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Attorneys for Ryan Drexler

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

MP REORGANIZATION,

Debtor.

EMPERY TAX EFFICIENT, LP,

Plaintiff,

v.

RYAN DREXLER,

Defendant.

RYAN DREXLER,

Counterclaimant,

v.

EMPERY TAX EFFICIENT, LP,

Counterdefendant.

Case No. BK-22-14422-NMC

Chapter 11

Adv. Pro. No. 23-01093-NMC

**RESPONSE OF RYAN DREXLER TO NON-
PARTY TODD ENRIGHT'S MOTION TO
QUASH SUBPOENA; DECLARATIONS OF
NICHOLAS ROBINSON AND GARRISON
GIALI IN SUPPORT**

Hearing Date: February 25, 2025

Hearing Time: 9:30 a.m.

1 Ryan Drexler (“Drexler”) files this response to *Non-Party Todd Enright’s Motion to Quash*
2 *Subpoena* (the “Motion”) [Bankr. Case ECF No. 1485, Adv. Case ECF 209], as follows:

3 The Court should deny the Motion as moot. The proceedings with respect to which the subpoena
4 that is the subject of the Motion was issued (contested plan confirmation in the main bankruptcy case and
5 trial in Adv. No. 23-01093-nmc) are not proceeding. Accordingly, the underlying subpoena can be
6 considered withdrawn, and the Motion denied as moot.

7 Nonetheless, Drexler files this response to clarify the record and gross mischaracterizations stated
8 in the Motion. While Drexler believes the procedural arguments in the Motion are meritless and the
9 subpoena was properly issued, what requires correction in the record is Mr. Enright’s baseless claim that
10 “the subpoenaing party, Mr. Drexler, and his Counsel, Mr. Bisconti, in addition to serving a subpoena that
11 facially violates Rule 45, also saw fit to ship a box of documents representing Mr. Enright’s personal prior
12 history—having nothing to do with this adversary or even the bankruptcy. While this is not a severed
13 horse’s head, it is plainly a veiled threat. Mr. Drexler and his lawyers have become known for their
14 willingness to harass.” Motion at 2:7-12. These allegations are patently false and cannot go unaddressed.

15 Neither Mr. Drexler nor his counsel did anything improper. The “box of documents” Mr. Enright
16 disingenuously claims to have been “shipped” was nothing more than a public records report that the
17 process server had to assist him in locating Mr. Enright for service, and which the process server
18 inadvertently left with Mr. Enright at the time of service. *See* Declaration of Nicholas Robinson ¶¶ 5-7. No
19 one—not Mr. Drexler, and not his counsel—ever requested that the process server leave that document
20 with Mr. Enright, as opposed to simply use it to assist him with completing service of process. *See id.*; *see*
21 *also* Declaration of Garrison Giali (“Giali Decl.”) ¶¶ 6-8. But there is nothing inappropriate about the
22 process server mistakenly leaving that document with Mr. Enright, as it is simply a summary of publicly
23 available information that anyone can access, and process servers can and routinely do access to assist
24 them with completing service of process. *See* Robinson Decl. ¶ 6.

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1 While Drexler understands that *others* involved in this case have accused Mr. Enright of engaging
2 in fraudulent and criminal activity, Drexler has not, nor has Drexler (or his counsel) attempted to harass or
3 threaten Mr. Enright. All that occurred here was the routine service of a valid trial subpoena on a material
4 witness. The Court should deny the Motion.

5
6 Dated: February 11, 2025

**BIENERT KATZMAN
LITRELL WILLIAMS LLP**

7
8 By: /s/ Anthony R. Bisconti
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10 California SBN 269230 (pro hac vice)
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15 *Attorneys for Ryan Drexler*
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DECLARATION OF NICHOLAS ROBINSON

I, Nicholas Robinson, declare as follows:

1. I am the owner of Robinson Detective Agency, which is domiciled at 356 Douglas Street, Manchester, New Hampshire 03102.

2. I have personal knowledge of the facts set forth in this declaration unless the facts are stated on information on belief, and for those matters, I am informed and believe them to be true, and if called upon to do so, I could and would so testify.

3. On or about January 13, 2025, a representative of the law firm Bienert Katzman Littrell Williams LLP ("BKLW") contacted my office and requested service of a trial subpoena on an individual named Todd Enright in connection with the above-captioned bankruptcy matter.

4. In an email confirming the service order, the BKLW representative attached a copy of the trial subpoena, a true and correct copy of which is attached to this declaration as Exhibit A. The BKLW representative requested that I serve a copy of the trial subpoena on Mr. Enright, and that I advance a check for first day witness fees to Mr. Enright.

