IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ROMAN ZRAZHEVSKIY and TATIANA MIRONOVA,

Plaintiffs,

v.

WHITE RIVER ENERGY CORP., a Nevada corporation, JAY PUCHIR, an individual, and e3 TAX, LLC d/b/a e3 FAMILY OFFICE, a Missouri limited liability company,

Defendants.

Case No. 5:26-cv-05135-DCF

DEFENDANTS WHITE RIVER ENERGY CORP. AND JAY PUCHIR'S MOTION TO DISMISS AND, IN THE ALTERNATIVE, TO STAY

Defendants White River Energy Corp. and Jay Puchir, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the Court's inherent authority to stay proceedings, respectfully move to dismiss the First Amended Complaint (Dkt. 27) in part and, in the alternative, to stay adjudication of one indemnity subclaim within Count I. In support, Defendants submit and incorporate by reference their contemporaneously filed Brief in Support. Defendants specifically request that the Court:

1. Dismiss all claims against Defendant Jay Puchir (Counts IV, VII, VIII, and XIII);
2. Dismiss Plaintiff Tatiana Mironova from Counts I through III;
3. Dismiss Count II (breach of express warranty) as duplicative of Count I;
4. Dismiss Count III (breach of the implied covenant of good faith and fair dealing) to the extent it rests on contract formation or drafting, sounds in tort absent a special relationship, or duplicates Count I;

5. Dismiss Count IV (unjust enrichment) as to White River without prejudice, holding that it states no claim against White River unless and until the Agreement is held void, rescinded, or unenforceable, and that Plaintiffs may not recover on both Count I and Count IV;
6. Dismiss Count VI (negligent misrepresentation) if Arkansas law governs; alternatively, if Nevada law governs, dismiss Count VI to the extent it rests on extra-contractual assurances barred by Sections 4.6(c) and 11, e3-only statements not attributable to White River, or a duty not independent of the TCPA and Count V;
7. Dismiss Count V (fraud in the inducement) under Rule 9(b) to the extent it rests on statements attributable only to e3, forward-looking statements, post-sale developments not tied to pre-sale knowledge, or extra-contractual assurances barred by Sections 4.6(c) and 11 of the Agreement;
8. Dismiss the portion of Count VIII seeking a declaration with respect to federal taxes, IRS procedures, or Tax Court obligations;
9. Dismiss without prejudice the alleged Section 5.1(b) indemnity-breach theory within Count I as premature or, in the alternative, stay adjudication of that indemnity subclaim unless and until the conditions precedent in Section 5.1(b) are satisfied and the dispute-resolution process prescribed by that subsection is completed, exhausted, or excused;
10. Hold that Plaintiffs may not recover on the Section 3.6 broker-commission theory within Count I any damages duplicative of the $600,000 purchase price sought elsewhere in the First Amended Complaint;
11. Dismiss Count XIII (civil conspiracy) as to White River to the extent it is predicated on a fraud theory dismissed under Rule 9(b), or seeks to hold White River directly liable for

statements attributable only to e3 absent a pleaded agreement, agency, authorization, or ratification; and

12. Hold that Plaintiffs may not recover attorney's fees absent a statute, rule, or contract authorizing them, and that the punitive-damages demand pleaded at Prayer for Relief ¶ D rises or falls with the counts on which it is sought.

For the reasons set forth in the accompanying Brief in Support, Defendants respectfully request that the Court grant this Motion and award such other and further relief as is just and proper.

Dated: September 3, 2026.

Respectfully submitted,

By: */s/ Michael J. Wynne**
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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on September 3, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record who are registered CM/ECF users.

By: */s/ Michael J. Wynne**
Michael J. Wynne

**Admitted Pro Hac Vice*