



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: August 6, 2025
vs.)	Time: 9:30 a.m.
)	
LUX VENDING, LLC, d/b/a/ BITCOIN)	
DEPOT,)	
)	
Defendant.)	

**ORDER REGARDING PLAINTIFF CASH CLOUD INC.'S' 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 REQUEST FOR PRODUCTION¹**

¹ All references to "AECF No." are to the documents filed in the above-captioned Adversary Proceeding. All references to "Bankruptcy Rule" are to the Federal Rules of Bankruptcy Procedure. 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 Bankruptcy Rules. All references to "Local Rule" are to the Local Rules of Practice for the United States Bankruptcy Court for the District of Nevada.

On August 6, 2025, the court heard another one of a series of discovery disputes between plaintiff Cash Cloud, Inc., dba Coin Cloud (“Cash Cloud”) and defendant Lux Vending, LLC dba Bitcoin Depot (“Lux”).² The appearances of counsel were noted on the record. These disputes arise out of the above-captioned adversary proceeding that was commenced on March 10, 2023. After arguments were presented, the matter was taken under submission.

BACKGROUND

On October 8, 2024, Cash Cloud filed a 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 Motion to Compel”).³ (AECF No. 99).

On December 27, 2024, an Order was entered denying without prejudice the Cash Cloud Motion to Compel (“Order on Cash Cloud Motion to Compel”). (AECF No. 116).⁴

On January 30, 2025, Cash Cloud filed a Motion to Extend Discovery Deadlines – First Request (“Discovery Extension Motion”), to which it attached eight numbered exhibits. (AECF No. 133). An Index of Exhibits is included in the Discovery Extension Motion that describes the numbered and attached exhibits as follows: (1) Calendar Entry for July 26, 2022 meeting between Bitcoin Depot Executives; (2) August 3, 2022 email from Andrew McDonald to Brandon Mintz with the termination letter to be sent to Cash Cloud; (3) August 30, 2022 email

² Throughout this order, to avoid confusion (at least for this court), Plaintiff is referred to as “Cash Cloud” rather than by its dba Coin Cloud, and Defendant is referred to as “Lux” rather than by its dba “Bitcoin Depot.” A separate entity named “BitAccess Inc.” is referenced in the only remaining claim pursued in this Adversary Proceeding.

³ The Cash Cloud Motion to Compel did not ask the court to resolve any privilege objections that Lux might have raised in response to discovery. Neither the motion, the response filed by Lux, nor the reply filed by Cash Cloud, referenced or supplied a privilege log for consideration by the court. (AECF Nos. 99, 112, 113, and 114). Instead, the Cash Cloud Motion to Compel focused on the format in which Lux must produce any electronically stored information.

⁴ That order allowed Cash Cloud to amend its document request to account for the reduction of nine claims alleged in Cash Cloud’s adversary complaint to only the Sixth Claim for Relief. It further provided that any electronically produced documents may be produced in either “pdf” or “tiff” format. The Order on the Cash Cloud Motion to Compel also contains a detailed history of the instant litigation and is incorporated by reference.

1 from Brandon Mintz to Moe Adham and Andrew McDonald; (4) September 1, 2024 Interim
 2 Order from Ontario Court; (5) September 1, 2022 direct message from Brandon Mintz to Scott
 3 Buchanon; (6) October 4, 2024 from Ontario Court; (7) Defendant's Responses to Plaintiff's
 4 Amended Requests for Production of Documents; and (8) Declaration of James M. Jimmerson,
 5 Esq. in Support of Plaintiff's Motion to Extend Discovery Deadlines – First Request. For
 6 Exhibits (1), (2), (3), and (5), only separation pages are provided, but copies of Exhibits (4), (6),
 7 (7), and (8) were attached.

