Gambee](#)
Cc: Jonathan.Thomas@gtlaw.com; [Joseph Went](#); [Caitlan Bohn](#); [Bob Cassity](#); [tyler.stevens](#)
Subject: Objection to Disclosure of Mediation Video - NRS 200.620 and NRS 200.630
Date: Thursday, August 6, 2026 5:16:02 PM
Attachments: [image001.png](#)

External Email

Hi Sydney,

Thank you for your time yesterday. Following up on our call yesterday about Mr. Bertolacini's planned release of the November 2024 confidential mediation, which he improperly recorded without Mr. Shurka's consent in violation of Nevada law. Given the time-sensitive nature of what he has indicated that he intends to do, we want to be clear about Mr. Shurka's position.

Mr. Shurka did not consent to the Zoom mediation being recorded. We believe Mr. Bertolacini is the source of the video recording that occurred without Mr. Shurka's consent. The session was a mediation attempting to resolve the parties' dispute. Mr. Shurka's understanding has been, and remains, that the recording is covered by the applicable Nevada protections against the recording and dissemination of recordings of wire communications without all parties' consent. Nevada is an all-party consent state for Zoom recordings. NRS 200.620. The disclosure of the content of the Zoom recording is also prohibited. NRS 200.630. We also believe substantial privacy interests are affected by its publication, particularly as the confidential video contains footage of Mr. Shurka's late father.

Mr. Shurka does not consent to the confidential mediation video's dissemination. Mr. Shurka is evaluating his options to protect his rights under Nevada law and to pursue whatever remedies may be available under applicable law to prevent the dissemination of the confidential recording that was done without his consent. We request that you advise your clients not to post, publish, distribute, or otherwise disseminate any portion of the mediation recording, and ask that you promptly confirm whether your clients intend to refrain from doing so. Furthermore, we expect your client to preserve all documents, communications, videos, etc. pertaining to his latest smear campaign against GT's client.

If Mr. Bertolacini proceeds with publication, Mr. Shurka will respond accordingly and reserves all rights and remedies available to him. It is my hope that we can continue to cool things down, as they have been, rather than unnecessarily escalating matters. We would appreciate your prompt response so that we know how to proceed.

Best regards,

Steve

Steven Shevorski
Of Counsel

Greenberg Traurig, LLP
10845 Griffith Peak Drive | Suite 600 | Las Vegas, NV 89135
T +1 702.938.6892
Steven.Shevorski@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



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disseminate the information.

EXHIBIT 9

From: Tyler.Stevens@gtlaw.com
To: [Sydney R. Gambia](#); [Bob Cassity](#); [Joseph Went](#); [Caitlan Bohn](#); [Ariana D. McConnell](#)
Cc: [steven.shevorski](#); [flintza](#); [Rosehill, Andrea \(LSS-LV-LT\)](#)
Subject: EES, et al. v. Shurka, et al. - Compliance with Temporary Restraining Order / Takedown Demand
Date: Saturday, August 22, 2026 3:49:49 PM
Attachments: [image001.png](#)

External Email

Counsel,

As you are likely aware, last night the Court issued a Temporary Restraining Order enjoining Michael Bertolacini – and all those in active concert or participation with him, including Energy Enhancement System, LLC – from publishing, broadcasting, distributing, or otherwise disseminating, in whole or in part, the audio or video recording of the parties’ November 2024 Zoom mediation communication (the “Mediation Recording”).

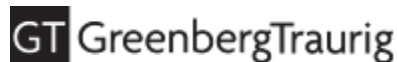
Based on our review of your clients’ publicly available social media accounts, portions of the Mediation Recording are currently being disseminated on these platforms. We therefore demand that Plaintiffs take down all media that includes any “excerpt, clip, still image, transcript, or other reproduction that conveys the actual audio or video contents of the Mediation Recording” **by Monday, August 24, 2026, at 12:00 p.m. PST**. If the offending material is not removed by this deadline, we will have no choice but to seek relief from the Court, including moving for an order to show cause why Bertolacini and/or EES should not be held in contempt.

Thank you for your prompt attention to this important matter.

TWS

Tyler Stevens
Associate

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EXHIBIT 10

DECL

Robert J. Cassity (NV Bar No. 9779)
Joseph G. Went (NV Bar No. 9220)
Sydney R. Gambee (NV Bar No. 14201)
Caitlan J. Bohn (NV Bar No. 16585)

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John F. O'Reilly, Esq. (NV Bar No. 1761)
Timothy R. O'Reilly, Esq. (NV Bar No. 8866)

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E-Mail: efile@oreillylawgroup.com

*Attorneys for Energy Enhancement
System, LLC, Michael Bertolacini,
and Dr. Sandra Rose Michael, DNM*

**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; UNIFY TV; ROBERT
RELIGA, an individual; DOES I-X; and ROE
CORPORATIONS XI-XX,

Defendants.

JASON SHURKA, an individual;

Counterclaimant,

v.

ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company,
MICHAEL BERTOLACINI, an individual;

Case No. A-25-910216-B

Dept. No. 27

**DECLARATION OF SYDNEY R.
GAMBEE, ESQ. IN SUPPORT OF
BERTOLACINI'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

1 DR. SANDRA ROSE MICHAEL, DNM, an
2 individual; DOES I-X; and ROE
CORPORATIONS XI-XX;

3 Counterdefendants.

4 UNIFYD WORLD, INC., a South Carolina
5 corporation;

6 Counterclaimant,

7 v.

8 MICHAEL BERTOLACINI, an individual;
9 ENERGY ENHANCEMENT SYSTEM, LLC,
a Nevada limited liability company;

10 Counterdefendant.

11 I, Sydney R. Gambee, being duly sworn, say:

12 1. I am an attorney with the law firm of Holland & Hart LLP, am licensed to practice
13 law in the State of Nevada, and have personal knowledge of the matters attested to below or state
14 the same based on information, which I believe to be true. I am competent to testify in a court of
15 law.

16 2. I am counsel of record for Plaintiff Michael Bertolacini (“Bertolacini”).

17 3. I make this declaration in support of Bertolacini’s Motion to Dissolve the
18 Temporary Restraining Order entered by this Court on August 21, 2026.

19 4. On August 5, 2026, I received a call from Steve Shevorski, counsel for Jason
20 Shurka. During this call, Mr. Shevorski stated that Shurka objected to any release of the video of
21 the November 14th Meeting. Mr. Shevorski separately confirmed this objection in an email dated
22 August 6, 2026. A true and correct copy of the August 5, 2026 email is attached to the Motion as
23 Exhibit 8.

24 5. Aside from the email attached as Exhibit 8, I did not receive any further
25 correspondence from Shurka’s counsel regarding the video of the November 14th Meeting.

26 6. On August 22, 2026, counsel for Shurka Tyler Stevens sent an email demanding
27 that Bertolacini remove the November 14th Meeting video wherever it has already been posted
28

1 online. A true and correct copy of the August 22, 2026 email is attached to the Motion as Exhibit
2 9.

3 I declare under penalty of perjury that the foregoing is true and correct based on my
4 knowledge, information, and belief.

5 EXECUTED on this 26th day of August, 2026.

6
7 /s/ Sydney R. Gambee, Esq.
8 Sydney R. Gambee, Esq.

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Energy Enhancement System
LLC, Plaintiff(s)

7 vs.

8 Jason Shurka, Defendant(s)
9

CASE NO: A-25-910216-B

DEPT. NO. Department 27

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Shortening Time 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: 8/26/2026

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21 Alayne Opie opiea@gtlaw.com

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25 Bethany Rabe rabeb@gtlaw.com
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