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CLERK OF THE COURT

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Attorneys for Defendant

Raymond R. Khoury

DISTRICT COURT

CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,

Plaintiff,

vs.

RAYMOND RIAD KHOURY; DOES 1
through 10; and ROE ENTITIES 11 through
20, inclusive,

Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

**DISCOVERY COMMISSIONER'S
REPORT and RECOMMENDATIONS**

[BEFORE THE DISCOVERY COMMISSIONER]

Hearing Date: December 5, 2012

Hearing Time: 9:00 a.m.

APPEARANCES:

For Plaintiff:

MARGARET SEASTRAND

RICHARD HARRIS LAW FIRM

Alison Brasier, Esq.

For Defendant:

RAYMOND RIAD KHOURY

HALL JAFFE & CLAYTON, LLP.

Jacob S. Smith, Esq.

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I.

FINDINGS

This matter came on for hearing before the HONORABLE BONNIE BULLA, Discovery Commissioner, on the 5th day of December, 2012 at 9:00 a.m., on Defendant's Motion to Compel Discovery Responses and Production of Documents re: Plaintiff's Medical Liens. Defendant filed its Motion to Compel on November 1, 2012, seeking to compel responses to various requests for production and interrogatories pertaining to the Plaintiff's medical liens and treatment on liens. Plaintiff filed her opposition on November 20, 2012, asserting that the requested documents and information were protected under the collateral source rule and were not discoverable. On November 30, 2012, Defendant filed his Reply asserting that the documents and information was arguably both discoverable and admissible, but was certainly discoverable even under the most stringent interpretations of Nevada law.

At the hearing on the matter on December 5, 2012, Jacob S. Smith, Esq. appeared on behalf of Defendant and Alison Brasier, Esq. appeared on behalf of Plaintiff.

The Court, having reviewed the papers and pleadings on file, and having considered the oral argument made by counsel at the hearing on this matter, and having considered the case law and other authority presented in the parties' briefings on this issue, hereby makes the following recommendations:

II.

RECOMMENDATIONS

IT IS HEREBY RECOMMENDED that Plaintiff's Motion for Protection from Defendant's Notice of Plaintiff's Deposition is GRANTED in part and DENIED in part;

IT IS FURTHER RECOMMENDED that Plaintiff must supplement her responses to Defendant's Interrogatories with any and all information in her possession pertaining to the liens and/or lien amounts which correspond with any injuries and/or treatment allegedly arising as a result of the subject accident.

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IT IS FURTHER RECOMMENDED that Plaintiff must supplement her responses to Defendant's Requests for Production by producing all documentation in her possession pertaining to the liens and/or lien amounts which correspond with any injuries and/or treatment allegedly arising as a result of the subject accident; and

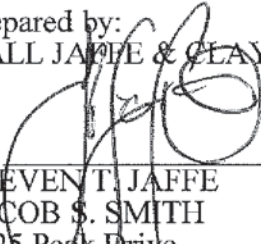
IT IS FURTHER RECOMMENDED that Plaintiff is not obligated to procure any documentation from third-party purchasers of the liens which is not already in her possession.

The Discovery Commissioner, having met with counsel for the parties, having discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.


DATED this 11 day of January, 2013.


DISCOVERY COMMISSIONER

Prepared by:
HALL JAFFE & CLAYTON, LLP

By 
STEVEN T. JAFFE
JACOB S. SMITH
7425 Peak Drive
Las Vegas, Nevada 89128
*Attorneys for Defendant
Raymond R. Khoury*

Approved as to Form and Content:
RICHARD HARRIS LAW FIRM

By 
RICHARD A. HARRIS
ALISON BRASIER
801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

CASE NAME: *Seastrand v. Khoury*
CASE NUMBER: A-11-636515-C

IT IS FURTHER RECOMMENDED that Plaintiff must supplement her responses to Defendant's Requests for Production by producing all documentation in her possession pertaining to the liens and/or lien amounts which correspond with any injuries and/or treatment allegedly arising as a result of the subject accident; and

IT IS FURTHER RECOMMENDED that Plaintiff is not obligated to procure any documentation from third-party purchasers of the liens which is not already in her possession.

The Discovery Commissioner, having met with counsel for the parties, having discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.


DATED this _____ day of January, 2013.

DISCOVERY COMMISSIONER

Prepared by:
HALL JAFFE & CLAYTON, LLP

By _____
STEVEN T. JAFFE
JACOB S. SMITH
7425 Peak Drive
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Attorneys for Defendant
Raymond R. Khoury

Approved as to Form and Content:
RICHARD HARRIS LAW FIRM

By 
RICHARD A. HARRIS
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Las Vegas, Nevada 89101
Attorneys for Plaintiff

NOTICE

Pursuant to NRCp 16.1(d)(2), you are hereby notified you have five (5) days from the date you receive this document within which to file written objections.

Pursuant to E.D.C.R. 2.34(f) an objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. See E.D.C.R. 2.34(F)

A copy of the foregoing Discovery Commissioner's Report was:

_____ Mailed to Plaintiffs/Defendants at the following address on the _____ day of _____, 2012.

X _____ Placed in the folder of Plaintiffs'/Defendants' counsel in the Clerk's office on the 17 day of Jan., 2012.¹³

STEVEN D. GRIERSON, CLERK OF COURT

By  _____
DEPUTY CLERK

ORDER

The Court, having reviewed the above report and recommendatio

ns prepared by the Discovery Commissioner and,

_____ The parties having waived the right to object thereto,

☒ No timely objection having been received in the office of the Discovery Commissioner pursuant to E.D.C.R. 2.34(f),

_____ Having received the objections thereto and the written arguments in support of said objections, and good cause appearing,

* * *

AND

☒ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted.

_____ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted as modified in the following manner. (attached hereto)

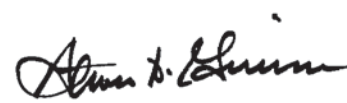
_____ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report is set for _____, 201__, at ____:____ a.m.

DATED this 13th day of March, 2012.



DISTRICT JUDGE

AB


CLERK OF THE COURT

MOT
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*Attorneys for Defendant
Raymond R. Khoury*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARGARET G. SEASTRAND,
Plaintiff,

vs.

RAYMOND RIAD KHOURY; DOES 1
through 10; and ROE ENTITIES 11 through
20, inclusive,

Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

**DEFENDANT'S REPLY TO PLAINTIFF'S
MOTION TO COMPEL DISCOVERY
RESPONSES AND PRODUCTION OF
DOCUMENTS RE: PLAINTIFF'S MEDICAL
LIENS**

[BEFORE THE DISCOVERY COMMISSIONER]

Hearing Date: December 5, 2012
Hearing Time: 9:00 a.m.

Defendant, Raymond Khoury ("Khoury"), by and through his attorneys of record, Hall Jaffe & Clayton, LLP, hereby submits his Reply to Plaintiff's Opposition to Motion to Compel Discovery Responses and Production of Documents and other related relief.

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1 This reply is made and based upon the papers and pleadings on file herein, the points and
2 authorities attached hereto, the affidavit of Jacob S. Smith, Esq., any oral argument the Court may see fit
3 to allow at the time of the hearing and the entire record in this matter.

4 DATED this 20 day of November, 2012.

5 HALL JAFFE & CLAYTON, LLP

6
7 By

8 STEVEN T. JAFFE
9 Nevada Bar No. 007035
10 JACOB S. SMITH
11 Nevada Bar No. 010231
12 JACOB B. LEE
13 Nevada Bar No. 012428
14 7425 Peak Drive
15 Las Vegas, Nevada 89128
16 *Attorneys for Defendant*
17 *Raymond R. Khoury*

18 MEMORANDUM OF POINTS AND AUTHORITIES

19 I. PROCEDURAL FACTS

20 In her Opposition, Plaintiff focuses heavily on the amount of time between the initial discovery
21 requests and the filing of this motion. Nevertheless, in doing so, she completely ignores the fact that
22 there was never a resolution to the issue. Indeed, the only reason the issue remained pending for so long
23 is because Plaintiff could not definitively state whether she would or would not produce the requested
24 information. It was not until October 30, 2012 that Plaintiff definitively stated that she would not
25 produce the requested information. The instant motion was filed two days later. Conveniently, Plaintiff
26 now seeks to use this delay—the direct result of her own dilatory response—as a weapon to minimize the
27 relevance and importance of the requested information. Notably, Plaintiff does not point to a procedural
28 defect in the motion. This is because there is none. The motion is timely, and the state and local rules
were followed. As set forth more fully below, Defendant respectfully requests that Plaintiff be
compelled to produce the requested documentation, as it is discoverable and relevant.

29 II. ARGUMENT

30 A. Information Regarding the Presence of Liens and the Amounts of Liens is Clearly Discoverable

31 Plaintiff incorrectly asserts that the information regarding her medical liens is not discoverable

1 because it does not pertain to the liability arguments. *See* Plaintiff's Opposition at p.5. Plaintiff's
2 argument is completely ignorant of the fact that a doctor treating on a medical lien has a vested interest
3 in the outcome of the case. Indeed, that doctor's lien can only be paid if the Plaintiff recovers. In
4 essence, this medical lien creates the existence of a bias by the treating physician in favor of the Plaintiff.
5 It is bedrock Nevada principle that bias is exceedingly relevant. *Lobato v. State*, 120 Nev. 512, 96 P.3d
6 76 (2004) ("Although district courts have wide discretion to control cross-examination that attacks a
7 witness's general credibility, a trial court's discretion is narrowed where bias or motive is the object to be
8 shown, and **an examiner must be permitted to elicit any facts which might color a witness's**
9 **testimony.**) (Emphasis added).

10 As set forth in Defendant's motion, evidence concerning medical liens are relevant at the time of
11 trial to show bias on the part of Plaintiff's treating providers. Defendant supported this argument with
12 several cases outlining his right to probe the potential bias of any witness, including Plaintiff's treating
13 providers. Plaintiff fails to even acknowledge, let alone dispute, this contention. Therefore, there is no
14 dispute that Plaintiff's liens are relevant to show potential bias on the part of Plaintiff's treating
15 providers and they must be deemed admissible at the time of trial.

16 A very simple yet accurate analogue, is the relevance and discoverability of Defendant's experts'
17 fees. Certainly Plaintiff would not argue that Defendant's expert fees are irrelevant and not
18 discoverable. Similarly, then, Plaintiff cannot argue—at least not with a straight face—that the medical
19 liens of her treating providers are not relevant or discoverable, as they expose a bias similar to that of an
20 expert who is paid to testify on behalf of a party.

21 **B. Plaintiff Provides No Legal Support For Her Contention That A Lien is A Collateral**
22 **Source**

23 In her Opposition, Plaintiff incorrectly applies the collateral source rule set forth in *Proctor v.*
24 *Castelletti*, 112 Nev. 88, 90 911 P.2d 853 (1996). The collateral source rule applies to "payment for an
25 injury." *Id.* (Emphasis added). A lien is the exact opposite of a "payment." A "lien" is a debt owed for
26 services rendered and promise to pay for the same at some future point in time. Aside from *Proctor*,
27 which she erroneously applies, Plaintiff fails to cite a single legal authority to support the position that a
28 lien is a collateral source.

1 Additionally, evidence of a lien is neither positive nor dispositive proof that the Plaintiff
2 possessed insurance. Plaintiffs often treat on a lien despite having health insurance available. Plaintiff's
3 argument is analogous to arguing that a jury will infer that a Plaintiff has no insurance because evidence
4 of insurance was never discussed during a trial. This is simply inaccurate. Therefore, not only is the
5 information discoverable, it will also be admissible at the time of trial.

6 **C. Even if the Liens are Deemed Inadmissible by The Court, the Liens are Still**
7 **Reasonably Calculated to Lead to the Discovery of Admissible Evidence.**

8 As set forth above and in his motion, Defendant asserts that the medical liens and amounts are
9 not only discoverable, but they are admissible. Nevertheless, even assuming *arguendo* that the court
10 decides the liens are not admissible at trial, the liens and the lien amounts is still discoverable evidence,
11 as it is reasonably calculated to lead to the discovery of admissible evidence. Specifically, the liens and
12 the specific arrangements surrounding the liens is reasonably calculated to lead the discovery of the bias
13 on the part of Plaintiff's medical providers.

14 In arguing that the liens are not discoverable, Plaintiff relies on *Tri-County Equipment &*
15 *Leasing, LLC v. Kinke*, 128 Nev. Adv. Op. 33; 286 P.3d 593 (2012). *Tri-County* is a recent Nevada
16 case dealing with the admissibility of worker's compensation payments. The majority opinion of *Tri-*
17 *County* held that the workers' compensation payments were admissible to show what compensation the
18 Plaintiff had already received. *Id.* Moreover, nowhere in *Tri-County* is the issue of the admissibility of
19 medical liens addressed. Rather, the court reiterated its position set forth in Proctor and a multitude of
20 other cases. *Id.* at FN6. Plaintiff's attempts to extrapolate comments in the concurring—not
21 majority—opinion of the case are unfounded. Plaintiff's attempts to equate a third-party discount or
22 "write-down" to the existence and amount of a medical lien are unfounded, and is not supported by *Tri-*
23 *County*.¹ Simply stated, medical liens are not write-downs and should not be treated as such.

