



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
October 17, 2025

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

* * * * *

In re:	)	Case No.: 23-10423-mkn
	)	
CASH CLOUD, INC.,	)	Chapter 11
dba COIN CLOUD,	)	
	)	
Debtor.	)	
	)	
CASH CLOUD, INC., dba COIN CLOUD,	)	Adv. Proc. No.: 23-01015-mkn
	)	
Plaintiff,	)	
	)	Date: September 25, 2025
vs.	)	Time: 1:30 p.m.
	)	
LUX VENDING, LLC, d/b/a/ BITCOIN	)	
DEPOT,	)	
	)	
Defendant.	)	

**ORDER ON DEFENDANT LUX VENDING, LLC D/B/A BITCOIN DEPOT'S
MOTION TO STAY AND FOR PROTECTIVE ORDER PRECLUDING THE
DEPOSITION OF ITS CEO AND CHAIRMAN BRANDON MINTZ¹**

¹ All references to "AECF No." are to the documents filed in the above-captioned Adversary Proceeding. All references to "Civil Rule" are to the Federal Rules of Civil Procedure that are applicable in this adversary proceeding under Part VII of the Federal Rules of Bankruptcy Procedure. All references to "Local Rule" are to provisions of the Local Rules of Practice for the United States Bankruptcy Court for the District of Nevada.

On September 25, 2025, the court heard on shortened time Defendant Lux Vending, LLC d/b/a Bitcoin Depot's ("Lux") Motion to Stay and for Protective Order Precluding the Deposition of its CEO and Chairman Brandon Mintz ("Lux Protective Motion"). (AECF No. 220).² Plaintiff Cash Cloud, Inc., dba Coin Cloud ("Cash Cloud") filed opposition to the motion ("Cash Cloud Protective Opposition").³ (AECF No. 226).⁴ The appearances of counsel were noted on the record. After arguments were presented, the matter was taken under submission.

² A supporting Declaration of Adam P. Schwartz, Esq. ("Schwartz Declaration") was filed along with the Lux Protective Motion. (AECF No. 221). Attached to the Schwartz Declaration are three lettered exhibits: (A) a Notice of Video Deposition of Brandon Mintz, Chief Executive Officer and Managing Member of Defendant Lux Vending, LLC d/b/a Bitcoin Depot; (B) a Notice of Video Deposition of Fed.R.Civ.P. 30(b)(6) Designee of Defendant Lux Vending, LLC d/b/a Bitcoin Depot; and (C) an Amended Notice of Deposition and Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding) – Brandon Mintz.

³ The Cash Cloud Protective Opposition includes an Index of Exhibits that describes five attached and numbered exhibits as follows: [1] 9/1/2022 at 1:44 PM message from Brandon Mintz to Scott Buchanan (BitcoinDepot-CC-000132-33); [2] 9/1/2022 message chain between Brandon Mintz to Scott Buchanan (BitcoinDepot-CC-000142); [3] 8/18/2022 message chain between Brandon Mintz and Sarah Wessel (BitcoinDepot-CC-000144); [4] 8/30/2022 email chain between Brandon Mintz and Moe Adham (BitcoinDepot-CC-000145); and [5] 8/30/2022 email chain between Brandon Mintz and Moe Adham (BitcoinDepot-CC-000146). The Cash Cloud Protective Opposition entered on the docket is redacted, and only separation pages are attached with respect to the exhibits.

⁴ Contemporaneously, Cash Cloud filed a separate ex parte motion to file under seal an unredacted copy of the Cash Cloud Protective Opposition, along with unredacted copies of the attached exhibits. (AECF No. 227). (Lux did not file an opposition to the motion to seal, nor was opposition presented at the hearing.) Unfortunately, Cash Cloud did not comply with Local Rule 9018(a), which requires counsel to deliver to the assigned judge unredacted versions of the documents proposed to be sealed. Instead, Cash Cloud's courier apparently deposited the ex parte motion and unredacted documents into a physical drop box located on the third floor of the courthouse. Prominently displayed on the drop box are instructions that the receptacle is designated for courtesy copies only. The instructions also direct that all other documents must be delivered to the clerk of the court. (A copy of the drop box instructions is appended to the instant order.) The unredacted motion to seal and unredacted exhibits that are requested to be sealed obviously are not courtesy copies and should have been delivered to the court clerk for in camera review solely by the assigned judge. Shortly before the expedited hearing on the Lux Protective Motion, however, the court received and reviewed the sealed documents, including the exhibits.

