UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
CARTWHEEL ROBOTICS, INC.,
Debtor.

Case No. **BK-S-26-50278-HLB**
Chapter 7

NOTICE OF CLARIFICATION AND RESPONSE TO PETITIONING CREDITORS' CHARACTERIZATIONS AT JUNE 9, 2026 HEARING

Scott LaValley, appearing pro se as a secured creditor and party in interest, respectfully submits this Notice of Clarification and Response regarding certain statements and characterizations made by Petitioning Creditors' counsel at the June 9, 2026 hearing.

This Notice is not intended to reargue the Court's ruling designating Mr. LaValley and Samantha Conway as persons required to perform certain duties of the corporate Debtor under Federal Rule of Bankruptcy Procedure 9001(b)(5). Mr. LaValley will comply with the Court's order in good faith, answer questions truthfully, and assist the Chapter 7 Trustee based on information within his knowledge, possession, custody, or control, or reasonably available to him.

This Notice is submitted for a narrow purpose: to correct and clarify Petitioning Creditors' hearing characterizations that attempted to convert isolated documents, isolated communications, family relationships, and transaction timing into a broader narrative of possession, custody, control, or family collusion.

Petitioning Creditors used the June 9 hearing to place serious and reputation-damaging accusations on the record while relying on selective fragments and misleading inferences. They characterized the case as "kind of a family enterprise," argued that "within minutes of each other" 6127 Reno Highway, Mr. LaValley, and Samantha Conway filed UCC-1s, asserted that Mr. LaValley had "Cartwheel's emails from as late as February of 2026" and "payroll records for himself, but yet he claims to have payroll records for no one else," and claimed that documents on the docket show "cherry-picked disclosures." Tr. 7:8–13; 8:19–21; 9:4–16.

Those characterizations are selective and incomplete. Petitioning Creditors ask the Court to infer control and collusion from fragments of information while avoiding the more important estate questions: what records may exist, who may possess them, what third-party communications explain the events leading to this bankruptcy, and what records are in the possession of Petitioning Creditors, their counsel, prior corporate counsel, corporate counsel, Engineered Arts-related parties, payroll/accounting custodians, technical custodians, and other third parties.

Petitioning Creditors have placed "collusion" at issue. They should not be permitted to use that accusation only in one direction. If Petitioning Creditors contend that timing, communications, creditor relationships, counsel involvement, financing pressure, and acquisition discussions support an inference of collusion by Mr. LaValley and his family, then those same categories require investigation into Petitioning Creditors' own conduct, investor-side coordination, counsel-side conduct, disputed governance leverage, and communications with third parties.

I. THE DESIGNATION ORDER IS NOT A FINDING OF FAMILY COLLUSION

1. Mr. LaValley understands that the Court entered an order designating him and Samantha Conway as persons required to perform certain duties of the corporate Debtor.

2. Mr. LaValley will comply with that order in good faith.

3. However, the designation order should not be treated as a finding that Mr. LaValley, Samantha Conway, Bill LaValley, 6127 Reno Hwy LLC, or any other family member engaged in collusion, concealment, improper transfer, or bad faith.

4. Petitioning Creditors argued that timing, family relationships, and selected communications support an inference of collusion.

5. That inference is selective and incomplete.

6. Relationship alone does not prove collusion.

7. Timing alone does not prove collusion.

8. The Court specifically questioned whether Bill LaValley fit within Rule 9001(b)(5) as a person "in control" of the Debtor, and noted that it had not seen anything showing that Bill LaValley was a director, officer, or person in control of the Debtor. Tr. 10:19–25.

9. Petitioning Creditors responded by arguing that Bill LaValley was "in control via the landlord" and that the foreclosure process "indicates collusion" and "control by the landlord." Tr. 11:3–16.

10. Mr. LaValley respectfully submits that landlord status, family relationship, and creditor status do not establish corporate control.

11. Mr. LaValley testified at the hearing that Bill LaValley had no role in the company, was not a director or officer, and was "uninvolved in every aspect" except for being the landlord with a security interest. Tr. 13:12–21.