8 On January 31, 2025, Cash Cloud filed an ex parte motion to seal its Discovery Extension
 9 Motion including the numbered exhibits. (AECF No. 135). In compliance with Local Rule
 10 9018(a), Cash Cloud submitted an unredacted copy of the Discovery Extension Motion that
 11 included unredacted copies of the attached Exhibits (1), (2), (3), and (5).⁵ On the same date, an
 12 order was entered granting the motion to seal ("Order Sealing Discovery Extension"). (AECF
 13 No. 136).⁶

14 On January 31, 2025, Cash Cloud also filed a Renewed Motion to Compel Defendant
 15 Lux Vending, LLC d/b/a Bitcoin Depot's Production of Documents Responsive to Cash Cloud's
 16 First Set of Requests for Production ("Cash Cloud Renewed Motion to Compel"), to which it
 17 allegedly attached seven numbered exhibits. (AECF No. 140). An Index of Exhibits is included
 18 in the Discovery Extension Motion that describes the numbered and attached exhibits as follows:
 19 (1) Plaintiff's December 27, 2024 Amended First Set of Requests for Production of Documents;
 20 (2) Defendant's January 27, 2025 Responses to Plaintiff Cash Cloud Inc.'s Amended First Set of
 21 Requests for Production of Documents; (3) Statement of Claim by Moe Adham in Adham v.
 22 Bitaccess, Inc.; (4) August 30, 2022 Email from Moe Adham to Brandon Mintz and Scott
 23 Buchanan; (5) October 4, 2022 email from Andrew McDonald, COO of Bitaccess, to Scott

24 ⁵ To be clear, those non-redacted exhibits are: (1) Calendar Entry for July 26, 2022
 25 meeting between Bitcoin Depot Executives; (2) August 3, 2022 email from Andrew McDonald
 26 to Brandon Mintz with the termination letter to be sent to Cash Cloud; (3) August 30, 2022 email
 27 from Brandon Mintz to Moe Adham and Andrew McDonald; and (5) September 1, 2022 direct
 message from Brandon Mintz to Scott Buchanon.

28 ⁶ As a result of the order, all eight exhibits attached to the Discovery Extension Motion
 were considered by the court, including sealed, unredacted Exhibits (1), (2), (3), and (5).

1 Buchanan, COO of Bitcoin Depot; (6) Defendant's January 27, 2022 privilege log; and (7)
 2 Declaration of James M. Jimmerson, Esq. For Exhibits (4) and (5), only separation pages were
 3 provided, but unredacted copies of Exhibits (1), (2), (3), (6), and (7) are attached. In other
 4 words, the Cash Cloud Renewed Motion to Compel did not provide redacted copies of Exhibits
 5 (4) and (5).

6 On January 31, 2025, Lux also filed a Motion to Compel Production of Documents
 7 Responsive to Bitcoin Depot's Amended First Set of Requests for Production ("Lux Motion to
 8 Compel"). (AECF No. 137).

9 On February 11, 2025, Cash Cloud filed an ex parte motion to seal Exhibits (4) and (5)⁷
 10 to its Cash Cloud Renewed Motion to Compel. (AECF No. 144).⁸

11 On February 11, 2025, Cash Cloud also filed an ex parte motion to seal Exhibits (1), (2),
 12 (3), and (5) to its Discovery Extension Motion. (AECF No. 145).⁹

13 On March 3, 2025, an order was entered on the Discovery Extension Motion ("Discovery
 14 Extension Order"). (AECF No. 159). The order granted an additional 90 to 120 days for the
 15 parties to complete discovery depending on the outcome of various pending discovery motions
 16 filed by the litigants.¹⁰

17 ⁷ Those Exhibits are: (4) August 30, 2022 Email from Moe Adham to Brandon Mintz and
 18 Scott Buchanan; and (5) October 4, 2022 email from Andrew McDonald, COO of Bitaccess to
 19 Scott Buchanan, COO of Bitcoin Depot. Exhibits (4) and (5) to the Cash Cloud Renewed
 20 Motion to Compel do not appear to be the same as Exhibits (1), (2), (3), and (5) to the Discovery
 21 Extension Motion. See note 5, supra. In other words, Cash Cloud properly submitted its exhibits
 in connection with its previous Discovery Extension Motion, but not in connection with the Cash
 Cloud Renewed Motion to Compel.

22 ⁸ Unlike its motion to seal in connection with its Discovery Extension Motion, Cash
 23 Cloud's motion to seal Exhibits (4) and (5) to the Cash Cloud Renewed Motion to Compel was
 not granted because a proposed order was never submitted as required by Local Rule 9018(a).

24 ⁹ It is not clear why Cash Cloud filed this ex parte motion to seal Exhibits (1), (2), (3),
 25 and (5) to the Discovery Extension Motion when an order granting its previous motion to seal the
 26 same exhibits was entered on January 31, 2025. (AECF No. 136).