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27 ¹ Tellingly, Plaintiff does not cite any of the dozens of cases listed by the court in *Tri-County* as specifically
28 addressing the collateral source rule as applied to medical provider discounts.

1 **III. CONCLUSION**

2 Based upon the foregoing, Khoury respectfully requests this Court's order granting the following
3 relief:

- 4 1. For an order compelling the immediate provision of an answer to Interrogatory No. 32;
5 2. For an order compelling the immediate provision of documents in response to
6 Defendant's Requests for Production Nos. 16 through 19;
7 3. For a reasonable award of attorney fees for the necessity of having to bring these matters
8 before the Court and for attendance at the hearing pursuant to NRCR 37 and EDCR 7.60; and
9 4. For such other and further relief as this Court deems just and equitable in the premises.

10 DATED this 30 day of November, 2012.

11 HALL JAFFE & CLAYTON, LLP

12 By

13 STEVEN T. JAFFE
14 Nevada Bar No. 007035
15 JACOB S. SMITH
16 Nevada Bar No. 010231
17 JACOB B. LEE
18 Nevada Bar No. 012428
19 7425 Peak Drive
20 Las Vegas, Nevada 89128
21 Attorneys for Defendant
22 Raymond R. Khoury
23
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing **DEFENDANT'S**
3 **REPLY TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES AND**
4 **PRODUCTION OF DOCUMENTS RE: PLAINTIFF'S MEDICAL LIENS** was made on the 30
5 day of November, 2012, by depositing a true and correct copy of the same by U.S. Mail in Las Vegas,
6 Nevada, addressed, stamped, and mailed to the following:

7
8 Richard A. Harris, Esq.
9 RICHARD HARRIS LAW FIRM
10 801 S. Fourth Street
11 Las Vegas, Nevada 89101
12 *Attorneys for Plaintiff*

13 

14 An Employee of
15 HALL JAFFE & CLAYTON, LLP
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1 **OPPS**

2 RICHARD A. HARRIS, ESQ.

3 Nevada Bar No. 505

4 JOSHUA R. HARRIS, ESQ.

5 Nevada Bar No. 9580

6 ALISON M. BRASIER, ESQ.

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9 801 South Fourth Street

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11 Phone (702) 444-4444

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13 Attorneys for Plaintiff

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CLERK OF THE COURT

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 MARGARET G. SEASTRAND,

17 Plaintiff,

18 vs.

19 RAYMOND RIAD KHOURY; DOES I-X, and
20 ROE CORPORATIONS I-X, inclusive,

21 Defendants.

CASE NO.: A-11-636515-C

DEPT. NO.: XXX

Date of Hearing: December 5, 2012

Time of Hearing: 9:00 a.m.

DISCOVERY COMMISSIONER

22 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL**
23 **DISCOVERY RESPONSES AND PRODUCTION OF DOCUMENTS RE:**
24 **PLAINTIFF'S MEDICAL LIENS**

25 COMES NOW, Plaintiff MARGARET G. SEASTRAND ("Margie"), by and through
26 her counsel of record, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS
27 LAW FIRM, and hereby submits the following Plaintiff's Opposition to Defendant's Motion to
28 Compel Discovery Responses and Production of Documents Re: Plaintiff's Medical Liens.
This Opposition is based on the following Memorandum of Points and Authorities, the papers
and pleadings on file, and any oral argument entertained by this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

A. The Crash.

On March 13, 2009, Margie sustained significant spine injuries when Defendant Raymond Khoury slammed into the back of her vehicle. As a result of Defendant's negligence, Margie has been forced to undergo years of invasive medical treatment, including two spine surgeries. Her current medical specials total over \$427,000. It is anticipated that she will likely need additional medical treatment for her crash-related injuries for the rest of her life.

B. Written Discovery.

From the onset of discovery, Plaintiff has provided Defendant with an identification of all of her medical providers, produced the related medical bills and records, and provided a computation of Plaintiff's damages.¹ Plaintiff has also provided authorizations for the release of medical records and bills to Defendant so that he may obtain his own copies of the previously-produced records and any prior medical records that may be relevant in this case.

On March 21, 2012, Defendant served his Second Request for Production to Plaintiff Margaret Seastrand. These Requests were as follows²:

REQUEST TO PRODUCE NO. 16: All executed liens with each and every medical provider and facility.

REQUEST TO PRODUCE NO. 17: All documents demonstrating the amounts paid by any source to the medical providers and/or facilities for the treatment rendered in the matter.

¹ See Plaintiff's Supplement to Initial Early Case Conference List of Witnesses and Documents, attached as Exhibit 1 (excluding original exhibits).

² Defendant's Second Request for Production to Plaintiff Margaret Seastrand, attached as Exhibit 2.

1 **REQUEST TO PRODUCE NO. 18:** All documents demonstrating the
2 amounts of payments accepted by the medical providers and/or facilities
3 for the treatments rendered in this matter.

4 **REQUEUST TO PRODUCE NO. 19:** All documents demonstrating the
5 amounts accepted by each medical provider and/or facility which sold its
6 liens to any other person or entity for the treatment rendered in this case.

7 On March 21, 2012, Defendant also served his Second Set of Interrogatories to Plaintiff
8 Margaret Seastrand. This single interrogatory read³:

9 **INTERROGATORY NO. 32:** Set forth the amounts paid by any source
10 which each and every medical provider or facility accepted as payment
11 for the services which they rendered.

12 Plaintiff's Response to each of these discovery requests was⁴:

13 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts
14 of Plaintiff's expenses (medical bills) were paid by collateral sources. As
15 such, the question is not relevant to the subject matter of this litigation,
16 and not calculated to lead to the discovery of admissible evidence; it is
17 also burdensome, oppressive, and harassing to Plaintiff.

18 Plaintiff's Responses were served on April 23, 2012.⁵ Defense counsel initially
19 contacted Plaintiff's counsel on April 27, 2012 regarding *alleged* deficiencies in Plaintiff's
20 Responses. A resolution was not reached. Then, defense counsel waited over two months to
21 write Plaintiff's counsel a letter outlining the *alleged* deficiencies. Again, a resolution was not
22 reached. Defense counsel then waited another four and a half months before contacting
23 Plaintiff's counsel to discuss the discovery responses again. In all, over six months passed
24 between Defendant's receipt of Plaintiff's Responses and his filing of the underlying Motion.

25 _____
26 ³ Defendant Raymond Khoury's Second Set of Interrogatories to Plaintiff Margaret Seastrand, attached as Exhibit
27 3.

28 ⁴ Plaintiff's Responses to Defendant's Second Request for Production to Plaintiff Margaret Seastrand, attached as
Exhibit 4; Plaintiff's Responses to Defendant Raymond Khoury's Second Set of Interrogatories to Plaintiff
Margaret Seastrand, attached as Exhibit 5.

1 Notably, Defendant waited until November 1, 2012 — the last day of discovery — to file his
2 Motion.

3 If this information actually “impacted Khoury’s ability to properly evaluate and defend
4 the allegations contained in Plaintiff’s Complaint,” as Defendant’s Motion alleges, he certainly
5 would not have waited over six months — and until the last day of discovery — to take action
6 to compel the information.⁶ Defendant’s Motion is much ado about nothing. Defendant has all
7 of Margie’s medical records and bills. Defendant knows the identities of all of Margie’s
8 treating physicians. Defendant has authorizations to obtain his own copies of Margie’s medical
9 bills and records. And, Defendant has not suffered any prejudice by Plaintiff’s refusal to
10 provide irrelevant collateral source information during discovery. Defendant’s Motion must be
11 denied.

12 II. LEGAL ARGUMENT

13 A. Information Regarding the Presence of Liens or the Amounts Accepted for Medical 14 Services is NOT Discoverable.

15 The rules are clear: the scope of interrogatories and requests for production of
16 documents is limited to matters that can be inquired into under NRCP 26(b).⁷ NRCP 26(b)
17 allows discovery “regarding any matter, not privileged, which is relevant to the subject
18 matter (either the claims or defenses of any party) involved in the pending action.”⁸
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26 ⁵ See Exhibits 4 and 5.

27 ⁶ Defendant’s Motion at 10:26-27.

28 ⁷ See NRCP 33(c), 34(a).

⁸ Emphasis added.

1 Further, the information sought must be “reasonably calculated to lead to the discovery of
2 admissible evidence.”⁹

3 This is a personal injury claim. Plaintiff must prove that Defendant was negligent; that
4 she sustained damages; and that the damages were caused by Defendant’s negligence. In order
5 to substantiate her damages claims, Plaintiff must provide evidence of the medical treatment she
6 underwent. Alternatively, Defendant is certainly entitled to defend himself against the liability
7 arguments; the causation of Plaintiff’s damages; the reasonableness and necessity of Plaintiff’s
8 treatment; and the usual and customary nature of the billing by Plaintiff’s treating physicians.
9 These are the “claims and defense” at issue in this case. And, these are the issues about which
10 Defendant can seek discovery.¹⁰

11 The claims and defenses in this case have nothing to do with whether or not Margie’s
12 treating physicians treated her on a lien so that financial obstacles did not stand in way of her
13 receiving treatment for her injuries. The claims and defense in this case have nothing to do with
14 whether or not Margie’s treating physicians decided (for unrelated business reasons) to sell their
15 outstanding receivables related to Margie’s treatment to an outside entity. The claims and
16 defenses in this case have nothing to do with whether a treating physician decided (for unrelated
17 business reasons) to accept as final payment less than was billed for service. These are
18 financial/business decisions that each treating physician is entitled to make for his/her own
19 business and they have **nothing** to do with Margie’s injuries, the medical treatment she
20 received, or the reasonable and customary charges for that treatment. These issues have nothing
21 to do with the claims and defense in this case and are not reasonably calculated to lead to the
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28 ⁹ NRCP 26(b)(1).

¹⁰ See id.

1 discovery of admissible evidence.

2 Defendant argues that "Plaintiff has placed her bodily injuries, including any prior or
3 subsequent injuries, medical treatment, and future prognoses at issue in this lawsuit."¹¹ Plaintiff
5 agrees. Tellingly, however, Defendant fails to offer any plausible explanation connecting the
6 Plaintiff's "bodily injuries" to the unrelated business decisions of her treating physicians. None
7 was offered because none exists.
8

9 **B. Information Regarding Liens is Inadmissible Under the Collateral Source Rule —**
10 **Thus, Discovery Regarding Liens is NOT Reasonably Calculated to Lead to the**
11 **Discovery of Admissible Evidence.**

12 Plaintiff acknowledges that the standard for "discoverability" is more lenient than the
13 standard for "admissibility." However, pursuant to NRCP 26, the requested evidence must be
14 (at a minimum) "reasonably calculated to lead to the discovery of admissible evidence." In this
15 case, there is no connection between the presence of liens and any evidence that will be
16 admissible at trial. The presence of a medical lien is irrelevant and excluded at trial under the
17 collateral source rule pursuant to Proctor.¹² Thus, there is absolutely no way that discovery
18 regarding this inadmissible information could lead to the discovery of admissible evidence.
19

20 The admissible evidence in this case is the amount *billed* by each of the treating
21 physicians. Defendant has that information. Evidence regarding how these amounts will be
22 paid fails to provide any additional insight into the amounts billed and the value of the medical
23 services provided.
24

25 ///
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27 ¹¹ Id. at 5:21-23.

28 ¹² 112 Nev. 88, 911 P.2d 853 (1996).

1 **1. Liens are Protected Under the Collateral Source Rule.**

2 According to the collateral source rule, the jury is precluded “from reducing Plaintiff’s
3 damages on the ground that he received compensation for his injuries from a source other than
4 the tortfeasor.”¹³ The purpose behind this well-settled rule is clear: if the jury believes that a
5 plaintiff’s medical bills were already paid or if the jury believes that a plaintiff’s medical bills
6 will be reduced or altogether forgiven, the jury is less likely to compensate the plaintiff for the
7 full value of these expenses.¹⁴

8 Plaintiff acknowledges that when treatment occurs under a lien, monetary compensation
9 is not being provided for Plaintiff’s benefit. However, a transfer of valuable services is being
10 conferred upon the Plaintiff. This transfer of services is a benefit being conferred upon the
11 Plaintiff from a source other than the tortfeasor and should be considered collateral source
12 compensation to Plaintiff. The collateral source rule does not apply solely to payments by
13 insurance companies — it applies to gifts by generous family members or any other source that
14 outside of the tortfeasor that benefits the plaintiff. This period of delay — where medical
15 treatment has been provided with no payment — should be considered a collateral benefit
16 conferred by the doctors for Plaintiff’s benefit.

17 Moreover, it is undisputed that evidence of health insurance is strictly precluded at
18 trial.¹⁵ If Defendant is permitted to discuss lien agreements during trial, the jury will clearly be
19 made aware that no health insurance exists or that health insurance did not cover all of Margie’s
20 medical treatment. This is no different than Defendant directly injecting collateral source

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27 ¹³ Proctor, 112 Nev. at 90 n.1, 911 P.2d at 854 n.1.