This does not appear to have been an isolated incident. On May 9, 2025, the court entered an Order on Plaintiff Cash Cloud Inc.'s Renewed Motion to Compel Defendant Lux Vending, LLC d/b/a Bitcoin Depot's Production of Documents Responsive to Cash Cloud's First

BACKGROUND

The lengthy history of this adversary proceeding is known to the parties. By this latest discovery motion, Lux seeks a protective order under Civil Rule 26(c) to prevent Cash Cloud from taking the video deposition of Brandon Mintz (“Mintz”) prior to seeking discovery from other sources.⁵ Mintz is Lux’s chief executive officer and chairman of the board of directors.⁶ Because of that high-executive or leadership role in the defendant’s operations, Lux maintains

Set of Requests for Production. (AECF No. 173). As the court discussed in that order, Cash Cloud failed to properly obtain an order to seal certain exhibits that were the subject of the sealing request by failing to deliver unredacted versions to the court. *Id.* at 6:1-16. After the May 9, 2025, order was entered, Cash Cloud filed on June 27, 2025, a separate Motion for Partial Reconsideration of Its Renewed Motion to Compel Defendant Lux Vending, LLC d/b/a Bitcoin Depot’s Production of Documents Responsive to Cash Cloud’s First Set of Requests for Production (“Cash Cloud Reconsideration Motion”). (AECF No. 189). That motion was opposed by Lux and heard on August 6, 2025. Attached to the Cash Cloud Reconsideration Motion was the declaration of its counsel attesting, *inter alia*, that he “caused the confidential versions of Exhibits 4 & 5 to be hand-delivered to the Court, also pursuant to this Court’s Local Rules.” *Id.* at ¶ 4. Based on the information provided by Cash Cloud at the hearing on the instant Lux Protective Motion, it now appears that Cash Cloud has been placing unredacted documents in the courtesy copy drop box rather than hand-delivering them to the assigned judge.

⁵ Cash Cloud noticed a separate video deposition under Civil Rule 30(b)(6) of a representative designated by Lux to testify as to nine specific topics (“30(b)(6) Deposition”). That deposition was noticed to take place on September 30, 2025, at the law office of Cash Cloud’s attorneys. At the expedited hearing on the Lux Protective Motion, counsel reported that they had agreed to reschedule the 30(b)(6) Deposition to take place on October 15, 2025.

⁶ The instant Lux Protective Motion was heard on an order shortening time entered pursuant to an ex parte motion (“Ex Parte Motion”) filed by Lux on September 17, 2025, to which is attached the declaration of one of its counsel, Stacy H. Rubin, Esq. (“Rubin Declaration”). (AECF No. 222). The Ex Parte Motion represented that an expedited hearing was required because Cash Cloud had noticed Mintz’s video deposition to be taken on Friday, September 26, 2025. *See* Ex Parte Motion at 2:22. The motion then represented that on September 16, 2025, i.e., the day before the ex parte motion was filed, counsel had held a meeting to reschedule the Mintz deposition due to scheduling conflicts with Mintz and counsel for Lux. *Id.* at 2 n.2; *see also* Rubin Declaration at ¶¶ 4 and 5. Because the 30(b)(6) Deposition had been rescheduled to October 15, 2025, and the Mintz Deposition was no longer scheduled for September 26, 2025, it is not clear why an expedited hearing was required, nor why none of the parties advised the court of the change in circumstances.