5. Additionally, the BKLW representative provided me with a copy of a publicly available Westlaw PeopleMap report (the "Westlaw Report"), to the extent I might find it helpful in my effort to effectuate service on Mr. Enright. At no point was I asked or instructed to serve the Westlaw Report on Mr. Enright or include it with the trial subpoena.

6. I routinely generate and maintain public records reports comparable to the Westlaw Report in the ordinary course of my business as a process server to assist in locating individuals for service of process. I am informed and believe that anyone with access to public records databases like the Westlaw PeopleMap service can generate similar reports, which are based entirely on publicly available information. Had BKLW not provided me with the Westlaw Report, I may have independently generated a similar report solely for the purpose of locating Mr. Enright to effectuate service of the trial subpoena.

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6 I declare under penalty of perjury of the laws of the United States of America that the foregoing is true
7 and correct. Executed this February 10th, 2025, in Manchester, New Hampshire.


Nicholas Robinson

EXHIBIT A

(To Declaration of Nicholas Robinson)

UNITED STATES BANKRUPTCY COURT

District of Nevada

In re MUSCLEPHARM CORPORATION

Debtor

(Complete if issued in an adversary proceeding)

Case No. 22-14422-NMC

Chapter 11

Empery Tax Efficient, LP,

Plaintiff

v.

Adv. Proc. No. 23-01093-NMC

Ryan Drexler,

Defendant

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Todd Enright

(Name of person to whom the subpoena is directed)

☒ **YOU ARE COMMANDED** to appear in the United States Bankruptcy Court at the time, date, and place set forth below to testify at a hearing or trial in this bankruptcy case (or adversary proceeding). When you arrive, you must remain at the court until the judge or a court official allows you to leave.

PLACE United States Bankruptcy Court, District of Nevada
300 Las Vegas Blvd. South, Las Vegas, NV 89101

COURTROOM 3 (Hon. Natalie M. Cox)

DATE AND TIME January 24, 2025
9:00 a.m.

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable):

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01/10/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
Ryan Drexler, who issues or requests this subpoena, are:

Anthony R. Bisconti, tbisconti@bklwlaw.com, 949.369.3700
360 E 2nd St Suite 625, Los Angeles, CA 90012

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DECLARATION OF GARRISON GIALI

1. I am a litigation paralegal at Bienert Katzman Littrell Williams LLP, counsel of record for Ryan Drexler in this matter.

2. I have personal knowledge of the facts set forth in this declaration unless the facts are stated on information on belief, and for those matters, I am informed and believe them to be true, and if called upon to do so, I could and would so testify.

3. On or around January 13, 2025, in order to locate a valid address to serve a *Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case* (“Subpoena”) upon Todd Enright, I generated and downloaded a Westlaw PeopleMap Report for Mr. Enright using Westlaw’s public records feature (“Westlaw Report”).

4. The Westlaw Report is a document I routinely generate in the ordinary course of business to assist in locating addresses for individuals for service of process.

5. On or around January 13, 2025, using the “Find a Process Server” feature of the website for the National Association of Professional Process Servers, I located the contact information for Robinson Detective Agency, who appeared to service a rural geographic region in New Hampshire where we believed Mr. Enright was located.

6. On or around January 13, 2025, I called Nicholas Robinson, the principal of Robinson Detective Agency, to ensure that his services included routine process service, that he covered said geographic region, to understand his pricing model, to ensure that he could execute personal service by our desired deadline, and to initiate the work order. During this telephone conversation, I told Mr. Robinson I would send a follow-up email with pertinent information for the work order. At no point during that telephone conversation did I instruct Mr. Robinson to serve Mr. Enright any documents other than the Subpoena and a check for witness fees.

7. On or around January 13, 2025, and shortly after my telephone conversation with Mr. Robinson, I emailed him a copy of the Subpoena, instructing him to personally serve it at Mr. Enright’s New Hampshire address with a check for first day witness fees. A true and correct copy of my email to Mr. Robinson is attached hereto as Exhibit A.

I declare under penalty of perjury the following is true and correct to the best of my knowledge.

Executed this 11th day of February, 2025, in San Clemente, California.


Garrison M. Gilli

EXHIBIT A

(To Declaration of Garrison Giali)

Garrison Giali

From: Garrison Giali
Sent: Monday, January 13, 2025 12:16 PM
To: info@robinsondetective.com
Cc: Tyler Beahm; Tony Bisconti; Carlos Nevarez; Elizabeth Garcia
Subject: New Order | Process Service | Billing Ref: Drexler
Attachments: 250113 (E) Todd Enright (served 1.10.25).pdf; Westlaw Precision - PeopleMap Report TODD M ENRIGHT.pdf

Hello,

As discussed via telephone, we need the attached trial subpoena served on Todd M. Enright, who we believe lives at the following address. Too, I've attached a Westlaw PeopleMap report with other information you might find helpful. As discussed, please advance a \$45 dollar check with the re-line stating: first day witness fees.