28 ¹⁴ See id.

¹⁵ See NRS § 48.135(1).

1 information into the trial through a backdoor method — thus, violating the collateral source
2 rule. Further, Defendant made clear his intention to accuse Margie’s treating physicians of bias
3 simply because of the presence of a lien. In order to counter the prejudice this type of
5 unfounded argument brings, Plaintiff must be permitted to discuss why a lien was used —
6 because health insurance did not cover all of her medical treatment. Clearly, this information
7 cannot be offered at trial. Thus, the existence of liens must be excluded under the collateral
8 source rule to prevent the (inevitable) reversible error that comes with allowing this type of
9 information at trial.
10
11

12 **C. Information Regarding Payments Accepted by Treating Physicians is Inadmissible**
13 **Under the Collateral Source Rule — Thus, Discovery Regarding this Information**
14 **is NOT Reasonably Calculated to Lead to the Discovery of Admissible Evidence.**

15 In addition to seeking information about the presence of liens, Defendant also requests
16 detailed information regarding “the amounts of payments accepted by the medical providers
17 and/or facilities” and the “amounts accepted by each medical provider and/or facility which sold
18 its liens to any other person or entity” for the treatment rendered in this case. If a treating
19 physician was already paid for services and/or sold his/her lien in this case, then Defendant’s
20 “bias” argument is destroyed. Thus, the intent of this discovery is to determine if physicians
21 took “write-downs” on the bills in this case. Again, however, evidence of write-downs is
22 inadmissible under the collateral source rule — thus, the requested information has no
23 reasonable connection to relevant admissible evidence in this case.
24

25 In Tri-County Equipment & Leasing, LLC v. Klinke, the Nevada Supreme Court
26 confirmed that the per se exclusion of collateral source evidence included exclusion of evidence
27
28

regarding contractual “write-offs” negotiated by third-parties.¹⁶ While the majority opinion in Tri-County Equipment did not specifically address payments made by third-parties, in the concurring opinion, Justice Gibbons provided insight into this area of the collateral source rule. Justice Gibbons indicated: **“I conclude that Nevada’s collateral source rule bars the admission of evidence showing medical provider discounts or ‘write downs.’”**¹⁷ He further noted:

The focal point of the collateral source rule is not whether an injured party has “incurred” certain medical expenses. Rather, it is whether a tort victim has received benefits from a collateral source that cannot be used to reduce the amount of damages owed by a tortfeasor.¹⁸

[The write-downs] constitute “compensation or indemnity received by a tort victim from a collateral source to the tortfeasor”¹⁹

As a result, evidence of write-downs creates the same risk of prejudice that the collateral source rule is meant to combat.²⁰

If any of Margie’s treating physicians accepted less than the amount billed as full payment for their services, such a scenario is no different than a provider accepting a “write-down” from an insurance company. It is a business decision by the provider. It has no impact on the “value” of the service or the damages incurred. “Write-off” amounts — regardless of who the write-off goes to — are an outside benefit to Plaintiff and are inadmissible at trial. Accordingly, discovery requests regarding amounts accepted by Margie’s

¹⁶ 128 Nev. Adv. Op. 33 at fn 6, 286 P.3d 593 (2012).

¹⁷ Id. at *4 (emphasis added).

Plaintiff acknowledges that this concurring opinion is not binding on the Court. However, it provides the only available insight into the Nevada Supreme Court’s position on this issue.

¹⁸ Id. at *5 (quoting Acuar v. Letourneau, 260 Va. 180, 531 S.E.2d 316, 322 (Va.2000)).

¹⁹ Id. (quoting Schickling v. Aspinall, 235 Va. 472, 369, S.E.2d 172, 174 (Va.1998)). (emphasis added).

1 treating physicians — and whether any of the liens have been sold — have no reasonable
2 connection to admissible evidence and are excluded by the collateral source rule.

3
4
5 1. **Plaintiff is Not In Possession of the Requested Financial Documents Related**
6 **to Her Providers.**

7 Defendant's Requests to Produce No. 17-19 ask for documents related to financial
8 transactions between Margie's treating physicians and outside third-parties. Even if this
9 information was discoverable — which Plaintiff argues it is not — Plaintiff is not in possession
10 of these business documents and does not reasonably have access to them, as they relate to the
11 provider's business dealings, not Margie's medical treatment. Furthermore, to require Margie
12 to obtain these documents would be a burdensome task. There are 18 treating
13 physicians/facilities. Requests No. 17-19 ask for "all documents" demonstrating amounts
14 accepted and the amounts paid by "any source." Thus, Defendant's Requests potentially
15 encompass cancelled checks, contracts, correspondence, insurance company
16 payments/explanation of benefits, and other financial/business documents exchanged between
17 outside companies. The effort to gather this information from outside entities over which
18 Plaintiff has no control would be an overwhelming and unnecessarily burdensome and
19 oppressive task for Plaintiff.
20
21

22 If the Court decides this information is somehow discoverable, in light of its
23 *inadmissibility*, Plaintiff should be excused from the burdensome task of gathering and
24 producing the requested documents.
25

26 **III. CONCLUSION**

27 Defendant's written discovery regarding liens and amounts accepted by Margie's
28

²⁰ *Id.* (citing *Acuar*, 531 S.E.2d at 322) (emphasis added).


1 providers is inappropriate and the information requested is not reasonably calculated to lead to
2 the discovery of admissible evidence. Defendant knows all of Margie's providers. Defendant
3 has all of the medical bills and records. The collateral information Defendant now seeks is
5 nothing more than a fishing expedition to conjure unfounded arguments of impropriety and bias
6 on behalf of the treating physicians in this case — and to distract from the real issues:
7 Defendant's negligence; Margie's injuries; and the medical treatment and bills incurred due to
8 Defendant's negligence.
9

10 Information regarding liens and payments accepted by doctors has nothing to do with
11 the claims or defenses in this case. If Defendant actually believed that it did, he certainly would
12 not have waited over six months to file the underlying Motion — and would not have waited
13 until the last day of discovery to compel the information.
14

15 Based on the foregoing, Plaintiff respectfully requests that this Court deny Defendant's
16 Motion to Compel Discovery Responses and Production of Documents Re: Plaintiff's Medical
17 Liens.
18

19 DATED this 19th day of November 2012.

20
21 RICHARD HARRIS LAW FIRM

22 By: 
23 RICHARD A. HARRIS, ESQ.
24 Nevada Bar No. 505
25 JOSHUA R. HARRIS, ESQ.
26 Nevada Bar No. 9580
27 ALISON M. BRASIER, ESQ.
28 Nevada Bar No. 10522
801 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 7th day of November, 2012, I caused the foregoing PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES AND PRODUCTION OF DOCUMENTS RE: PLAINTIFF'S MEDICAL LIENS to be served as follows:

- ☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ [] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ [] by hand delivery

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7425 Peak Drive
Las Vegas, Nevada 89128
Attorneys for Defendants

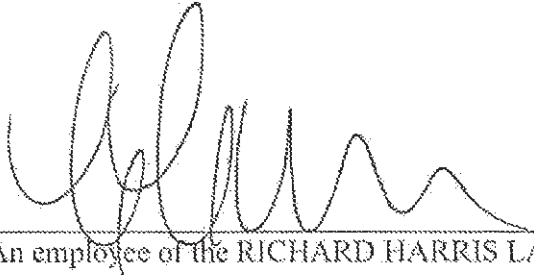

An employee of the RICHARD HARRIS LAW FIRM

EXHIBIT 1

JA 0077

1 **SUPP**

2 RICHARD A. HARRIS, ESQ.

3 Nevada Bar No. 505

4 ALISON M. BRASIER, ESQ.

5 Nevada Bar No. 10522

6 RICHARD HARRIS LAW FIRM

7 801 South Fourth Street

8 Las Vegas, Nevada 89101

9 Phone (702) 444-4444

10 Fax (702) 444-4455

11 Attorneys for Plaintiff

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MARGARET G. SEASTRAND,

15 Plaintiff,

16 vs.

17 RAYMOND RIAD KHOURY; DOES I-X, and
18 ROE CORPORATIONS I-X, inclusive,

19 Defendants.

CASE NO.: A-11-636515-C

DEPT. NO.: XXX

**PLAINTIFF'S SUPPLEMENT TO
INITIAL EARLY CASE
CONFERENCE LIST OF
WITNESSES AND DOCUMENTS**

20 Plaintiff, by and through her attorneys of record, the RICHARD HARRIS LAW FIRM,
21 hereby produces the following supplement to list of witnesses and documents pursuant to
22 N.R.C.P. Section 16.1.

23 **DOCUMENTS**

- 24
- 25 1. Las Vegas Metropolitan Police Department, State of Nevada Traffic
26 Accident Report.
 - 27 2. 6 color photographs depicting damages to Plaintiff's vehicle as a result of the
28 subject crash.
 3. Property damage estimate prepared by Classic Body & Pain Inc. B East.

- 1
- 2
- 3
4. Medical records and bills from Las Vegas Fire & Rescue.
5. Medical records and bills from Mountain View Hospital.
6. Medical records and bills from Radiology Specialist, Ltd.
7. Medical records and bills from Fremont Emergency Services.
8. Medical records and bills from Primary Care Consultants.
9. Medical records and bills from Neck & Back Clinic.
10. Medical records and bills from Nevada Imaging Company.
11. Medical records and bills from Marjorie E. Belsky, M.D.
12. Medical records and bills from Surgery Center of Southern Nevada.
13. Medical records and bills from Mario Tarquino, M.D.
14. Medical records and bills from William S. Muir, M.D.
15. Medical records and bills from Las Vegas Radiology/Sierra Meds Services.
16. Medical records and bills from Summerlin Hospital Medical Center.
17. Medical records and bills from Russell Shah, M.D.
18. Medical records and bills from Leo Langlois, M.D..
19. Medical records and bills from Nevada Spine Clinic.
20. Medical records and bills from St. Rose Dominican Hospital.
21. Medical records and bills from Eddy Luh, M.D.
22. All radiology films, floral images of selective nerve root blocks, x-rays, MRI, CT scans, videos, and diagnostic testing/documentation taken in connection with the care and treatment rendered to Plaintiff as a result of the subject incident.
23. Plaintiff expects to utilize any and all writings, published works, journals, treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs, and other data compilations, and other

1 medical reference materials which Plaintiff and/or Plaintiff's expert use in
2 support of Plaintiff's allegations.

3 24. Plaintiff may offer at trial certain exhibits for demonstrative purposes, including
4 but not limited to the following:

- 5 a. Video, storyboards, and/or power point images, blow ups and/or
6 transparencies of exhibits;
- 7 b. Diagrams and/or models of the human body, specifically related
8 to Plaintiff's injuries;
- 9 c. Samples of hardware used for and during surgery;
- 10 d. Photographs and videos of surgical procedures and other
11 diagnostic tests;
- 12 e. Actual diagnostic studies;
- 13 f. Samples of tools used in surgical procedures;
- 14 g. Diagrams, drawings, pictures, photos, film, video, DVD and
15 CD ROM of various parts of the human body, diagnostic tests and
16 surgical procedures; and,
- 17 h. Power point images, drawings, diagrams, animations, storyboards,
18 of the vehicles involved, the parties involved, the location of the
19 motor vehicle accident, and/or re-enactments of the motor vehicle
20 accident at issue.

21 WITNESSES

- 22 1. Margaret Seastrand
23 c/o Richard Harris Law Firm
24 801 S. Fourth Street
25 Las Vegas, NV 89101

26 Plaintiff is expected to testify regarding the facts and circumstances surrounding the
27 incident at issue herein.

- 28 2. Raymond Khoury
c/o Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7455 West Washington Avenue, Suite 460
Las Vegas, NV 89128

Defendant is expected to testify regarding the facts and circumstances surrounding the
incident at issue herein.

3. Investigating Officer, T. Conn (I.D. No. 8101)
Investigating Officer, John Hines (I.D. No. 4350)
Las Vegas Metropolitan Police Department

1 400 E. Stewart
2 Las Vegas, Nevada 89101

3 Officer T. Conn and/or Officer John Hines are expected to testify regarding his/her
4 investigation of the subject crash, and their report regarding same.

- 5
6 4. Gary Forsberg and/or
7 Person(s) Most Knowledgeable
8 c/o Classic Body & Pain Inc.
9 2540 North Nellis Blvd.
10 Las Vegas, Nevada 89156

11 Gary Forsberg and/or PMK are expected to testify regarding his/her evaluation of
12 damages to the vehicles involved in the subject crash, and their report regarding same.

- 13
14 5. Jerry and Karly Busby
15 6445 Spanish Garden Court
16 Las Vegas, Nevada 89110

17 This witness is expected to testify regarding his/her knowledge of the facts and
18 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
19 quality of life.

- 20
21 6. Cari Jepson
22 523 Moon Chase Street
23 Las Vegas, Nevada

24 This witness is expected to testify regarding his/her knowledge of the facts and
25 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
26 quality of life.