1 that Mintz should be shielded from potential harassment, undue burden, and expense as an
2 “apex” deponent.⁷ See Lux Protective Motion at 4:9 to 6:16.⁸

3 Both Cash Cloud and Lux agree that allowance of an apex deposition should be based on
4 two factors: (1) whether the deponent has unique, personal knowledge of relevant information,
5 and (2) whether the party seeking the information has exhausted less intrusive discovery
6 methods. See Cash Cloud Protective Opposition at 4:7-14, citing International Game
7 Technology v. Illinois National Insurance Co., 2018 WL 7499823, at *2 (D.Nev. Apr. 6, 2018)
8 (Koppe, M.J.); Lux Protective Motion at 4:15-20, citing Homesite Ins. Co. v. Norcold, Inc., 2023
9 WL 4052430, at *9 (D.Nev. June 15, 2023) (Albregts, M.J.).⁹ Cash Cloud and Lux also agree
10 that Lux bears the burden of demonstrating cause for issuance of the requested protective order.
11 See Cash Cloud Protective Opposition at 4:12-14, citing Apple Inc. v. Samsung Elecs. Co., Ltd.,
12 282 F.R.D. 259, 263 (N.D. Cal. 2012); Lux Protective Motion at 3:17-20, citing Foltz v. State
13 Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1131 (9th Cir. 2003).

14 Neither party disputes that Mintz meets the description of a so-called apex deponent but
15 instead disputes whether the two factors are met. Lux cites numerous unpublished decisions
16

17 ⁷ Perhaps akin to an apex predator at the top of the animal food chain, private and
18 government officials at top levels of governance have been dubbed “apex” individuals who
19 should not be required to give deposition testimony when the same information might be
20 obtained from other sources.

21 ⁸ Mintz is not newly disclosed as a possible witness in connection with this adversary
22 proceeding. On May 5, 2023, Cash Cloud provided initial disclosures that included Mintz, Scott
23 Buchanan, Sarah Wessel, and Moe Adham as individuals likely to have discoverable information
24 to support the claims and defenses in this matter. See Order on Plaintiff Cash Cloud Inc.’s
25 Motion to Extend Discovery Deadlines – First Request, at 6 n.12. (AECF No. 159). All of the
26 individuals initially disclosed by Cash Cloud are named in the five emails included in the Cash
27 Cloud Protective Opposition. See note 3, supra.

28 ⁹ Whether an “apex deposition” is subject to unique standards has not been decided in the
Ninth Circuit. See In re Bank of America California Unemployment Benefits Litigation, 2025
WL 2617075, at *3 (S.D. Cal. Sep. 10, 2025) (Curiel, J.) (“The Court recognized that the Ninth
Circuit has not ruled on any aspect of the apex deposition doctrine that has developed among
district courts and the rulings among district courts vary on who bears the initial burden on a
Rule 26(c)(1) motion for protective order seeking to preclude an apex deposition.”)

1 where protective orders have been issued, but all of the decisions are distinguishable. See Lux
 2 Protective Motion at 4:9 to 6:16. In Cabrera v. Serv. Emps. Int'l Union, 2019 WL 6251451, at
 3 *2 (D.Nev. Nov. 22, 2019) (Albregts, M.J.), a protective order was granted where the plaintiffs
 4 failed to demonstrate that the president and executive director of a labor union, who also was a
 5 president of the state council for the labor union, had personal knowledge beyond which might
 6 be obtained through a pending 30(b)(6) deposition. In Andrich v. Glynn, 2025 WL 1625536, at
 7 *1-2 (9th Cir. June 9, 2025), a protective order was affirmed on appeal that prevented a pro se
 8 prisoner from taking the deposition of a prison official who might have the non-exclusive ability
 9 to release a prison file. In Homesite Ins. Co. v. Norcold, Inc., 2023 WL 4052430, at *10 (D.Nev.
 10 June 15, 2023) (Albregts, M.J.), a protective order was granted for the common
 11 chairman/president and director for two separate defendants on a determination that the officer
 12 did not have unique knowledge of the information already being sought in a separate 30(b)(6)
 13 deposition. In Las Vegas Skydiving Adventures LLC v. Groupon, Inc., 2020 WL 8619790, at *
 14 2 (D.Nev. Sep. 10, 2020) (Ferenbach, M.J.), a protective order was granted on a determination
 15 that neither the defendant's vice presidents nor its chief commercial officer had unique or
 16 personal knowledge of information relevant to the subject matter of the lawsuit. While topical,
 17 none of the cases cited by Lux are comparable to the record before the court.