27 ¹⁰ In connection with the Discovery Extension Motion, neither party provided a privilege
 28 log to support any claim of attorney-client privilege, attorney work product, or other privilege for
 the various exhibits offered in support or opposition to the relief requested. (AECF Nos. 133,
 142, 143, and 146).

1 On March 5, 2025, the court heard the Cash Cloud Renewed Motion to Compel.

2 On May 9, 2025, an order was entered on the Lux Motion to Compel (“Lux Order to
3 Compel”). (AECF No. 171). That order required Cash Cloud to, *inter alia*, produce documents
4 no later than June 6, 2025, and for any objections based on assertions of privilege to be
5 accompanied by a privilege log.¹¹

6 On May 9, 2025, an order was entered on the Cash Cloud Renewed Motion to Compel
7 (“Cash Cloud Renewed Order”). (AECF No. 173). Because Cash Cloud did not provide
8 redacted copies of its alleged Exhibits (4) and (5), its request for the court to “review Exhibits 4
9 and 5 in camera and determine whether Defendant’s claim of privilege is appropriate,” see Cash
10 Cloud Renewed Motion to Compel at 16:28 to 17:1, was nonsensical. Similarly, Cash Cloud’s
11 belated motion to seal the same alleged but missing exhibits (AECF No. 144), also made no
12 sense.¹² As a result, the court did not determine the merits of any privilege claims asserted by
13 Lux with respect to Exhibits (4) and (5) but did overrule its primary objection going to the
14 temporal scope of the communications sought by Cash Cloud. See Cash Cloud Renewed Order
15 at 7:1 to 9:7. The Cash Cloud Renewed Order required Lux to, *inter alia*, supplement and
16 correct its original disclosures and productions of documents no later than June 6, 2025, and for
17 any objections based on assertions of privilege to be accompanied by a privilege log.

18 On June 18, 2025, Lux filed a Motion to Overrule Plaintiff’s Privilege Objections and
19 Compel the Production of Documents (“Lux Motion to Overrule Privilege Objections”). (AECF
20 No. 185). That motion addressed Cash Cloud’s response to the Lux Order to Compel. By the
21 motion, Lux seeks an order overruling Cash Cloud’s privilege objections and to compel Cash
22 Cloud to produce certain requested documents. The Lux motion is supported by the declaration
23 of its counsel, to which is attached a copy of the privilege log provided by Cash Cloud (“Cash
24

25
26 ¹¹ The court addressed, *inter alia*, the minimum requirements for an adequate privilege
27 log required to assess the parties’ assertions of privilege in this litigation. See Lux Discovery
Order at 5:18 to 7:3 & nn. 16 and 17.

28 ¹² Moreover, Cash Cloud also failed to submit a proposed order granting the motion to
seal. See Cash Cloud Renewed Order at 6:12-16.

Cloud Privilege Log”) as required by the Lux Order to Compel.¹³ (AECF No. 186). The Lux Motion to Overrule Privilege Objections was noticed to be heard on July 16, 2025. (AECF No. 187).

On June 27, 2025, Cash Cloud filed the instant Motion for Partial Reconsideration of the Cash Cloud Renewed Motion (“Cash Cloud Reconsideration Motion”).¹⁴ (AECF No. 189). Included in the motion is an Index of Exhibits describing three numbered exhibits: (1) August 30, 2022 Email from Moe Adham to Brandon Mintz and Scott Buchanan; (2) October 4, 2022 email from Andrew McDonald, COO of Bitaccess to Scott Buchanan, COO of Bitcoin Depot; and (3) Declaration of James M. Jimmerson, Esq. (“Jimmerson Declaration”). Attached to the Cash Cloud Reconsideration Motion are separation pages only for the emails marked as Exhibit (1) and Exhibit (2). Each separation page for Exhibits (1) and (2) represents that a (“Confidential Version will be submitted to the Court for in camera review.”).¹⁵ The final attachment to the Cash Cloud Reconsideration Motion is the Jimmerson Declaration, where counsel attests that he electronically filed the Cash Cloud Renewed Motion, see Jimmerson Declaration at ¶ 3, and that he “caused the confidential versions of Exhibits 4 & 5 to be hand-delivered to the Court, also

¹³ A critical aspect of the Lux Motion to Overrule Privilege Objections is that Cash Cloud asserted Attorney-Client/Work Product objections to over 2500 communications without producing to Lux any redacted versions of any emails nor any non-redacted versions. Instead, it only produced a form of privilege log. Moreover, in response to the Lux Motion to Overrule Privilege Objections, Cash Cloud did not provide redacted versions nor any non-redacted versions for the court to review.