- 27
28 7. Sharla Isle
1663 English Road Drive
Las Vegas, Nevada 89142

This witness is expected to testify regarding his/her knowledge of the facts and
circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
quality of life.

8. Larry and Jackie Snowden
518 Benedict Drive
Las Vegas, Nevada 89110

1 These witness is expected to testify regarding his/her knowledge of the facts and
2 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
3 quality of life.

4 9. Chalice Lundquist
5 4924 Vega Lane
6 Las Vegas, Nevada 89130

7 This witness is expected to testify regarding his/her knowledge of the facts and
8 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
9 quality of life.

10 10. Doug Seastrand
11 6440 Spanish Garden Court
12 Las Vegas, Nevada 89110

13 This witness is expected to testify regarding his/her knowledge of the facts and
14 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
15 quality of life.

16 11. Beth Seastrand
17 6441 Spanish Garden Court
18 Las Vegas, Nevada 89110

19 This witness is expected to testify regarding his/her knowledge of the facts and
20 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
21 quality of life.

22 12. Shirley Seastrand
23 6450 Spanish Garden Court
24 Las Vegas, Nevada 89110

25 This witness is expected to testify regarding his/her knowledge of the facts and
26 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
27 quality of life.

28 13. Scott Seastrand
 6465 Spanish Garden Court
 Las Vegas, Nevada 89110

 This witness is expected to testify regarding his/her knowledge of the facts and
 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
 quality of life.

1 Plaintiff hereby reserves the right to call any and all witnesses identified by Defendant
2 or any other parties to this action at the time of trial of this matter.

3 Plaintiff further reserves the right to supplement and/or amend the above listed
5 witnesses, as discovery is continuing.
6

7 **MARGARET SEASTRAND'S HEALTHCARE PROVIDERS**

- 8 14. Paramedic and/or Person(s) Most Knowledgeable
9 City of Las Vegas C EMS
10 400 East Stewart Avenue
Las Vegas, NV 89101
- 11 15. Mark Ferdowsian, D.O.; Linda Sarson, R.N.
12 David P. Gorczya, M.D. / Lindsey C. Blake, M.D.
13 Mountainview Hospital
3100 North Tenaya Way
14 Las Vegas, Nevada 89128
- 15 16. David P. Gorczya, M.D. / Lindsey C. Blake, M.D.
16 Radiology Specialists, Ltd.
P.O. Box 50709
17 Henderson, Nevada 89016
- 18 17. Dr. Mark Ferdowsian, D.O.
And/or Person(s) Most Knowledgeable
19 Fremont Emergency Services
P.O. Box 1569
20 Las Vegas, NV 89125
- 21 18. Timothy Knauff, PA-C
22 and/or Person(s) Most Knowledgeable
23 Primary Care Consultants
9975 South Eastern Avenue, Suite 110B
24 Las Vegas, NV 89183
- 25 19. Matthew C. Olmstead, D.C. / Dr. Benjamine S. Lurie and/or
26 Person(s) Most Knowledgeable
27 Neck & Back Clinic
2425 North Lamb Blvd., Suite 100
28 Las Vegas, NV 89115
20. William Orrison, M.D. 6

- 1 And/or Person(s) Most Knowledgeable
2 Nevada Imaging
3 5495 South Rainbow Blvd., Suite 101
4 Las Vegas, Nevada 89118
- 5 21. Majorie Belsky, M.D.
6 Mario F. Tarquino, M.D.
7 And/or Person(s) Most Knowledgeable
8 3111 South Maryland Parkway, Suite 200
9 Las Vegas, NV 89109
- 10 22. Marjorie Belsky, M.D. / Mario F. Tarquino, M.D.
11 And/or Person(s) Most Knowledgeable
12 Surgery Center of Southern Nevada
13 2250 Flamingo, Suite 100
14 Las Vegas, Nevada 89119
- 15 23. Mario Tarquino, M.D. (Anesthesia)
16 And/or Person(s) Most Knowledgeable
17 3111 South Maryland Parkway, Suite 200
18 Las Vegas, Nevada 89109
- 19 24. William S. Muir, MD
20 And/or Person(s) Most Knowledgeable
21 653 N. Town Center Drive #210
22 Las Vegas, NV 89144
- 23 25. Sonny Patidar, M.D.
24 And/or Person(s) Most Knowledgeable
25 Las Vegas Radiology
26 7500 Smoke Ranch Road, Suite 100
27 Las Vegas, Nevada 89128
- 28 26. Treating Physicians
And/or Person(s) Most Knowledgeable
Summerlin Medical Center
657 Town Center Drive
Las Vegas, Nevada
- 27 27. Russell J. Shah, M.D.
10624 South Eastern Avenue, Suite A425
Henderson, Nevada 89052
- 28 28. Leo P. Langlois, M.D. 7

1 And/or Person(s) Most Knowledgeable
2 Kern Island Pain Medicine
3 2920 H Street
4 Bakersfield, CA 93301

5 29. Yevgeniy A. Khavkin, M.D.
6 Jaswinder S. Grover, M.D.
7 And/or Person(s) Most Knowledgeable
8 Nevada Spine Clinic
9 7140 Smoke Ranch Road, Suite 150
10 Las Vegas, NV 89128

11 30. Yevgeniy Khavkin, M.D.; Eddy Luh, M.D.
12 Jaswinder Grover, M.D.; Mario Fojtik, NCST
13 Dr. Matthew Treinen (Radiologist)
14 And/or Person(s) Most Knowledgeable
15 St. Rose Dominican Hospital
16 8280 W. Warm Springs
17 Las Vegas, NV 89113

18 31. Custodian of Records
19 ALL ABOVE FACILITIES

20 These individuals will testify as to the completeness and accuracy of records, and the
21 medical records and bills generated in the normal course of business.

22 The above medical providers are expected to testify to Plaintiff's injuries, diagnosis,
23 treatment and prognosis, as well as the authenticity of their medical records and bills.

24 Plaintiffs treating physicians are expected to offer testimony regarding the Plaintiffs
25 diagnosis, treatment and prognosis for any and all services rendered as a result of the injuries
26 sustained in the accident. Plaintiffs treating physicians will not prepare expert reports, but will
27 rely upon medical records generated as a result of the treatment for Plaintiffs injuries. The
28 doctor will opine, to a reasonable degree of medic probability, that the medical treatment was
reasonable and necessary.

Plaintiff hereby reserves the right to call any and all medical providers identified by Defendant or any other parties to this action at the time of trial of this matter.

Plaintiff further reserves the right to supplement and/or amend the above listed medical providers, as discovery is continuing.

COMPUTATION OF DAMAGES PURSUANT TO NRCP 16.1(a)(1)(C)

PROVIDER	DATE OF SERVICE	AMOUNT INCURRED
Las Vegas Fire & Rescue	03/13/09	\$ 772.00
Mountain View Hospital	03/13/09	\$ 4,468.45
Radiology Specialist, Ltd.	03/13/09	\$ 215.00
Fremont Emergency Services	03/13/09	\$ 275.00
Primary Care Consultants	03/30/09	\$ 300.00
Neck & Back Clinic	03/20/09 - 07/22/09	\$ 3,500.00
Nevada Imaging Company	04/03/09	\$ 2,743.00
Marjorie E. Belsky, M.D.	05/05/09 - 12/15/09	\$ 22,310.00
Mario Tarquino, M.D.	05/20/09 - 12/09/09	\$ 52,923.07
Surgery Center of Southern NV	09/16/09 - 12/09/09	\$ 3,600.00
William S. Muir, M.D.	08/24/09 - 01/25/09	\$ 49,714.00
Sierra Meds Services	10/13/09	\$ 1,650.00
Summerlin Hospital	01/22/10 - 01/27/10	\$ 58,495.00
Russell Shah, M.D.	12/10/09 - 01/07/10	\$ 7,995.00
Leo Langlois, M.D.	04/02/10 - 04/14/10	\$ 1,391.00
Nevada Spine Clinic	04/29/10 - 12/14/10	\$ 38,367.50
St. Rose Dominican Hospital	05/12/10 - 05/16/10	\$ 168,074.00
Eddy Luh, M.D.	05/17/10 - 06/08/10	\$ 7,790.00
TOTAL		*\$ 424,583.02

*This total amount does not include Plaintiff's lost wages, future and/or residual damages, and medical bills not yet received. However, as previously stated above, Plaintiff reserves the right to supplement and/or amend this Computation of Damages as discovery is continuing.

**LOSS OF EARNINGS /
LOSS OF EARNING CAPACITY**

TBA

1 FUTURE MEDICAL EXPENSES

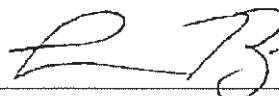
TBA

2 PAIN AND SUFFERING

3 Plaintiff will make a claim for general pain and suffering, in an amount to be determined
4
5 at trial.

6
7 DATED this 3rd day of May, 2012.

8 RICHARD HARRIS LAW FIRM

9
10 By:  11451
11 RICHARD A. HARRIS, ESQ.
12 Nevada Bar No. 505
13 ALISON M. BRASIER, ESQ.
14 Nevada Bar No. 10522
15 801 South Fourth Street
16 Las Vegas, Nevada 89101
17 Phone (702) 444-4444
18 Fax (702) 444-4455
19 Attorneys for Plaintiff
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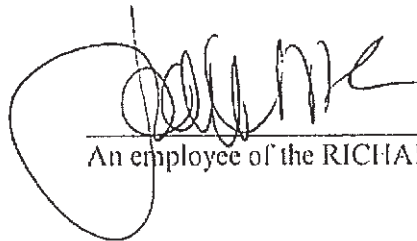
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 3 day of May, 2012, I caused the foregoing PLAINTIFF'S SUPPLEMENT TO INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS to be served as follows:

- ☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ by hand delivery

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendants



An employee of the RICHARD HARRIS LAW FIRM

EXHIBIT 2

JA 0089

1 STEVEN T. JAFFE
sjaaffe@lawhjc.com
2 Nevada Bar No. 007035
JACOB S. SMITH
3 jsmith@lawhjc.com
Nevada Bar No. 010231

4 HALL JAFFE & CLAYTON, LLP
5 7455 WEST WASHINGTON AVENUE, SUITE 460
LAS VEGAS, NEVADA 89128
6 (702) 316-4111
7 FAX (702) 316-4114

8 Attorneys for Defendant
Raymond R. Khoury

9
10 DISTRICT COURT
CLARK COUNTY, NEVADA

11 MARGARET G. SEASTRAND,
12
13 Plaintiff,

14 vs.

15 RAYMOND RIAD KHOURY; DOES 1
through 10; and ROE ENTITIES 11 through
16 20, inclusive,

17 Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

**DEFENDANT'S SECOND REQUESTS FOR
PRODUCTION TO PLAINTIFF MARGARET
SEASTRAND**

18 TO: MARGARET G. SEASTRAND, Plaintiff herein; and

19 TO: Richard A. Harris, Esq., of the RICHARD HARRIS LAW FIRM, Plaintiff's attorney:

20 Defendant requests that Plaintiff MARGARET G. SEASTRAND respond to these
21 Requests for Production of Documents set out below in accordance with the provisions of Rule 34 of the
22 Nevada Rules of Civil Procedure, fully and separately under oath, signed by the person or persons
23 making such Responses, and that a copy of such Responses be served upon the Defendant herein within
24 thirty (30) days after the service of the Requests for Production of Documents, unless the Court, by
25 Order, enlarges or shortens the time.

26 **REQUEST TO PRODUCE NO. 16:** All executed liens with each and every medical
27 provider and facility.

28 **REQUEST TO PRODUCE NO. 17:** All documents demonstrating the amounts paid by

1 any source to the medical providers and / or facilities for the treatment rendered in this matter.

2 REQUEST TO PRODUCE NO. 18: All documents demonstrating the amounts of
3 payments accepted by the medical providers and / or facilities for the treatment rendered in this matter.

4 REQUEST TO PRODUCE NO. 19: All documents demonstrating the amounts
5 accepted by each medical provider and / or facility which sold its liens to any other person or entity for
6 the treatment rendered in this case.

7 *These Requests For Production shall be deemed continuing so as to require reasonable*
8 *supplemental Answers if the Plaintiff or his Attorney obtains further information between the time*
9 *his Answers are served and the time of trial.*

10 DATED: March 21, 2012

11 HALL JAFFE & CLAYTON, LLP

12 By 

13 STEVEN T. JAFFE
14 Nevada Bar No. 007035
15 JACOB S. SMITH
16 Nevada Bar No. 010231
17 7455 West Washington Avenue, Suite 460
18 Las Vegas, Nevada 89128
19 Attorneys for Defendant
20 Raymond R. Khoury
21
22
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28

1
2
3 CERTIFICATE OF SERVICE

4 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing DEFENDANT'S
5 SECOND REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND was
6 made on March 21, 2012, by depositing a true and correct copy of the same by U.S. Mail in Las Vegas,
7 Nevada, addressed, stamped, and mailed to the following:

8 Richard A. Harris, Esq.
9 RICHARD HARRIS LAW FIRM
10 801 S. Fourth Street
11 Las Vegas, Nevada 89101
12 *Attorneys for Plaintiff*

13 
14 An Employee of
15 HALL JAFFE & CLAYTON, LLP
16
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28

EXHIBIT 3

JA 0093

1 STEVEN T. JAFFE
2 sjaffe@lawhjc.com
Nevada Bar No. 007035
3 JACOB S. SMITH
4 jsmith@lawhjc.com
Nevada Bar No. 010231

5 HALL JAFFE & CLAYTON, LLP
7455 WEST WASHINGTON AVENUE, SUITE 460
6 LAS VEGAS, NEVADA 89128
(702) 316-4111
7 FAX (702) 316-4114

8 Attorneys for Defendant
Raymond R. Khoury

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 MARGARET G. SEASTRAND,
13 Plaintiff,

CASE NO. A-11-636515-C
DEPT NO. XXX

14 vs.