18 By contrast, Cash Cloud has sufficiently demonstrated, and Lux has failed to provide
 19 contrary evidence, that Mintz was an actual participant in numerous email exchanges that are
 20 substantially relevant to the factual and legal issues raised in this adversary proceeding. See
 21 Exhibits "1" through "5" accompanying Cash Cloud Protective Opposition and note 3, supra.¹⁰
 22 Because Mintz has unique, personal knowledge of his direct participation in the subject emails,
 23 and particularly his exercise of authority as the chief executive officer and chairman of Lux, a
 24

25
 26 ¹⁰ Because the Lux Protective Motion was heard on an expedited basis at Lux's own
 27 request, it did not have the opportunity to offer evidence in response to the Cash Cloud
 28 Protective Opposition. Inasmuch as counsel already had agreed to postpone the Mintz
 Deposition, it is in no real position to assert that it should be given an opportunity to supplement
 the evidentiary or legal record.

1 less intrusive means of discovery may not be available if Mintz truly is at the apex of decision-
2 making authority for the defendant.

3 The topics of the currently scheduled 30(b)(6) Deposition include, *inter alia*, “The
4 communication(s) between Defendant and BitAccess, Inc. concerning the deactivation of
5 BitAccess Inc software operating on Plaintiff’s kiosks between June 1, 2022 and October 15,
6 2022” and “The decision to deactivate the BitAccess Inc software operating on Plaintiff’s kiosks
7 on or about August 30, 2022.” See Exhibit “B” to Schwarz Declaration at Topics 6 and 8. Lux
8 has not sought a protective order with respect to any of the topics encompassed by the 30(b)(6)
9 Deposition, including the above-quoted topics. As the relevance and materiality of the topics are
10 not contested, Mintz is not only a source of information regarding the subject emails but more
11 likely the best source of information.¹¹

12 Under these circumstances, the court concludes that Lux has failed to meet its burden of
13 proof and persuasion that cause exists warranting the issuance of a protective order under Civil
14 Rule 26(c).

15 **IT IS THEREFORE ORDERED** that Defendant Lux Vending, LLC d/b/a Bitcoin
16 Depot’s Motion to Stay and for Protective Order Precluding the Deposition of its CEO and
17 Chairman Brandon Mintz, Adversary Docket No. 220, be, and the same hereby is, **DENIED**.

18
19 Copies sent via CM/ECF ELECTRONIC FILING

20 Copies sent via BNC to:

21 DREW A. DOMINA
22 JOHN J. LAMOUREUX
23 ERIN J. HOYLE
24 CARLTON FIELDS, P.A.
4221 W. BOY SCOUT BLVD., STE. 1000
TAMPA, FL 33607

25
26 ¹¹ Apparently, Lux has designated an individual named Bill Knoll as its representative to
27 testify as to the topics specified for the 30(b)(6) Deposition. See Cash Cloud Protective
28 Opposition at 7 n.1. The Mintz emails identified by Cash Cloud do not indicate that Knoll was
sent a copy of the communication. Unless Lux regularly shares its employee emails with parties
not identified by a “CC,” there is no inference that Knoll could be an alternative source of
information about the emails.



UNITED STATES BANKRUPTCY COURT

****IMPORTANT ****

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DELIVERED TO THE CLERK'S OFFICE
LOCATED ON THE 4TH FLOOR.