¹⁴ A critical aspect of the Cash Cloud Reconsideration Motion is that Lux asserted attorney-client privilege and attorney work product objections to two specific emails for which Lux provided a privilege log. Cash Cloud represents in the instant reconsideration motion that non-redacted copies of the emails previously were delivered to the court along with a motion to seal, but there is no record that non-redacted copies were ever delivered to the assigned judge as required by Local Rule 9018(a). As previously mentioned, redacted copies of the same emails also were not attached to the Cash Cloud Renewed Motion to Compel. The instant Cash Cloud Reconsideration Motion does not address the adequacy of any privilege log submitted by Lux.

¹⁵ A review of the docket reveals that Cash Cloud never submitted a motion to seal Exhibits (1) and (2) to the Cash Cloud Reconsideration Motion. As a result, confidential, non-redacted versions of Exhibits (1) and (2) to the instant Cash Cloud Reconsideration Motion have never been provided to the court.

pursuant to this Court’s Local Rules.” Id. at ¶ 4.¹⁶ The Reconsideration Motion was noticed to be heard on August 6, 2025. (AECF No. 190).

On July 3, 2025, Cash Cloud filed its opposition to the Lux Motion to Overrule Privilege Objections (“Cash Cloud Privilege Response”) to which is attached the declaration of its counsel in this adversary proceeding, James M. Jimmerson (“Jimmerson Privilege Declaration”). (AECF No. 192).

On July 9, 2025, Lux filed its reply in support of the Lux Motion to Overrule Privilege Objections (“Lux Privilege Reply”). (AECF No. 197).

On July 16, 2025, the court heard the Lux Motion to Overrule Privilege Objections. Cash Cloud was directed to provide a ledger-sized copy of its privilege log. That document was provided to the court later the same day. After arguments were presented by counsel, the matter was taken under submission.¹⁷

¹⁶ Unfortunately, there are no Exhibits (4) and (5) attached to the Cash Cloud Reconsideration Motion. Additionally, Cash Cloud’s previous motion to file under seal Exhibits (4) and (5) to the Cash Cloud Renewed Motion to Compel was never granted. See note 8, supra. Cash Cloud represents that confidential, non-redacted versions of Exhibits 4 and 5 to the Cash Cloud Renewed Motion are now attached as Exhibits (1) and (2) to the instant Cash Cloud Reconsideration Motion. See Cash Cloud Reconsideration Motion at 1:21-25. As previously observed, however, only exhibit separation pages are attached to the Cash Cloud Reconsideration Motion, each of which represents that a “(Confidential Version will be submitted to the Court for in camera review).” Unfortunately, Cash Cloud again has not provided confidential versions of Exhibits (1) and (2) to its current motion, nor has it filed a motion to seal any non-redacted versions of the email communications described. Moreover, it has not filed with either the Cash Cloud Renewed Motion to Compel or the Cash Cloud Reconsideration Motion any redacted versions received from Lux. So even if Cash Cloud, rather than Lux, actually has confidential, non-redacted copies of the same emails, it is not clear why Cash Cloud did not submit such copies under seal at the time it filed the instant Cash Cloud Reconsideration Motion.

¹⁷ The Lux Motion to Overrule Privilege Objections is the subject of a separate order entered by the court.

On July 23, 2025, Lux filed opposition to the instant Cash Cloud Reconsideration Motion (“Lux Reconsideration Opposition”) accompanied by the declaration of its counsel, Adam P. Schwartz, Esq. (“Schwartz Declaration”).¹⁸ (AECF Nos. 210 and 211).¹⁹

DISCUSSION

The instant Cash Cloud Reconsideration Motion is similar to the Lux Motion to Overrule Privilege Objections in several important respects. In both instances, the moving party contends that the opposing litigant has failed to adequately respond to discovery by improperly asserting attorney-client privilege, attorney work product, or both. In both instances, the non-moving party has provided a form of privilege log that is required to present information sufficient to determine whether to dispute the validity of the privilege asserted. In both instances, the moving party has not submitted to the court any redacted copies of the communications for which a privilege is being asserted.²⁰ More important, in both instances non-redacted copies of the communications have not been provided for the court to evaluate the asserted privilege through in camera review.