15 RAYMOND RIAD KHOURY; DOES 1
16 through 10; and ROE ENTITIES 11 through
20, inclusive,

17 Defendants.

18
19 DEFENDANT RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO
20 PLAINTIFF MARGARET SEASTRAND

21 TO: MARGARET G. SEASTRAND, Plaintiff; and

22 TO: RICHARD HARRIS, ESQ. Of the RICHARD HARRISS LAW FIRM, Plaintiff's attorney;

23 Defendant requests that Plaintiff MARGARET SEASTRAND answer these

24 Interrogatories set out below in accordance with the provisions of Rule 33 of the Nevada Rules of Civil
25 Procedure, fully and separately under oath, signed by the person or persons making such Answers, and
26 that a copy of such Answers be served upon the Defendant herein within thirty (30) days after the service
27 of the Interrogatories, unless the Court, by Order, enlarges or shortens the time.

28 In answering these Interrogatories, furnish such information as is available to you, not
merely such information as is of your own knowledge. This means you are to furnish information which

1 is known by or in the possession of your attorney or any agents for you or your attorney.

2 INTERROGATORY NO. 32:

3 Set forth the amounts paid by any source which each and every medical provider or
4 facility accepted as payment for the services which they rendered.

5 *These Interrogatories shall be deemed continuing so as to require reasonable*
6 *supplemental Answers if the Plaintiff or his Attorney obtains further information between the time*
7 *his Answers are served and the time of trial.*

8 DATED this 21st day of March, 2012.

9 HALL JAFFE & CLAYTON, LLP

10 By 

11 STEVEN T. JAFFE

12 Nevada Bar No. 007035

13 JACOB S. SMITH

14 Nevada Bar No. 010231

15 7455 West Washington Avenue, Suite 460

16 Las Vegas, Nevada 89128

17 Attorneys for Defendant

18 Raymond R. Khoury

1 CERTIFICATE OF SERVICE

2 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing DEFENDANT
3 RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO PLAINTIFF
4 MARGARET SEASTRAND was made on 21st day of March, 2012, by depositing a true and correct
5 copy of the same by U.S. Mail in Las Vegas, Nevada, addressed, stamped, and mailed to the following:

6
7 Richard A. Harris, Esq.
8 RICHARD HARRIS LAW FIRM
9 801 S. Fourth Street
10 Las Vegas, Nevada 89101
11 *Attorneys for Plaintiff*

12 
13 An Employee of
14 HALL JAFFE & CLAYTON, LLP
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 4

JA 0097

1 **RESP**
2 RICHARD A. HARRIS, ESQ.
Nevada Bar No. 505
3 JOSHUA R. HARRIS, ESQ.
Nevada Bar No. 9580
5 ALISON M. BRASIER, ESQ.
Nevada Bar No. 10522
6 **RICHARD HARRIS LAW FIRM**
7 801 South Fourth Street
Las Vegas, Nevada 89101
8 Phone (702) 444-4444
9 Fax (702) 444-4455
Attorneys for Plaintiff

10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 MARGARET G. SEASTRAND,) Case No. : A-11-636515-C
14) Dept. No.: XXX
15 Plaintiff,)
16 vs.)
17 RAYMOND RIAD KHOURY; DOES)
18 I through 10, and ROE ENTITIES 11)
through 20, inclusive,)
19 Defendants.)
20)

21
22 **PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND**
23 **REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND**

24 TO: Defendant RAYMOND RIAD KHOURY; and

25 TO: Jacob S. Smith, Esq. of HALL JAFFE & CLAYTON, LLP, his counsel of record.

26 COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel of
27 record, Richard A. Harris, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS
28 LAW FIRM, pursuant to Rule 34 of the Nevada Rules of Civil Procedure, and hereby provides
the following Responses to Defendant's Second Requests for Production to Plaintiff:

REQUEST TO PRODUCE NO. 16:

RESPOND TO REQUEST TO PRODUCE NO. 16:

REQUEST TO PRODUCE NO. 17:

RESPOND TO REQUEST TO PRODUCE NO. 17:

JA 0099

1 REQUEST TO PRODUCE NO. 18:

2 All documents demonstrating the amounts of payments accepted by the medical
3 providers and/or facilities for the treatment rendered in this matter.

4 RESPOND TO REQUEST TO PRODUCE NO. 18:

5 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts
6 of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the
7 question is not relevant to the subject matter of this litigation, and not calculated to
8 lead to the discovery of admissible evidence; it is also burdensome, oppressive and
9 harassing to Plaintiff.
10
11

12 REQUEST TO PRODUCE NO. 19:

13 All documents demonstrating the amounts accepted by each medical provider and/or
14 facility which sold its liens to any other person or entity for the treatment rendered in this case.

15 RESPOND TO REQUEST TO PRODUCE NO. 19:

16 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts
17 of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the
18 question is not relevant to the subject matter of this litigation, and not calculated to
19 lead to the discovery of admissible evidence; it is also burdensome, oppressive and
20 harassing to Plaintiff.
21

22 DATED this 23rd day of April, 2012.
23

24 RICHARD HARRIS LAW FIRM

25 *RH* 11451

26 JOSHUA R. HARRIS, ESQ.

27 Nevada Bar No. 9580

28 ALISON M. BRASIER, ESQ.

Nevada Bar No. 10522

801 South Fourth Street

Las Vegas, Nevada 89101

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 03 day of April, 2012, I caused the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND to be served as follows:

- ☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ [] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ [] by receipt of copy

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendant


An employee of the RICHARD HARRIS LAW FIRM

RICHARD HARRIS
LAW FIRM

EXHIBIT 5

JA 0102

1 **RESP**
2 RICHARD A. HARRIS, ESQ.
3 Nevada Bar No. 505
4 JOSHUA R. HARRIS, ESQ.
5 Nevada Bar No. 9580
6 ALISON M. BRASIER, ESQ.
7 Nevada Bar No. 10522
8 **RICHARD HARRIS LAW FIRM**
9 801 South Fourth Street
10 Las Vegas, Nevada 89101
11 Phone (702) 444-4444
12 Fax (702) 444-4455
13 *Attorneys for Plaintiff*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 MARGARET G. SEASTRAND,)	Case No. :	A-11-636515-C
)	Dept. No.:	XXX
14 Plaintiff,)		
)		
15 vs.)		
)		
16)		
17 RAYMOND RIAD KHOURY; DOES)		
18 I through 10, and ROE ENTITIES 11)		
19 through 20, inclusive,)		
)		
20 Defendants.)		

21
22 **PLAINTIFF'S RESPONSE TO DEFENDANT RAYMOND KHOURY'S**
23 **SECOND SET OF INTERROGATORIES TO PLAINTIFF MARGARET SEASTRAND**

24 TO: Defendant RAYMOND RIAD KHOURY; and

25 TO: Jacob S. Smith, Esq. of HALL JAFFE & CLAYTON, LLP, his counsel of record.

26 COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel of
27 record, Richard A. Harris, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS
28

1 LAW FIRM, pursuant to Rule 33 of the Nevada Rules of Civil Procedure, and hereby provides
2 the following Responses to Defendant's Second Set of Interrogatories to Plaintiff:
3

4
5 PRELIMINARY STATEMENT

6 Plaintiff, MARGARET G. SEASTRAND has not yet completed her discovery and
7 investigation for the preparation of this case for trial. Accordingly, the answers set forth herein
8 are provided without prejudice to the responding party's right to produce any subsequent
9 discovered facts or interpretations thereof and/or to add, modify or otherwise change or amend
10 the answers herein. The information hereinafter set forth is true and correct to the best of the
11 responding party's knowledge at this particular time, but it is subject to correction for
12 inadvertent errors or omission, if any such error or omissions are found to exist
13
14

15 INTERROGATORY NO. 32:

16 Set forth the amounts paid by any source which each and every medical provider or
17 facility accepted as payment for the services which they rendered.

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1 RESPOND TO INTERROGATORY NO. 32:

2 Plaintiff objects to this interrogatory it seeks to ascertain if some parts of
3 Plaintiff's expenses (medical bills) were paid by collateral source. As such, the
4 question is not relevant to the subject matter of this litigation, and not calculated to
5 lead to the discovery of admissible evidence; it is also burdensome, oppressive
6 and harassing to Plaintiff.
7

8
9 DATED this 23rd day of April, 2012.

10 RICHARD HARRIS LAW FIRM

11  11451
12 _____
13 RICHARD A. HARRIS, ESQ.
14 Nevada Bar No. 505
15 JOSHUA R. HARRIS, ESQ.
16 Nevada Bar No. 9580
17 ALISON M. BRASIER, ESQ.
18 Nevada Bar No. 10522
19 801 South Fourth Street
20 Las Vegas, Nevada 89101
21 *Attorneys for Plaintiff*
22
23
24
25
26
27
28

RICHARD HARRIS
LAW FIRM

☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

[] by receipt of copy

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendant

An employee of the RICHARD HARRIS LAW FIRM



CLERK OF THE COURT

1 **MOT**

STEVEN T. JAFFE

2 sjaffe@lawhjc.com

Nevada Bar No. 007035

3 JACOB S. SMITH

jsmith@lawhjc.com

4 Nevada Bar No. 010231

JACOB B. LEE

5 jlee@lawhjc.com

Nevada Bar No. 012428

6 **HALL JAFFE & CLAYTON, LLP**

7 7425 PEAK DRIVE

8 LAS VEGAS, NEVADA 89128

(702) 316-4111

9 FAX (702) 316-4114

10 *Attorneys for Defendant*

Raymond R. Khoury

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 MARGARET G. SEASTRAND,

14 Plaintiff,

15 vs.

16 RAYMOND RIAD KHOURY; DOES 1
17 through 10; and ROE ENTITIES 11 through
18 20, inclusive,

19 Defendants.

CASE NO. A-11-636515-C

DEPT NO. XXX

20 **DEFENDANT'S MOTION TO COMPEL**
21 **DISCOVERY RESPONSES AND**
22 **PRODUCTION OF DOCUMENTS RE:**
23 **PLAINTIFF'S MEDICAL LIENS**

24 **[BEFORE THE DISCOVERY COMMISSIONER]**

Hearing Date:

Hearing Time:

25 **Date of Hearing:** _____

26 **Time of Hearing:** _____

27 Defendant, Raymond Khoury ("Khoury"), by and through his attorneys of record, Hall Jaffe &
28 Clayton, LLP, hereby submits his Motion to Compel Discovery Responses and Production of Documents
With this Motion, Khoury seeks this Court's order granting the following relief:

1. For an order compelling the immediate provision of an answer to Interrogatory No. 32;
2. For an order compelling the immediate provision of documents in response to Defendant's Requests for Production Nos. 16 through 19;
3. For a reasonable award of attorney fees for the necessity of having to bring these matters before the Court and for attendance at the hearing pursuant to NRCP 37 and EDCR 7.60; and
4. For such other and further relief as this Court deems just and equitable in the premises.

This motion is made and based upon the papers and pleadings on file herein, the points and authorities attached hereto, the affidavit of Jacob S. Smith, Esq., any oral argument the Court may see fit to allow at the time of the hearing and the entire record in this matter.

DATED this 1 day of November, 2012.

HALL JAFFE & CLAYTON, LLP

By


STEVEN T. JAFFE
Nevada Bar No. 007035
JACOB S. SMITH
Nevada Bar No. 010231
JACOB B. LEE
Nevada Bar No. 012428
7425 Peak Drive
Las Vegas, Nevada 89128
*Attorneys for Defendant
Raymond R. Khoury*

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1 **NOTICE OF MOTION**

2 TO: MARGARET G. SEASTRAND, Plaintiff; and

3 TO: RICHARD A. HARRIS, ESQ., her attorney of record.

4 YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring
5 the foregoing **DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES AND**
6 **PRODUCTION OF DOCUMENTS RE: PLAINTIFF'S MEDICAL LIENS** on for hearing before
7 the DISCOVERY COMMISSIONER over the above-entitled Court on the 5th day of DEC, 2012,
8 at the hour of 9:00 AM, or as soon thereafter as counsel may be heard.