12. The Trustee should evaluate the full record, including what Petitioning Creditors knew, what their counsel possessed, what prior corporate counsel advised, what Engineered Arts proposed,

what corporate counsel handled, what the secured creditor / landlord did through counsel, and what communications occurred among third parties outside Mr. LaValley's possession, custody, or control.

II. PETITIONING CREDITORS' EMAIL ARGUMENT WAS A MISLEADING INFERENCE, NOT EVIDENCE OF CONTROL

13. Petitioning Creditors argued that Mr. LaValley's filing or reference to certain email communications showed that he has possession, custody, or control of the Debtor's company email records or corporate systems.

14. That argument was false or materially misleading.

15. To the extent Petitioning Creditors were referencing an email from Mr. LaValley's personal Gmail account, that email was not retrieved from the Debtor's corporate email system.

16. To the extent Petitioning Creditors were referencing the December 23, 2025 communication included in ECF 73, in which Mr. LaValley introduced Engineered Arts to the landlord / secured creditor, that isolated communication still does not establish possession, custody, or control of the Debtor's corporate email system, company records, or foreclosed assets.

17. Petitioning Creditors attempted to convert isolated communications into proof of control.

18. That is not evidence of control.

19. It is a misleading inference.

20. The relevant estate issue is not whether Mr. LaValley can locate selected communications from personal sources or whether isolated communications appear in third-party filings.

21. The relevant estate issue is who may possess the complete corporate records, legal files, investor communications, financing records, payroll records, technical records, and post-collapse asset-recovery communications.

22. Petitioning Creditors' argument obscures that distinction.

23. It also diverts attention from the actual third-party custodians who may possess material estate records, including Petitioning Creditors, their counsel, Gene Wong / RSF, prior corporate counsel Craig Macy, Nevada Battle Born Growth Escalator-related parties, Engineered Arts-related parties, corporate counsel, payroll and accounting providers, technical custodians, and other third parties.

24. The Trustee should obtain records from actual custodians, not from Petitioning Creditors' attempt to convert isolated communications into a false claim of possession, custody, or control.

III. EMPLOYEE PAYSTUBS DO NOT ESTABLISH EMPLOYER-SIDE GUSTO OR PAYROLL ACCESS

25. Petitioning Creditors also suggested that Mr. LaValley's unpaid compensation claim and supporting paystubs show that he has access to Gusto or payroll records.

26. That is incorrect.

27. Mr. LaValley submitted pay records available to him in his capacity as an employee or former employee in support of his own creditor claim for unpaid and deferred compensation.

28. Possession of employee paystubs does not establish possession, custody, or control of employer-side Gusto records, payroll registers, payroll reports, employee payroll files, payroll tax records, payroll settings, accounting integrations, or complete payroll history.

29. Mr. LaValley's compensation claim does not prove that he controls Gusto.

30. It proves only that Mr. LaValley is a creditor asserting unpaid compensation and that he used documents personally available to him to support that claim.

31. To the extent the Trustee requires complete payroll records, payroll registers, payroll tax filings, employee payroll records, or employer-side Gusto records, those records should be sought from the appropriate payroll, accounting, or administrative custodians.

32. Mr. LaValley will cooperate by producing documents personally available to him and by identifying likely custodians, but he cannot produce or certify employer-side payroll systems he does not possess, control, or have access to.

IV. THE ENGINEERED ARTS INTRODUCTION DOES NOT ESTABLISH CONTROL OR COLLUSION

33. Petitioning Creditors suggested that Mr. LaValley's communications with Nick Desmarais / Engineered Arts, including an introduction to Bill LaValley or the landlord / secured creditor, support an inference that Mr. LaValley remained in control of Cartwheel assets or was colluding with his father to sell those assets.

34. Petitioning Creditors argued that, after the notice of voluntary vacation of premises, Mr. LaValley and his father "continued to engage in discussions with EA regarding an acquisition of Cartwheel assets," with an alleged focus on paying the landlord's security interest and "providing favorable terms to Mr. LaValley." Tr. 8:12–18.