¹⁸ Attached as Exhibit 1 to the Schwartz Declaration is a copy of an excerpt to a supplemental privilege log dated June 6, 2025, provided by Lux with respect to the email communications that are the subject of Exhibits (1) and (2) to the instant Cash Cloud Reconsideration Motion. Lux maintains that redacted copies of each email were provided to Cash Cloud. See Schwartz Declaration at ¶¶ 7 and 8. As previously mentioned, however, copies of those redacted versions have not been provided with the Cash Cloud Reconsideration Motion. The Lux supplemental privilege log asserts that the email communications are privileged as Attorney Client Communications and Attorney Work Product and describes both as “Email/email string between company employees and employees or counsel of subsidiary providing legal advice of counsel and prepared in anticipation of litigation regarding ongoing litigation involving Bitaccess.” An email “string,” of course, can include a variety of communications that are tied to an initial email but which involve multiple topics addressed at different points in time. Not having been provided a redacted or unredacted version of the emails or email strings, the court has no basis to assess whether the privilege assertions encompass all or only parts of the emails.

¹⁹ Cash Cloud did not file a reply or otherwise respond to the Lux Reconsideration Opposition.

²⁰ In connection with the Lux Motion to Overrule Privilege Objections, it is not disputed that Cash Cloud did not provide any redacted communications at all to Lux, see Cash Cloud Privilege Response at 3:16-18 and Jimmerson Privilege Declaration at ¶ 4, even though Cash Cloud provided a 122-page privilege log encompassing over 2500 separate privilege objections.

1 By the instant motion, Cash Cloud seeks “reconsideration” of the Cash Cloud Renewed
 2 Order.²¹ As previously mentioned, that order required Lux to supplement and correct all prior
 3 initial disclosures made under Civil Rule 26(a) as well as all prior responses to document
 4 requests made under Civil Rule 34. The order also required any assertions of privilege by Lux to
 5 be accompanied by a sufficient privilege log. In seeking reconsideration of the Cash Cloud
 6 Renewed Order, Cash Cloud does not suggest that Lux failed to comply with the court’s
 7 directive. Cash Cloud does not argue that Lux failed to meet the June 6, 2025, deadline to
 8 supplement or correct its prior responses. It does not contradict Lux’s assertion that redacted
 9 copies of the subject emails were provided. Cash Cloud does not suggest that Lux failed to
 10 timely provide a privilege log in support of its responses. Rather, Cash Cloud simply argues that
 11 emails are not subject to attorney-client privilege or are not attorney work product.

12 Under the circumstances, relief from the Cash Cloud Renewed Order is not necessary.
 13 That order required Lux to supplement or correct its previous responses notwithstanding its
 14 failed attempt to limit the scope of production. The Lux Motion to Overrule Privilege Objections
 15 is not the only procedural device to resolve any dispute over Exhibits (4) and (5) to the Cash
 16 Cloud Renewed Motion to Compel, or Exhibits (1) and (2) to the instant Cash Cloud
 17 Reconsideration Motion, but is an appropriate method to address the sufficiency of the Lux
 18 Privilege Log and the merits of the privilege claims.

19 Based on the foregoing, the court will deny the instant motion but without prejudice to
 20 Cash Cloud pursuing an appropriate motion to address the privilege objections, if any, raised by
 21 Lux in its response to the Cash Cloud Renewed Order.

22
 23
 24 ²¹ In its motion, Cash Cloud asserts that reconsideration of the Cash Cloud Renewed
 25 Order is appropriate, but Cash Cloud does not cite any provision of the Civil Rules allowing such
 26 relief. See Cash Cloud Reconsideration Motion at 6:23 to 7:24. The Civil Rules do not
 27 recognize such motions. See In re Walker, 332 B.R. 820, 826 (Bankr. D. Nev. 2005). Instead,
 28 Bankruptcy Rule 9024(a) permits Civil Rule 60, entitled “Relief from Judgment or Order,” to be
 applied in bankruptcy proceedings. Id. at 829. Thus, litigants may not seek reconsideration from
 the court but may request relief from a prior judgment order or a prior order on the grounds
 specified in Civil Rule 60. Cash Cloud does not specify any particular provision of Civil Rule 60
 by which it seeks relief.

IT IS THEREFORE ORDERED that plaintiff Cash Cloud Inc.’s’ 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 defendant Cash Cloud’s First Set of Request for Production, Adversary Docket No. 189, be, and the same hereby is, **DENIED WITHOUT PREJUDICE**.

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