9 DATED this 1 day of November, 2012.

10 HALL JAFFE & CLAYTON, LLP

11 By 

12 STEVEN T. JAFFE
13 Nevada Bar No. 007035
14 JACOB S. SMITH
15 Nevada Bar No. 010231
16 JACOB B. LEE
17 Nevada Bar No. 012428
7425 Peak Drive
Las Vegas, Nevada 89128
Attorneys for Defendant
Raymond R. Khoury

18 **AFFIDAVIT OF JACOB S. SMITH IN SUPPORT OF MOTION TO COMPEL**

19 STATE OF NEVADA)
20) ss:
21 COUNTY OF CLARK)

22 JACOB S. SMITH, being first duly sworn, deposes and says:

- 23 1. I am a licensed attorney and am admitted to practice law in all courts in the State of
24 Nevada.
- 25 2. I make this affidavit in support of Defendant's Motion to Compel.
- 26 3. I have personal knowledge of the matters stated in this affidavit and could testify as a
27 competent witness, if called upon to do so.
- 28 4. On March 21, 2012, I served interrogatories and requests for production on Plaintiff.
Plaintiff responded to those discovery requests on April 23, 2012.

1 5. I considered Plaintiff's responses to Interrogatory No. 32 and Requests for Production
2 Nos. 16 through 19 to be insufficient and stated such in a phone conversation with Plaintiff's counsel,
3 Alison Brasier, Esq., on or about April 27, 2012. She agreed to look into the matter and get back with
4 me.

5 6. On June 8, 2012, I sent a letter to Plaintiff's counsel requesting supplemental responses
6 and setting forth the legal basis for these requests. *See* June 8, 2012 letter, attached hereto as **Exhibit**
7 **"A"**.

8 7. With the issue still unresolved, I again called Plaintiff's counsel on October 29, 2012 to
9 request supplemental responses to the above-listed discovery. Counsel against stated that she would
10 further look into the matter and get back with me.

11 8. On October 30, 2012, Plaintiff's counsel and I appeared at the deposition of a potential
12 witness in this matter. After the deposition concluded, we discussed this unresolved discovery issue. I
13 reiterated that the responses were insufficient, and Plaintiff's counsel maintained that the responses
14 sufficiently responded to the interrogatories and requests for production and did not require
15 supplementation. The parties agreed that this meeting would serve as our 2.34 meet and confer regarding
16 this issue.

17 9. Despite having conducted two separate EDCR 2.34 conferences, the parties have been
18 unable to resolve these issues and will require the Court's assistance in resolving these pending
19 discovery disputes.

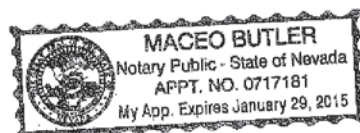
20 10. I submit this Affidavit in compliance with EDCR 2.34 to demonstrate my compliance
21 with the rule and to illustrate the efforts that were undertaken to try to resolve these issues without the
22 need to involve the Court.

23 FURTHER, YOUR AFFIANT SAYETH NAUGHT.

24
25 
JACOB S. SMITH, ESQ.

26 SUBSCRIBED and SWORN to before
27 me on this 1st day of November, 2012.

28 
NOTARY PUBLIC



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3 This case arises out of a motor vehicle accident that occurred on March 13, 2009, in Las Vegas,
4 Nevada. Plaintiff alleges that, on that date, Mr. Khoury negligently operated a motor vehicle in a
5 manner that caused a collision with Plaintiff's vehicle. Plaintiff further alleges that she has suffered
6 serious and disabling injuries as a result of the collision. Plaintiff has undergone extensive medical
7 treatment to the tune of over \$420,000.00.

8 Following the subject incident, Plaintiff filed this lawsuit against Khoury, alleging negligence
9 and other causes of action. In doing so, Plaintiff has made an issue of her alleged bodily injuries and
10 symptoms, therefore, her records and billing statements which pertain to any prior injury, subsequent
11 injury, and future prognosis are at issue in the case and should be discoverable. Khoury requests that the
12 Court enter an Order compelling Plaintiff to respond to the interrogatories and requests for production of
13 documents seeking information about her medical liens and payment for her treatments. Pursuant to
14 Nev. R. Civ. P. 37 and Local Rule 7.60, Khoury further asks this Court for a reasonable award of
15 attorney fees, costs, and expenses necessitated by the filing of this motion, attendance at the hearing, and
16 preparation of the Report and Recommendations, and any further relief that this Court deems just and
17 equitable.

18 **II. RELEVANT FACTUAL BACKGROUND**

19 Plaintiff brought claims for bodily injuries alleged to have resulted from a rear-end accident
20 which took place at the intersection of Craig and Rancho on or about March 13, 2009. According to
21 Plaintiff, she injured her head, neck and back as a result of the incident. Thus, Plaintiff has placed her
22 bodily injuries, including any prior or subsequent injuries, medical treatment, and future prognoses at
23 issue in this lawsuit.

24 Defendant served his second set of written discovery requests on Plaintiff on or about March 21,
25 2012. These included interrogatories and requests for production of documents pertaining to medical
26 liens and the amounts of payment accepted by Plaintiff's medical providers. *See* Defendant's Second
27 Requests for Production and Second Set of Interrogatories, attached hereto as **Exhibits "B" and "C"**,
28 respectively. Specifically, the written discovery requested the following:

1 **REQUEST TO PRODUCE NO. 16:**

2 All executed liens with each and every medical provider and facility.

3 **REQUEST TO PRODUCE NO. 17:**

4 All documents demonstrating the amounts paid by any source to the medical
5 providers and / or facilities for the treatment rendered in this matter.

6 **REQUEST TO PRODUCE NO. 18:**

7 All documents demonstrating the amounts of payments accepted by the medical
8 providers and / or facilities for the treatment rendered in this matter.

9 **REQUEST TO PRODUCE NO. 19:**

10 All documents demonstrating the amounts accepted by each medical provider and
11 / or facility which sold its liens to any other person or entity for the treatment
12 rendered in this case.

13 [. . .]

14 **INTERROGATORY NO. 32:**

15 Set forth the amounts paid by any source which each and every medical provider
16 or facility accepted as payment for the services which they rendered.

17 See **Exhibits "B" and "C"**, attached hereto. On April 23, 2012, Plaintiff served her responses to these
18 written discovery requests. Her response to each of these requests was identical:

19 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts of
20 Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the
21 question is not relevant to the subject matter of this litigation, and not calculated
22 to lead to the discovery of admissible evidence; it is also burdensome, oppressive,
23 and harassing to Plaintiff.

24 See Plaintiff's Responses to Defendant's Second Requests for Production of Documents and Plaintiff's
25 Responses to Second Set of Interrogatories, attached hereto as **Exhibits "D" and "E"**, respectively. The
26 undersigned counsel deemed these responses insufficient and stated such in a letter to Plaintiff's counsel
27 dated June 8, 2012. See **Exhibit "A"**. After various "meet and confer" conversations via telephone and
28 in person, the parties are unable to reach an agreement as to the relevance and/or discoverability of the
 requested information.

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///

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1 **III. LEGAL ARGUMENT**

2 **A. Plaintiff Must be Required to Provide Valid Responses to Interrogatory No. 32 and**
3 **Valid Responses to Requests for Production Nos. 16, 17, 18, and 19.**

4 NRCP 33 provides that a party may serve interrogatories on any other party and the same are to
5 be answered by the party served. NRCP 33(a). Interrogatories are to be answered separately and fully in
6 writing under oath. NRCP 33(b)(1). NRCP 37(a) provides that, after reasonable notice, a party may
7 move for an order compelling discovery, including sanctions in the form of attorney fees. NRCP
8 37(a)(4). Prior to filing such motion, however, a moving party must affirm that attempts were made, via
9 personal conference or otherwise, to resolve the matter without the need for Court involvement; NRCP
10 37(a)(2)(A) and EDCR 2.34(d). The failure of a party to serve answers to Interrogatories or respond to
11 Requests for Production of Documents and things may result in the imposition of sanctions that include,
12 but are not limited to, an order designating specific facts to be established for purposes of the case, an
13 order precluding the non-responsive party from introducing specific facts in evidence and an order
14 striking pleadings or portions of pleadings, dismissing the action or entering judgment by default against
15 the non-responsive party. NRCP 37(b)(2)(A)-(c) and NRCP 37(d). Sanctions are also available when a
16 party unreasonably multiplies the proceedings to increase costs and fails to comply with the Court rules;
17 EDCR 7.60(b)(3)-(4).

18 Pursuant to EDCR 2.40, copies of Defendant's Interrogatories and Requests for Production are
19 set forth in **Exhibits "B" and "C"**, attached hereto. Plaintiff's responses to interrogatories are set forth
20 in **Exhibit "D" and Exhibit "E"** attached hereto.

21 Here, the undersigned served written discovery requests upon plaintiffs as permitted by the
22 above-quoted rules. Plaintiff responded to the interrogatories and requests for production, but the given
23 responses were insufficient.

24 Interrogatory No. 32 seeks information concerning Plaintiff's treating providers and whether or
25 not they are lienholders. Plaintiff's counsel objects on the basis that this information is protected by the
26 collateral source rule. With all due respect, opposing counsel's reliance on the collateral source rule is
27 misplaced.

28 "The collateral source rule provides 'that if an injured party received some

1 compensation for his injuries from a source wholly independent of the
2 tortfeasor, such payment should not be deducted from the damages which
3 the plaintiff would otherwise collect from the tortfeasor.” *Proctor v.*
4 *Castelletti*, 112 Nev. 88, 90 911 P.2d 853 (1996) citing *Hrnjak v.*
5 *Graymar, Inc.*, 4 Cal.3d 725, 94 Cal.Rptr. 623, 626, 484 P.2d 599, 602
6 (1971).

7 In Nevada, the collateral source rule bars the admission of any such evidence during trial. *Id.*

8 Khoury submits that lien information is not protected by the collateral source rule. A medical
9 lien is not “compensation for injuries.” Rather, it is an outstanding debt owed for services rendered.
10 There is no payment to deduct from the damages which would otherwise be collected from Khoury.
11 Therefore, the collateral source rule does not apply to medical liens.

12 Furthermore, even assuming the collateral source rule were to bar the admission of liens at
13 trial—which it does not—that does not mean the information is not discoverable. As this Court is well
14 aware, discoverability and admissibility are entirely separate and distinct concepts. NRCP 26(b)(1)
15 provides the parameters for discoverability in Nevada:

16 Parties may obtain discovery regarding any matter, not privileged, which is
17 relevant to the subject matter involved in the pending action, whether it
18 relates to the claim or defense of the party seeking discovery or to the
19 claim or defense of any other party, including the existence, description,
20 nature, custody, condition and location of any books, documents, or other
21 tangible things and the identity and location of persons having knowledge
22 of any discoverable matter. **It is not ground for objection that the**
23 **information sought will be inadmissible at the trial if the information**
24 **sought appears reasonably calculated to lead to the discovery of**
25 **admissible evidence.** All discovery is subject to the limitations imposed
26 by Rule 26(b)(2)(I), (ii), and (iii). (Emphasis added)

27 Thus, even if Plaintiff’s response to Interrogatory No. 32 were to ultimately be deemed inadmissible at
28 trial under the collateral source rule, the answer would still be discoverable if the information is
reasonably calculated to lead to admissible evidence.

Evidence concerning medical liens are relevant at the time of trial to show bias on the part of
Plaintiff’s treating providers. “The exposure of a witness’s motivation in testifying is a proper and
important function of the constitutionally protected right of cross-examination.” *Robinson v. G.G.C.,*
Inc., 107 Nev. 135, 144, 808 P.2d 522 (1991) citing *Delaware v. Van Arsdall*, 475 U.S. 673, 678-79,
106 S.Ct. 1431, 1435, 89 L.Ed.2d 674 (1986). The fact that Plaintiff’s treating providers stand to gain
from the instant litigation if they are a lien holder is certainly relevant to showing bias. As a result, such

1 information is clearly discoverable.

2 Evidence regarding a witness' bias or interest in testifying in a certain manner is, in fact, relevant
3 and is not collateral to the controversy for purposes of exclusion. *Lobato v. State*, 120 Nev. 512, 96 P.3d
4 765 (2004). In *Lobato*, the Nevada Supreme Court noted that

5 "Although district courts have wide discretion to control cross-
6 examination that attacks a witness's general credibility, a trial court's
7 discretion is ... narrow[ed] where bias [motive] is the object to be shown,
8 and an examiner must be permitted to elicit any facts which might color a
9 witness's testimony. Generally, the only proper restriction should be those
10 inquiries which are repetitive, irrelevant, vague, speculative, or designed
11 merely to harass, annoy or humiliate the witness."

12 *Lobato* at 520. The right to confront and cross examine witnesses includes the right to inquire and
13 examine a witness about the bias and motivation behind their testimony. In *Delaware v. Fensterer*, 474
14 U.S. 15, 19, 106 S.Ct. 292 (1985), the U.S. Supreme Court found that a cross-examiner is not only
15 permitted to delve into a witness' story to test the witness' perceptions and memory, but [also] ...
16 allowed to impeach, i.e., discredit, the witness.