35. That characterization is incomplete and misleading.

36. ECF 73 reflects that the landlord / secured creditor's position was that he wanted to be paid on the secured debt owed to him.

37. ECF 73 further reflects that the landlord / secured creditor was not maintaining Cartwheel's cloud-based services or remote file systems, did not claim technical expertise in Cartwheel's intellectual property, and did not present himself as operating Cartwheel.

38. The landlord's request to be paid on an existing secured debt does not establish collusion.

39. It does not establish hidden control by Mr. LaValley.

40. It does not establish that Mr. LaValley was attempting to divert value away from creditors.

41. A secured creditor seeking payment of its secured claim is ordinary creditor conduct.

42. Petitioning Creditors' characterization omits that Engineered Arts was a potential acquirer or transaction counterparty and that any transaction involving the foreclosed assets, the facility, continued operations, lease rights, or asset recovery necessarily required direct communication with the landlord / secured creditor.

43. An introduction between a potential acquirer and the secured creditor / landlord does not establish asset control.

44. It shows that Mr. LaValley connected the parties who needed to speak directly if any lawful lease, acquisition, asset recovery, or wind-down arrangement was going to occur.

45. Mr. LaValley understood that, after foreclosure, any transaction involving foreclosed assets would need to involve the secured creditor / landlord directly.

46. Mr. LaValley further understood that corporate counsel was involved in, copied on, or aware of material communications concerning Engineered Arts, asset recovery, foreclosure, and wind-down issues.

47. Mr. LaValley was not included in all such communications.

48. In many respects, communications proceeded at arm's length among counsel, Engineered Arts-related parties, the landlord / secured creditor, and other involved parties.

49. Petitioning Creditors' argument depends on a selective inference: they treat Mr. LaValley's effort to connect relevant parties as proof of hidden control while ignoring that the more direct

evidence would be the communications among Engineered Arts, the landlord / secured creditor, corporate counsel, Reno Seed Fund counsel, State-related counsel, and other third parties.

50. Mr. LaValley should not be deemed to control assets or records merely because he made an introduction or participated in limited communications involving a potential strategic transaction.

51. The arrangement being discussed was not, to Mr. LaValley's understanding, a side arrangement solely to benefit the landlord / secured creditor or Mr. LaValley.

52. Rather, it was a potential value-preserving transaction path that could have addressed multiple creditor constituencies, including the landlord / secured creditor, investors, vendors, and other creditors, while preserving or transferring Cartwheel's prior assets in an orderly manner.

53. Petitioning Creditors' characterization omits that broader context.

54. A transaction path that could have paid or resolved creditor claims should not be recast as evidence of collusion merely because one of the creditors was the landlord / secured creditor.

55. Nor should Petitioning Creditors be permitted to treat a creditor-payment structure as suspicious while ignoring whether their own conduct, disputed governance demands, litigation threats, or communications with transaction parties impaired a path that could have benefited creditors generally.

56. Mr. LaValley was not present for or involved in many aspects of the communications among Engineered Arts, the landlord / secured creditor, corporate counsel, Reno Seed Fund counsel, State-related counsel, and other third parties.

57. That is why the Trustee should obtain those communications from the actual custodians.

58. The estate question is not why Mr. LaValley connected necessary transaction parties.

59. The estate question is what happened after those parties were connected.

60. If Engineered Arts was willing to discuss an acquisition, lease, asset transaction, creditor-payment structure, or continued business path, then the Trustee should determine why that path did not proceed.

61. That inquiry should include communications among Engineered Arts, the landlord / secured creditor, Petitioning Creditors, Gene Wong / RSF, BBG-related parties, prior corporate counsel, corporate counsel, and any attorneys involved in post-collapse asset-recovery discussions.

62. Petitioning Creditors should not be permitted to frame Mr. LaValley's introduction of necessary transaction parties as suspicious while avoiding the more important question: whether investor-side conduct, disputed governance demands, creditor pressure, counsel communications, or litigation threats caused a potentially value-preserving transaction path to fail.