TODD M. ENRIGHT

[REDACTED]
[REDACTED]

Our Finance Director [@Tyler Beahm](#) can get payment squared away. Please let me know if you have any questions, my cell is [REDACTED]
Many thanks.



Garrison Giali | Chief Litigation Paralegal
Bienert Katzman Littrell Williams LLP
(949) 369-3700 | [Website](#) | [vCard](#) | [Profile](#)

This message is confidential and intended for the designated recipient only. This message may be protected by attorney-client, work product protection or other limitations on use or disclosure. If you have received this message in error, please (1) immediately contact Bienert Katzman Littrell Williams LLP and (2) delete the message without reviewing, copying, or making further use of the information it contains.

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Attorneys for Ryan Drexler

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RYAN DREXLER,

Defendant

RYAN DREXLER,

Counterclaimant,

v.

EMPERY TAX EFFICIENT, LP,

Counterdefendant

Case No. BK-S-22-22-14422-NMC

Chapter 11

Adv. Pro. No. 23-01093-NMC

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bank. P. 2002 and LR 2002, I certify that I am a partner at Bienert Katzman Littrell Williams LLP in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 903 Calle Amanecer, Suite 350, San Clemente, California 92673.

I certify that on February 11, 2025, I caused the documents described as:

RESPONSE OF RYAN DREXLER TO NON-PARTY TODD ENRIGHT'S MOTION TO QUASH SUBPOENA; DECLARATIONS OF NICHOLAS ROBINSON AND GARRISON GIALI IN SUPPORT

to be served to the following parties in this action by way of the Court's CM/ECF Notice of Electronic Filing system, at the email address(es) listed below.

JERROLD L. BREGMAN on behalf of Counter-Claimant RYAN DREXLER
jbregman@bg.law, ecf@bg.law

JERROLD L. BREGMAN on behalf of Defendant RYAN DREXLER
jbregman@bg.law, ecf@bg.law

DYLAN T CICILIANO on behalf of Counter-Defendant EMPERY TAX EFFICIENT, LP
dciciliano@gtg.legal, bknotices@gtg.legal

DYLAN T CICILIANO on behalf of Plaintiff EMPERY TAX EFFICIENT, LP
dciciliano@gtg.legal, bknotices@gtg.legal

STEVEN T GUBNER on behalf of Attorney BG LAW LLP
sgubner@bg.law, ecf@bg.law

GABRIELLE A. HAMM on behalf of Interested Party MUSCLEPHARM CORPORATION
ghamm@nvfirm.com, ecf@nvfirm.com

DAVID MINCIN on behalf of Counter-Claimant RYAN DREXLER
dmincin@mincinlaw.com, cburke@mincinlaw.com

DAVID MINCIN on behalf of Defendant RYAN DREXLER
dmincin@mincinlaw.com, cburke@mincinlaw.com

TERESA M. PILATOWICZ on behalf of Counter-Defendant EMPERY TAX EFFICIENT, LP
tpilatowicz@gtg.legal, bknotices@gtg.legal

TERESA M. PILATOWICZ on behalf of Plaintiff EMPERY TAX EFFICIENT, LP
tpilatowicz@gtg.legal, bknotices@gtg.legal

TODD C RINGSTAD on behalf of Trustee NATHAN F. SMITH
todd@ringstadlaw.com, becky@ringstadlaw.com

SAMUEL A. SCHWARTZ on behalf of Interested Party MUSCLEPHARM CORPORATION
saschwartz@nvfirm.com,
ecf@nvfirm.com;schwartzsr45599@notify.bestcase.com;eanderson@nvfirm.com;samid@nvfirm.com

I further certify that on February 11, 2025, I caused the documents described as:

**RESPONSE OF RYAN DREXLER TO NON-PARTY TODD ENRIGHT'S MOTION TO QUASH
SUBPOENA; DECLARATIONS OF NICHOLAS ROBINSON AND GARRISON GIALI IN
SUPPORT**

to be served to the following parties in this action by United States Regular Mail, postage fully prepaid,
at the mailing addresses listed below:

Athanasios E. Agelakopoulos On Behalf Of Interested Party Muscle Pharmcorporation
SCHWARTZ LAW FIRM, PLLC
601 East Bridger Avenue
Las Vegas, Nv 89101

Jerrold L. Bregman
BG LAW LLP
21650 Oxnard Street
Suite 500
Woodland Hills, Ca 91367

Nathan F. Smith
THE LAW OFFICES OF MALCOLM & CISNEROS LLC
2112 Business Center Dr. 2nd Floor
Irvine, Ca 92612

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 11,
2025.

/s/ Garrison M. Giali
Garrison M. Giali