17 Here, some of Plaintiff's "treating providers" are presumably owed substantial sums of money,
18 which expenses they have agreed to incur on a lien basis. The mere fact that a party treats on a medical
19 lien is not necessary indicative of the fact that they do not have medical insurance. Indeed, the
20 undersigned has seen many situations where medical providers treat patients on a lien despite the fact
21 that the patient has medical or other insurance that would cover the cost of treatment.

22 Given these types of financial arrangements between Plaintiff and her treating providers, there
23 can be little doubt that the providers have actually acquired an interest in the case. As a result, these
24 individuals have become "contingent" witnesses. In the event that Plaintiff were to recover nothing,
25 these "contingent" witnesses stand to receive nothing for all of the time and services they have provided.
26 If, on the other hand, Plaintiff prevails, these "contingent" witnesses stand to receive far more money,
27 for the exact same time and services, than they would otherwise have received if they had simply treated
28 other patients and submitted their bills to a medical or other insurance carrier, or if they had even
provided treatment on a cash-up-front basis.

Similarly, Khoury has requested that documents be disclosed demonstrating the amounts each

1 medical provider accepted for treatment and the amount paid by any source to the medical providers for
2 treatment rendered relevant to Plaintiff's injuries allegedly sustained in the subject accident. These
3 documents are relevant, as set forth above, because they expose what bias, if any, these medical
4 providers have as a result of any contingent treatment. Moreover, they

5 It is entirely appropriate to question "contingent" witnesses about the existence of a lien, the
6 amount of the lien and the fact that the "contingent" witness has, in fact, acquired an interest in the
7 outcome of the litigation. Similarly, it is appropriate to request that Plaintiff provide all documentation
8 pertaining to medical liens, amounts paid, and amount accepted by her medical providers, as this
9 information provides the basis for the questions to these witnesses.

10 Therefore, Plaintiff's response to Interrogatory No. 32 as well as her Responses to Requests for
11 Production 16 through 19 are insufficient and Khoury requests an Order compelling proper responses,
12 including the production of the requested documentation.

13 Good faith efforts were made to try to resolve the matter without the need for Court involvement,
14 without success, thereby necessitating this motion. Based upon the above-quoted rules, Defendant is
15 entitled to an order compelling Plaintiff's response to Interrogatory No. 32 and Responses to Requests
16 for Production 16 through 19. Defendant is also entitled to NRC 37 sanctions for failure to participate
17 in the discovery process.

18 **B. Plaintiff should be required to produce the requested discovery immediately and by**
19 **a date certain.**

20 In Associates Capital Services v. Ponderosa Lawn Service, this Honorable Court recognized
21 "classic discovery failure." In Discovery Opinion #4, this Honorable Court wrote "Discovery in a civil
22 case must not wait upon the necessity of filing a Motion to Compel such discovery, thereby wasting the
23 time and energy of diligent counsel, as well as the time of the Court." Here, Plaintiff has failed to
24 provide the information and documentation necessary to address the bias of Plaintiff's treating
25 physicians. As the depositions of these physicians and medical providers are upcoming, Plaintiff's
26 continued refusal to provide the requested information and documentation has impacted Khoury's ability
27 to properly evaluate and defend the allegations contained in Plaintiff's Complaint. Unless Plaintiff is
28 required to promptly produce this information, and do so prior to the depositions of her treating

1 physicians, Khoury's purposes in defending against Plaintiff's claims will continue to be frustrated.
2 "The duty rests upon the Plaintiff to use diligence and to expedite his case to a final determination."
3 Walls v. Brewster, 112 Nev. 175, 178, 912 P.2d 261, 262 (1996), Thran v. First Judicial Dist. Ct., 79
4 Nev. 176, 380 P.2d 297 (1963).

5 Given the above, Defendant requests that this Court compel Plaintiff to provide the requested
6 responses immediately and by a date certain. Alternatively, Defendant requests an Order providing for
7 an adverse inference at the time of trial if Plaintiff's refusal to disclose the requested documentation
8 continues.

9 **C. Plaintiff should be sanctioned for her failure to participate in discovery.**

10 According to the above-quoted rules, Plaintiff has an affirmative legal obligation to participate in
11 the discovery process and must do so in good faith. Despite numerous attempts to obtain compliance
12 with the above-quoted rules, no compliance could be obtained. Plaintiff's refusal to participate in the
13 discovery process has forced Khoury to unnecessarily incur attorney fees and costs, both in the process
14 of ongoing attempts to obtain compliance, through the preparation and filing of this motion with the
15 Court, and through the undersigned's attendance at the hearing thereon.

16 Given Plaintiff's refusal to participate in the discovery process, defendant requests that the Court
17 enter appropriate NRCP 37 sanctions against her. Khoury requests a reasonable award of attorney's fees
18 for the necessity of having to bring these matters before the Court, as well as such other and further
19 NRCP 37 sanctions as this Court deems appropriate under the circumstances described herein. Finally,
20 given the delays resulting from Plaintiff's refusal to participate in discovery, it is possible that a
21 continuance and/or reopening of discovery may be required in the future in order to complete discovery.

22 **IV. CONCLUSION**

23 Based upon the foregoing, Khoury respectfully requests this Court's order granting the following
24 relief:

- 25 1. For an order compelling the immediate provision of an answer to Interrogatory No. 32;
- 26 2. For an order compelling the immediate provision of documents in response to
27 Defendant's Requests for Production Nos. 16 through 19;
- 28 3. For a reasonable award of attorney fees for the necessity of having to bring these matters

1 before the Court and for attendance at the hearing pursuant to NRCP 37 and EDCR 7.60; and

2 4. For such other and further relief as this Court deems just and equitable in the premises.

3 DATED this 1 day of November, 2012.

4 HALL JAFFE & CLAYTON, LLP

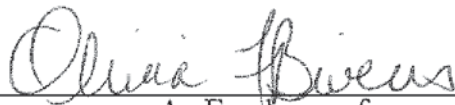
5
6 By 

STEVEN T. JAFFE
Nevada Bar No. 007035
JACOB S. SMITH
Nevada Bar No. 010231
JACOB B. LEE
Nevada Bar No. 012428
7425 Peak Drive
Las Vegas, Nevada 89128
Attorneys for Defendant
Raymond R. Khoury

1 **CERTIFICATE OF SERVICE**

2 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing **DEFENDANT'S**
3 **MOTION TO COMPEL DISCOVERY RESPONSES AND PRODUCTION OF DOCUMENTS**
4 **RE: PLAINTIFF'S MEDICAL LIENS** was made on the 1st day of November, 2012, by depositing
5 a true and correct copy of the same by U.S. Mail in Las Vegas, Nevada, addressed, stamped, and mailed
6 to the following:

7
8 Richard A. Harris, Esq.
RICHARD HARRIS LAW FIRM
801 S. Fourth Street
9 Las Vegas, Nevada 89101
Attorneys for Plaintiff

10
11
12 

13 An Employee of
14 HALL JAFFE & CLAYTON, LLP

EXHIBIT A

HJC HALL JAFFE & CLAYTON, LLP
ATTORNEYS AT LAW

7455 West Washington Avenue, Suite 460 • Las Vegas, Nevada 89128
Telephone 702.316.4111 • Facsimile 702.316.4114

June 8, 2012

Via Facsimile: (702) 444-4455

Alison M. Brasier, Esq.
RICHARD HARRIS LAW FIRM
801 S. Fourth Street
Las Vegas, Nevada 89101

Re: *Khoury adv. Seastrand*

Dear Ms. Brasier:

As you are aware, we recently served some discovery requests and interrogatories on you with respect to the above-listed matter. This letter will address the deficiencies in your responses to those discovery requests.

Specifically, on March 21, 2012 we propounded Defendant's Second Requests for Production of documents on your client. These included Requests to Produce Nos. 16, 17, 18, and 19, which read as follows:

REQUEST TO PRODUCE NO. 16:

All executed liens with each and every medical provider and facility.

REQUEST TO PRODUCE NO. 17:

All documents demonstrating the amounts paid by any source to the medical providers and / or facilities for the treatment rendered in this matter.

REQUEST TO PRODUCE NO. 18:

All documents demonstrating the amounts of payments accepted by the medical providers and / or facilities for the treatment rendered in this matter.

REQUEST TO PRODUCE NO. 19:

All documents demonstrating the amounts accepted by each medical provider and/or facility which sold its liens to any other person or entity for the treatment rendered in this case.

RILEY A. CLAYTON
STEVEN T. JAFFE ^{1,2}
MICHAEL R. HALL ¹
KEVIN KING ³

MARISA C. GUARINO
ASHLEE L. SURUR
JAMES HARPER
JACOB SMITH
DAVID GLUTH
TAYLOR SELIM
PETRA AMBROSE
RONALD D. GREEN JR.
BRIANNA ISSURDET
JACOB B. LEE
JEREMY M. WELLAND

Of Counsel
MICHAEL SHANNON
MONTE HALL ⁴

1 - Also licensed in Arizona
2 - Also licensed in New Jersey
3 - Also licensed in Wisconsin
4 - Also licensed in Utah

Allison Brasier, Esq.
Khoury adv. Seastrand
June 8, 2012
Page 2 of 5

See Defendant's Second Request for Production of Documents to Plaintiff Margaret Seastrand, attached hereto as **Exhibit "A"**. You served your responses to these requests on April 23, 2012. See Plaintiff's response to Defendant's Second Requests for Production attached hereto as **Exhibit "B"**. In that document, your response to each of these requests to produce was identical. Each of the responses reads as follows:

RESPONSE

Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the question is not relevant to the subject matter of this litigation, and not calculated to lead to the discovery of admissible evidence; it is also burdensome, oppressive and harassing to Plaintiff.

Id. We also propounded an additional interrogatory on your client at this same time:

INTERROGATORY NO. 32:

Set forth the amount paid by any source which each and every medical provider or facility accepted as payment for the services which they rendered.

See Defendant's Second Set of Interrogatories to Plaintiff, attached as **Exhibit "C"**, attached hereto. Your response to this interrogatory was identical to your responses to the requests for production:

RESPONSE

Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the question is not relevant to the subject matter of this litigation, and not calculated to lead to the discovery of admissible evidence; it is also burdensome, oppressive and harassing to Plaintiff.

See Plaintiff's Response to Second Set of Interrogatories to Plaintiff, attached as **Exhibit "D"**, attached hereto.

With all due respect, I believe your reliance on the collateral source rule is misplaced. Consider the language of the collateral source rule as set forth by Nevada's Supreme Court:

"The collateral source rule provides 'that if an injured party

Allison Brasier, Esq.
Khoury adv. Seastrand
June 8, 2012
Page 3 of 5

received some compensation for his injuries from a source wholly independent of the tortfeasor, such payment should not be deducted from the damages which the plaintiff would otherwise collect from the tortfeasor.” *Proctor v. Castelletti*, 112 Nev. 88, 90 911 P.2d 853 (1996) citing *Hrnjak v. Graymar, Inc.*, 4 Cal.3d 725, 94 Cal.Rptr. 623, 626, 484 P.2d 599, 602 (1971).

Moreover, the collateral source rule bars the admission of any such evidence during trial. *Id.*

While the collateral source rule clearly applies to health insurance, a medical lien is not “compensation for injuries.” Rather, it is an outstanding debt owed for services rendered. There is no payment to deduct from the damages which would otherwise be collected from Defendant. In light of this, the collateral source rule does not apply to medical liens.

Furthermore, even assuming the collateral source rule bars the admission of liens at trial, it does not mean the information is not discoverable. As surely you are aware, discoverability and admissibility are entirely separate and distinct concepts. NRC 26(b)(1) provides the parameters for discoverability in Nevada:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. **It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.** All discovery is subject to the limitations imposed by Rule 26(b)(2)(I), (ii), and (iii).
(Emphasis added)

Thus, even if the information and documents produced in response to the above-listed requests for production and interrogatories were ultimately deemed to be inadmissible at trial under the collateral source rule, the information would still be discoverable if it is reasonably calculated to lead to admissible evidence.

Evidence concerning medical liens are relevant at the time of trial to show bias on the part of Plaintiff’s treating providers. “The exposure of a witness’s motivation in testifying is a proper and important function of the constitutionally protected right of cross-examination.”

Allison Brasier, Esq.
Khoury adv. Seastrand
June 8, 2012
Page 4 of 5

Robinson v. G.G.C., Inc., 107 Nev. 135, 144, 808 P.2d 522 (1991) citing *Delaware v. Van Arsdall*, 475 U.S. 673, 678-79, 106 S.Ct. 1431, 1435, 89 L.Ed.2d 674 (1986). The fact that your client's treating providers stand to gain from the instant litigation if they are a lien holder is certainly relevant to showing bias. As a result, such information is clearly discoverable, as bias constitutes admissible and relevant evidence.

Finally, we recently received your responses to Defendant's Third Request for Production of Documents. These Requests include Requests Nos. 2

REQUEST TO PRODUCE NO. 20:

The 2010 and 2011 Federal Income Tax Returns for Margaret G. and Douglas R. Seastrand, including all Schedule C's and disclosures related to Hollywood Kids Academy.