V. THE UCC TIMING THEORY IS BACKWARDS

63. Petitioning Creditors framed the timing of the UCC filing shortly before Engineered Arts' proposal as suspicious.

64. Petitioning Creditors argued that a UCC lien "was not recorded until a year later on October 21st, 2025," that EA made a non-binding acquisition offer that same day, and that "within minutes of each other, 6127 Reno Highway, Scott LaValley, and Samantha Conway all filed UCC-1s, collateralizing all of Cartwheel's assets." Tr. 7:6–13.

65. That argument is backwards.

66. The timing of a UCC filing matters precisely because priority matters.

67. The landlord / secured creditor held an existing secured note for deferred rent.

68. Cartwheel was actively pursuing financing and strategic alternatives, including a potential financing round and acquisition discussions.

69. Engineered Arts was discussing a potential acquisition or transaction involving Cartwheel assets.

70. Engineered Arts also contemplated secured financing as part of the proposed transaction.

71. Under those circumstances, it would have been commercially irrational for an existing secured creditor to wait, allow a new secured lender or acquirer to structure financing around the collateral, and then risk being subordinated or primed.

72. Petitioning Creditors' theory effectively criticizes the landlord / secured creditor for not voluntarily allowing its existing position to be displaced by a later transaction.

73. That is not evidence of collusion.

74. It is evidence that the secured creditor acted to protect an existing documented creditor position before a potential financing, acquisition, asset sale, or change-of-control transaction altered the creditor landscape.

75. The relevant question is not whether the UCC was filed before the Engineered Arts proposal.

76. The relevant question is why it would have been reasonable for an existing secured creditor not to perfect its position before a potential transaction involving substantially the same collateral.

77. Petitioning Creditors have no persuasive answer to that question.

78. ECF 73 states that the landlord became concerned about acquisitions or additional financing with the note coming due, reviewed the secured note and lease with counsel, and was advised to file the UCC because other organizations may become involved with Cartwheel Robotics.

79. ECF 73 further states that Engineered Arts proposed to acquire Cartwheel, asked to defer the promissory note coming due to 6127 Reno Hwy LLC, and mentioned offering Cartwheel a secured loan as part of the M&A.

80. That sequence supports ordinary creditor protection.

81. It does not support family collusion.

82. Petitioning Creditors ask the Court to treat normal secured-creditor conduct as suspicious merely because the secured creditor was related to Mr. LaValley.

83. Relationship alone does not convert creditor protection into collusion.

84. Nor does timing.

85. Mr. LaValley does not ask the Court to decide the validity, avoidability, priority, or perfection of any lien through this Notice.

86. He submits only that Petitioning Creditors' timing narrative is incomplete and misleading.

87. The Trustee should evaluate the full sequence, including the existing deferred-rent debt, the secured note, the potential financing round, the potential Engineered Arts transaction, the possibility of additional secured financing, counsel's involvement, and the commercial reality that an existing secured creditor would not reasonably wait to be primed.

88. Petitioning Creditors' timing argument is also incomplete because it ignores the earlier counsel-side issue.

89. If Petitioning Creditors contend that the timing of perfection matters, then the Trustee should also examine why secured obligations were not perfected when they were created.

90. Prior corporate counsel Craig Macy prepared or advised on certain Cartwheel note, security, governance, and financing documents.

91. Mr. LaValley believes prior corporate counsel knew or should have known that a UCC filing may be required to perfect a security interest and protect priority against third parties.

92. Yet Petitioning Creditors' narrative does not address whether prior corporate counsel advised Cartwheel, its officers, its board, or secured noteholders to file UCC financing statements when secured obligations were created.

93. Nor does Petitioning Creditors' narrative address whether any investor-side party, including Gene Wong / RSF, was informed of, relied upon, or benefited from the absence of earlier perfection.

94. The Trustee should not evaluate the October 2025 UCC filings in isolation while ignoring the prior legal advice, omissions, conflicts, communications, or investor-side knowledge that may explain why perfection was not addressed earlier.

95. Mr. LaValley does not ask the Court to decide any malpractice, conflict, lien, priority, or avoidance issue through this Notice.

