

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 18-cv-03016-RBJ-MDB

DAVID JOSHUA BARTCH,

Plaintiff,

v.

MACKIE A. BARCH and TRELIS HOLDINGS MARYLAND, INC.

Defendants.

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**ORDER ON MOTIONS**

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An evidentiary hearing was held before the Court on May 31, 2023 concerning Plaintiff's Motion for Order Pursuant to C.R.C.P. 69(g) Directing Defendants to Apply Property Towards Satisfaction of Unpaid Judgment, ECF 202; Plaintiff's Motion for Sanctions for Defendants' Spoliation of Evidence, ECF 203; and Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, ECF 207. The Court, having reviewed each Motion, together with all responses and replies thereto; having considered the arguments of counsel; and for the reasons the Court set forth in detail at the May 31, 2023 hearing, orders as follows:

1. Plaintiff's Motion for Order Pursuant to C.R.C.P. 69(g) Directing Defendants to Apply Property Towards Satisfaction of Unpaid Judgment [ECF No. 202] is GRANTED, as set forth in this Order and the Court's ruling from the bench on May 31, 2023.

2. Pursuant to C.R.C.P. 69(g), made applicable through F.R.C.P. 69(a), Defendants shall use their best efforts to sell a sufficient portion of the equity that Defendant Trellis Holdings Maryland, Inc. ("Trellis") owns in Culta, LLC ("Culta") to fully

satisfy the Court's judgment, including all costs and accrued interest, ECF 194 (Second Amended Judgment), and to pay taxes in the amount of \$665,000 that the Defendants owe to the Internal Revenue Service and to the State of Maryland.

3. Defendants shall facilitate the implementation of this Order by agreeing to and providing all necessary consents for any transaction that meets the criteria set forth in Paragraph 2, by facilitating any potential buyer's exercise of due diligence, and by providing information to and otherwise cooperating fully with potential buyers to accomplish the goal of selling the Cultra equity.

4. The equity sale provided for in this Order must be consummated in compliance with Cultra's operating agreement and applicable Maryland law.

5. If Defendants consummate any transaction(s) in Trellis's Cultra equity of any nature and by any means, Defendants shall turn over the proceeds of such transaction(s) to Plaintiff until the judgment is satisfied in full.

6. From May 31, 2023 until such time as a sale of equity as described in Paragraphs 1-4 of this Order is concluded, Defendants may not make any sale or pledge in respect of their Cultra equity, and may not take any other action, that undermines the value of this equity.

7. Plaintiff's Motion for Sanctions for Defendants' Spoliation of Evidence [ECF 203] is GRANTED, as set forth in this Order and the Court's ruling from the bench on May 31, 2023.

8. As a sanction for Defendants' misconduct, Plaintiff is AWARDED his reasonable costs and attorneys' fees incurred in uncovering Defendants' spoliation, including all fees and costs incurred in connection with presenting Plaintiff's Motion for Sanctions to the Court. Plaintiff is ordered to produce evidence of his attorneys' fees,

restricted in subject matter as set forth in this paragraph.

9. Defendant Mackie A. Barch (“Mackie”) shall pay the sanction described in Paragraph 8 above within fourteen days of such time as the amount of Plaintiff’s fees and costs is conclusively determined, whether by stipulation or by further Court order.

10. For purposes of applying this Order, each order directed to Defendants shall apply equally to Mackie and to Trellis, except for the payment of sanctions described in Paragraph 9, which is directed to Mackie personally.

11. The temporary restraining order issued pursuant to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction [ECF 212] expired by its terms on May 31, 2023. Plaintiff’s request for a preliminary injunction [ECF 207] is DENIED AS MOOT.

12. Consistent with the Court’s oral ruling from the bench at the May 31, 2023 evidentiary hearing on the above-referenced motions, this Order shall be deemed to have been entered on May 31, 2023.

Failure to comply with any provision of this Order may result in contempt proceedings.

SO ORDERED THIS 8th DAY OF JUNE, 2023.

BY THE COURT

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

R. Brooke Jackson  
Senior United States District Judge