96. He submits only that Petitioning Creditors' UCC-timing argument is selective. If perfection timing matters, then all perfection timing matters, including who drafted the secured documents, who advised on perfection, who was told not to worry about perfection, who was not advised to perfect, and who benefited from the delay.

VI. IF PETITIONING CREDITORS PUT COLLUSION AT ISSUE, THE TRUSTEE SHOULD INVESTIGATE ALL POTENTIAL COLLUSION

97. Petitioning Creditors have placed "collusion" at issue.

98. They should not be permitted to use that accusation only in one direction.

99. Petitioning Creditors' narrative asks the Court to infer control and collusion from isolated communications, paystubs, family relationships, and timing.

100. But if Petitioning Creditors contend that timing, communications, creditor relationships, counsel involvement, financing pressure, and acquisition discussions support an inference of collusion by Mr. LaValley and his family, then those same categories require investigation into Petitioning Creditors' own conduct.

101. The record supports discovery into whether Gene Wong / RSF, Petitioning Creditors, their counsel, and prior corporate counsel Craig Macy coordinated, communicated, or acted in a manner that advanced investor-side control, impaired Cartwheel's financing options, chilled acquisition discussions, disrupted diligence, reduced runway, or contributed to the insolvency that Petitioning Creditors now attempt to blame on Mr. LaValley and his family.

102. Petitioning Creditors' theory is one-sided.

103. They ask the Court to treat a landlord / secured creditor's effort to collect a documented debt as evidence of family collusion, while avoiding the more serious question of whether investor-side actors and conflicted counsel used disputed governance rights, demand communications, financing leverage, and legal-document defects to pressure the company during active financing and acquisition efforts.

104. That is not a neutral estate investigation.

105. It is a selective narrative.

106. Petitioning Creditors focus on whether the landlord / secured creditor sought payment of an existing debt.

107. They do not address whether Petitioning Creditors, Gene Wong / RSF, or their counsel used disputed governance rights, financing leverage, demand communications, or threats of litigation to impair Cartwheel's financing options, chill acquisition discussions, disrupt diligence, reduce runway, or accelerate the company's path into insolvency.

108. Petitioning Creditors focus on family relationships.

109. They do not address the relationship between Gene Wong / RSF and prior corporate counsel Craig Macy, including whether prior counsel simultaneously served or communicated with investor-side interests while preparing or advising on governance documents, secured obligations, perfection issues, and disputed control rights.

110. Petitioning Creditors focus on the timing of the landlord's UCC filing.

111. They do not address why prior corporate counsel did not cause or advise secured obligations to be perfected when they were created, who was told that lack of perfection mattered, who benefited from that omission, and whether any investor-side party understood or relied on that lack of perfection.

112. Petitioning Creditors focus on Mr. LaValley's effort to connect Engineered Arts with the landlord / secured creditor.

113. They do not address why Engineered Arts did not proceed, what communications Engineered Arts had with Gene Wong / RSF, BBG-related parties, Petitioning Creditors' counsel, corporate counsel, or the landlord / secured creditor, and whether investor-side conduct impaired the transaction path.

114. Petitioning Creditors focus on alleged "cherry-picked disclosures."

115. They do not address what records they possess, what records their counsel possesses, what records Gene Wong / RSF possesses, what records prior corporate counsel possesses, or what records were exchanged among Petitioning Creditors, Engineered Arts, corporate counsel, and State-related parties after Cartwheel ceased operations.

116. Petitioning Creditors focus on alleged favorable treatment for the landlord / secured creditor.

117. They do not address the more basic economic question: if Cartwheel's assets, business, technology, or transaction prospects had meaningful recoverable value, why did Petitioning

Creditors and existing investors not provide additional capital when the company was still operating and a financing or acquisition path could have preserved that value?

118. That question matters.

119. Cartwheel was actively seeking financing and strategic alternatives.

120. If Petitioning Creditors believed there was meaningful enterprise value to preserve, the value-preserving path was to support financing, support a transaction, or avoid impairing diligence and acquisition discussions while the company still had a team, operations, technical continuity, and transaction prospects.

121. Instead, Petitioning Creditors now ask the Court to infer family collusion after the collapse, while avoiding the question of whether investor-side conduct, disputed governance demands, litigation threats, refusal to fund, or communications with transaction parties contributed to the loss of value they now claim should be investigated.

122. That contradiction matters.

123. If Cartwheel had meaningful value, then the Trustee should investigate why Petitioning Creditors and existing investors did not fund, support, or preserve that value when doing so could have benefited creditors generally.

124. If Cartwheel did not have meaningful value without the team, operations, and technical continuity, then Petitioning Creditors' family-collusion narrative is overstated because there was little value for Mr. LaValley or his family to divert.

125. Either way, Petitioning Creditors should not be allowed to use hindsight to blame Mr. LaValley and his family while avoiding discovery into the investor-side decisions, governance disputes, financing conduct, and failed strategic alternatives that preceded the bankruptcy.

126. If "collusion" is Petitioning Creditors' theory, then the Trustee should investigate all potential collusion — including potential coordination among Gene Wong / RSF, Petitioning Creditors, their counsel, prior corporate counsel Craig Macy, BBG-related parties, and other investor-side

actors whose communications may explain why financing failed, why Engineered Arts did not proceed, why governance rights were disputed, why secured obligations were not perfected earlier, and why the bankruptcy process is now being used to attack Mr. LaValley and his family.

127. Petitioning Creditors' own structure also raises serious questions that should be investigated before their family-collusion narrative is accepted at face value.

128. Mr. LaValley understands that Gene Wong represents, directs, or speaks for all three Petitioning Creditors in this case, while directly or indirectly controlling two of the three Petitioning Creditors.

129. That matters.

130. It matters even more because Mr. Wong was not merely an outside lender. At the relevant time, Mr. Wong was acting as a board member or governance participant of Cartwheel.

131. One of the Petitioning Creditor claims appears to arise from a relatively small $50,000 note made through a separate Gene Wong-related entity.

132. Mr. LaValley believes Mr. Wong insisted that Cartwheel accept that investment through a separate Gene Wong-related entity during the convertible-note financing period, despite the availability or potential availability of other outside high-net-worth investor capital that may have been more strategically useful to Cartwheel in future financing rounds.

133. The Trustee should investigate why that investment was structured through a separate Gene Wong-related entity, who directed that structure, what alternatives were rejected, whether Mr. Wong's role as a board member or governance participant influenced the company's acceptance of that investment, whether Cartwheel was advised of any creditor-rights or bankruptcy implications, and whether the structure later allowed Gene Wong or Gene Wong-related parties to influence or satisfy petitioning-creditor requirements in this involuntary case.

134. If Petitioning Creditors ask the Court to infer collusion from family relationships and transaction timing, then the Trustee should also examine whether Gene Wong or Gene

Wong-related entities coordinated creditor positions, structured claims, or used multiple related creditor entities to create leverage against Cartwheel and Mr. LaValley.

135. That inquiry is directly relevant to bad faith, creditor coordination, petition strategy, control, fiduciary duties, conflicts of interest, and whether this bankruptcy is being used as a neutral estate process or as an extension of a prepetition investor-control dispute.

136. Mr. LaValley respectfully submits that if Petitioning Creditors intend to put control, timing, value, records, and transaction conduct at issue, then all control, all timing, all value evidence, all records, and all transaction conduct should be examined.

137. That includes the records and communications of Petitioning Creditors, their counsel, Gene Wong / RSF, the Wong Family Revocable Trust, Nevada Battle Born Growth Escalator-related parties, prior corporate counsel Craig Macy, corporate counsel, Engineered Arts-related parties, the landlord / secured creditor, and other third-party custodians.

138. The Trustee should not allow Petitioning Creditors to define the investigation around a family-collusion theory while shielding the investor-side conduct and counsel-side conduct that may be central to estate claims.

VII. THE ISSUE IS WHAT RECORDS MAY EXIST AND WHO MAY HAVE THEM

139. Mr. LaValley does not know what complete records still exist at this point.

140. Too much time has passed, the company ceased operations, and Mr. LaValley does not know which cloud-based services, repositories, accounts, systems, or records have been maintained, preserved, disabled, terminated, or lost.

141. ECF 73 indicates that the landlord / secured creditor did not maintain cloud-based accounts or remote file systems associated with Cartwheel Robotics.

142. Accordingly, the issue is not whether Mr. LaValley can reconstruct complete company records from memory or isolated documents.

143. The issue is what records may still exist, who may have preserved them, who may have received copies, and which third-party custodians may possess material information.

144. Potential custodians include Petitioning Creditors, their counsel, Gene Wong / RSF, prior corporate counsel Craig Macy, corporate counsel, Nevada Battle Born Growth Escalator-related parties, Engineered Arts-related parties, payroll and accounting providers, financial institutions, technical custodians, former employees, and other third parties.

145. Mr. LaValley will cooperate with Samantha Conway and the Trustee, but neither designation nor family relationship changes the location of records held or formerly held by third parties.

VIII. THE TRUSTEE AND COURT ALREADY RECOGNIZED THE LIMITS OF THE DESIGNATION

146. The Trustee stated at the hearing that he was not asking the Court to require Mr. LaValley "to speculate, fabricate information, or certify facts outside of his knowledge," and that the requested order was limited to information within Mr. LaValley's "knowledge, possession, custody, or control or reasonably available to him." Tr. 5:1–6.

147. The Trustee further stated that, if certain information is unavailable, Mr. LaValley can identify what is missing and why it is unavailable. Tr. 5:7–9.

148. The Court likewise recognized that Mr. LaValley "may not have possession, custody, and control of the debtor's books and records," but that he is a knowledgeable person who can provide information and help identify what he does not have. Tr. 15:20–25; 16:1–7.

149. Mr. LaValley submits this Notice to preserve that distinction.

150. The designation order should not be converted into a finding that isolated documents equal complete record control, that paystubs equal payroll-system control, that an introduction equals asset control, or that family relationship equals collusion.

IX. PURPOSE OF THIS NOTICE

151. Mr. LaValley submits this Notice because Petitioning Creditors' characterizations, if left unrebutted, create the false impression that isolated personal documents equal control of complete corporate systems, that employee paystubs equal employer payroll access, that introductions between relevant transaction parties equal asset control, and that related-party timing equals family collusion.

152. Those inferences are not justified.

153. Mr. LaValley will comply with the Court's designation order in good faith.

154. He will answer questions truthfully.

155. He will produce documents personally available to him.

156. He will identify missing information.

157. He will identify likely custodians.

158. But he cannot produce or certify records, systems, repositories, payroll files, accounting records, technical files, or corporate records he does not possess, control, or have access to.

159. Nor should Petitioning Creditors be permitted to use a selective family-collusion narrative to deflect attention from the investor-side, counsel-side, financing-side, and third-party records that may be central to estate recovery.

X. CONCLUSION

160. Mr. LaValley respectfully submits this Notice to clarify the record.

161. He does not seek reconsideration of the Court's ruling through this Notice.

162. He will comply with the Court's order in good faith.

163. He respectfully requests only that the record reflect the distinction between isolated documents personally available to Mr. LaValley and actual possession, custody, or control of the Debtor's corporate systems, payroll systems, technical repositories, accounting records, legal files, and complete books and records.

164. Mr. LaValley further respectfully submits that the Trustee's investigation should not be limited to Petitioning Creditors' selective family-collusion narrative, but should also examine the conduct, records, and communications of Petitioning Creditors, their counsel, Gene Wong / RSF, prior corporate counsel Craig Macy, Nevada Battle Born Growth Escalator-related parties, Engineered Arts-related parties, the landlord / secured creditor, corporate counsel, and other third-party custodians who actually participated in or received communications concerning financing, foreclosure, asset recovery, acquisition discussions, and post-collapse strategy.

Dated: 6/12/2026

Respectfully submitted,

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