REQUEST TO PRODUCE NO. 21:

Any and all business documents related to Hollywood Kids Academy from the time of its formation to the present, including but not limited to: profit and loss statements, balance sheets, accounts receivable, accounts payable, and payroll records.

See Defendant's Third Request for Production of Documents, attached hereto as **Exhibit "E."** In your amended response, you stated that you are "in the process of gathering these documents" and that the response "will be supplemented when the documents are located." See Amended Response to Third Request for Production of Documents, attached hereto as **Exhibit "F."** Please be mindful that these documents are necessary for review and analysis by our experts in conjunction with their overall financial analysis of your client's income as it relates to the Hollywood Kids Academy. As initial expert disclosures are currently scheduled for July 13, 2012, we need these documents as soon as possible. In the event we do not receive them promptly, we may have a basis for a second extension of the discovery deadlines as well as a continuation of the trial date.

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Allison Brasier, Esq.
Khoury adv. Seastrand
June 8, 2012
Page 5 of 5

I will calendar your supplemental response to Interrogatory No. 32 and Requests for Production Nos. 16, 17, 18, 19, 20, and 21 for June 15, 2012. If you feel you need additional time to prepare the response, please contact me and we may be able to accommodate you. Otherwise, please contact me to discuss these matter pursuant to EDCR 2.34 in preparation for a Motion to Compel.

Very truly yours,



STEVEN T. JAFFE
JACOB S. SMITH

JSS/pbs

cc: Raymond Khoury
Victoria Pearl, State Farm

EXHIBIT B

1 STEVEN T. JAFFE
2 sjaffe@lawhjc.com
3 Nevada Bar No. 007035
4 JACOB S. SMITH
5 jsmith@lawhjc.com
6 Nevada Bar No. 010231

7 HALL JAFFE & CLAYTON, LLP
8 7455 WEST WASHINGTON AVENUE, SUITE 460
9 LAS VEGAS, NEVADA 89128
10 (702) 316-4111
11 FAX (702) 316-4114

12 Attorneys for Defendant
13 Raymond R. Khoury

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 MARGARET G. SEASTRAND,
17 Plaintiff,

18 vs.

19 RAYMOND RIAD KHOURY; DOES 1
20 through 10; and ROE ENTITIES 11 through
21 20, inclusive,
22 Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

**DEFENDANT'S SECOND REQUESTS FOR
PRODUCTION TO PLAINTIFF MARGARET
SEASTRAND**

23 TO: MARGARET G. SEASTRAND, Plaintiff herein; and

24 TO: Richard A. Harris, Esq., of the RICHARD HARRIS LAW FIRM, Plaintiff's attorney:

25 Defendant requests that Plaintiff MARGARET G. SEASTRAND respond to these
26 Requests for Production of Documents set out below in accordance with the provisions of Rule 34 of the
27 Nevada Rules of Civil Procedure, fully and separately under oath, signed by the person or persons
28 making such Responses, and that a copy of such Responses be served upon the Defendant herein within
thirty (30) days after the service of the Requests for Production of Documents, unless the Court, by
Order, enlarges or shortens the time.

REQUEST TO PRODUCE NO. 16: All executed liens with each and every medical
provider and facility.

REQUEST TO PRODUCE NO. 17: All documents demonstrating the amounts paid by

1 any source to the medical providers and / or facilities for the treatment rendered in this matter.

2 **REQUEST TO PRODUCE NO. 18:** All documents demonstrating the amounts of
3 payments accepted by the medical providers and / or facilities for the treatment rendered in this matter.

4 **REQUEST TO PRODUCE NO. 19:** All documents demonstrating the amounts
5 accepted by each medical provider and / or facility which sold its liens to any other person or entity for
6 the treatment rendered in this case.

7 *These Requests For Production shall be deemed continuing so as to require reasonable*
8 *supplemental Answers if the Plaintiff or his Attorney obtains further information between the time*
9 *his Answers are served and the time of trial.*

10 DATED: March 21, 2012

11 HALL JAFFE & CLAYTON, LLP


12 By 

13 STEVEN T. JAFFE
14 Nevada Bar No. 007035
15 JACOB S. SMITH
16 Nevada Bar No. 010231
17 7455 West Washington Avenue, Suite 460
18 Las Vegas, Nevada 89128
19 Attorneys for Defendant
20 Raymond R. Khoury
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1
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3 **CERTIFICATE OF SERVICE**

4 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing **DEFENDANT'S**
5 **SECOND REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND** was
6 made on March 21, 2012, by depositing a true and correct copy of the same by U.S. Mail in Las Vegas,
7 Nevada, addressed, stamped, and mailed to the following:

8 Richard A. Harris, Esq.
9 RICHARD HARRIS LAW FIRM
10 801 S. Fourth Street
11 Las Vegas, Nevada 89101
12 *Attorneys for Plaintiff*

13 
14 An Employee of
15 HALL JAFFE & CLAYTON, LLP
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1 STEVEN T. JAFFE
2 sjaffe@lawhjc.com
Nevada Bar No. 007035
3 JACOB S. SMITH
jsmith@lawhjc.com
4 Nevada Bar No. 010231

5 HALL JAFFE & CLAYTON, LLP
7455 WEST WASHINGTON AVENUE, SUITE 460
6 LAS VEGAS, NEVADA 89128
(702) 316-4111
7 FAX (702) 316-4114

8 Attorneys for Defendant
Raymond R. Khoury

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 MARGARET G. SEASTRAND,
13 Plaintiff,

CASE NO. A-11-636515-C
DEPT NO. XXX

14 vs.

15 RAYMOND RIAD KHOURY; DOES 1
16 through 10; and ROE ENTITIES 11 through
20, inclusive,

17 Defendants.

18
19 **DEFENDANT RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO**
20 **PLAINTIFF MARGARET SEASTRAND**

21 TO: MARGARET G. SEASTRAND, Plaintiff, and

22 TO: RICHARD HARRIS, ESQ. Of the RICHARD HARRISS LAW FIRM, Plaintiff's attorney:

23 Defendant requests that Plaintiff MARGARET SEASTRAND answer these

24 Interrogatories set out below in accordance with the provisions of Rule 33 of the Nevada Rules of Civil
25 Procedure, fully and separately under oath, signed by the person or persons making such Answers, and
26 that a copy of such Answers be served upon the Defendant herein within thirty (30) days after the service
27 of the Interrogatories, unless the Court, by Order, enlarges or shortens the time.

28 In answering these Interrogatories, furnish such information as is available to you, not
merely such information as is of your own knowledge. This means you are to furnish information which

1 is known by or in the possession of your attorney or any agents for you or your attorney.

2 **INTERROGATORY NO. 32:**

3 Set forth the amounts paid by any source which each and every medical provider or
4 facility accepted as payment for the services which they rendered.

5 *These Interrogatories shall be deemed continuing so as to require reasonable*
6 *supplemental Answers if the Plaintiff or his Attorney obtains further information between the time*
7 *his Answers are served and the time of trial.*

8 DATED this 21st day of March, 2012.

9 HALL JAFFE & CLAYTON, LLP

10 By 

11 STEVEN T. JAFFE

12 Nevada Bar No. 007035

13 JACOB S. SMITH

14 Nevada Bar No. 010231

15 7455 West Washington Avenue, Suite 460

16 Las Vegas, Nevada 89128

17 Attorneys for Defendant

18 Raymond R. Khoury

1 CERTIFICATE OF SERVICE

2 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing DEFENDANT
3 RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO PLAINTIFF
4 MARGARET SEASTRAND was made on 21st day of March, 2012, by depositing a true and correct
5 copy of the same by U.S. Mail in Las Vegas, Nevada, addressed, stamped, and mailed to the following:

6 Richard A. Harris, Esq.
7 RICHARD HARRIS LAW FIRM
8 801 S. Fourth Street
9 Las Vegas, Nevada 89101
10 *Attorneys for Plaintiff*

11 
12 An Employee of
13 HALL JAFFE & CLAYTON, LLP
14
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EXHIBIT C

1 STEVEN T. JAFFE
2 sjaffe@lawhjc.com
3 Nevada Bar No. 007035
4 JACOB S. SMITH
5 jsmith@lawhjc.com
6 Nevada Bar No. 010231

7 HALL JAFFE & CLAYTON, LLP
8 7455 WEST WASHINGTON AVENUE, SUITE 460
9 LAS VEGAS, NEVADA 89128
10 (702) 316-4111
11 FAX (702) 316-4114

12 Attorneys for Defendant
13 Raymond R. Khoury

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 MARGARET G. SEASTRAND,
17 Plaintiff,

18 vs.

19 RAYMOND RIAD KHOURY; DOES 1
20 through 10; and ROE ENTITIES 11 through
21 20, inclusive,

22 Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

23 **DEFENDANT RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO**
24 **PLAINTIFF MARGARET SEASTRAND**

25 TO: MARGARET G. SEASTRAND, Plaintiff; and

26 TO: RICHARD HARRIS, ESQ. Of the RICHARD HARRIS LAW FIRM, Plaintiff's attorney:

27 Defendant requests that Plaintiff MARGARET SEASTRAND answer these
28 Interrogatories set out below in accordance with the provisions of Rule 33 of the Nevada Rules of Civil
29 Procedure, fully and separately under oath, signed by the person or persons making such Answers, and
30 that a copy of such Answers be served upon the Defendant herein within thirty (30) days after the service
31 of the Interrogatories, unless the Court, by Order, enlarges or shortens the time.

32 In answering these Interrogatories, furnish such information as is available to you, not
33 merely such information as is of your own knowledge. This means you are to furnish information which

1 is known by or in the possession of your attorney or any agents for you or your attorney.

2 **INTERROGATORY NO. 32:**

3 Set forth the amounts paid by any source which each and every medical provider or
4 facility accepted as payment for the services which they rendered.

5 *These Interrogatories shall be deemed continuing so as to require reasonable*
6 *supplemental Answers if the Plaintiff or his Attorney obtains further information between the time*
7 *his Answers are served and the time of trial.*

8 DATED this 21st day of March, 2012;

9 HALL JAFFE & CLAYTON, LLP

10 By 

11 STEVEN T. JAFFE

12 Nevada Bar No. 007035

13 JACOB S. SMITH

14 Nevada Bar No. 010231

15 7433 West Washington Avenue, Suite 460

16 Las Vegas, Nevada 89128

17 Attorneys for Defendant

18 Raymond R. Khoury

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RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO PLAINTIFF

Richard A. Harris, Esq.
RICHARD HARRIS LAW FIRM
801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

3

EXHIBIT D

cc: STJ, JS, SS, SB/JSB

RESP
RICHARD A. HARRIS, ESQ.
Nevada Bar No. 505
JOSHUA R. HARRIS, ESQ.
Nevada Bar No. 9580
ALISON M. BRASIER, ESQ.
Nevada Bar No. 10522
RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, Nevada 89101
Phone (702) 444-4444
Fax (702) 444-4455
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,)	Case No. :	A-11-636515-C
)	Dept. No.:	XXX
Plaintiff,)		
)		
vs.)		
)		
RAYMOND RIAD KHOURY; DOES)		
I through 10, and ROE ENTITIES 11)		
through 20, inclusive,)		
)		
Defendants.)		

PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND

REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND

TO: Defendant RAYMOND RIAD KHOURY; and

TO: Jacob S. Smith, Esq. of HALL JAFFE & CLAYTON, LLP, his counsel of record.

COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel of record, Richard A. Harris, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS LAW FIRM, pursuant to Rule 34 of the Nevada Rules of Civil Procedure, and hereby provides the following Responses to Defendant's Second Requests for Production to Plaintiff:

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PRELIMINARY STATEMENT

Plaintiff, MARGARET G. SEASTRAND has not yet completed her discovery and investigation for the preparation of this case for trial. Accordingly, the answers set forth herein are provided without prejudice to the responding party's right to produce any subsequent discovered facts or interpretations thereof and/or to add, modify or otherwise change or amend the answers herein. The information hereinafter set forth is true and correct to the best of the responding party's knowledge at this particular time, but it is subject to correction for inadvertent errors or omission, if any such error or omissions are found to exist

REQUEST TO PRODUCE NO. 16:

All executed liens with each and every medical provider and facility.

RESPOND TO REQUEST TO PRODUCE NO. 16:

Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the question is not relevant to the subject matter of this litigation, and not calculated to lead to the discovery of admissible evidence; it is also burdensome, oppressive and harassing to Plaintiff.

REQUEST TO PRODUCE NO. 17:

All documents demonstrating the amounts paid by any source to the medical providers and/or facilities for the treatment rendered in this matter.

RESPOND TO REQUEST TO PRODUCE NO. 17:

Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the question is not relevant to the subject matter of this litigation, and not calculated to lead to the discovery of admissible evidence; it is also burdensome, oppressive and harassing to Plaintiff.

1 REQUEST TO PRODUCE NO. 18:

2 All documents demonstrating the amounts of payments accepted by the medical
3 providers and/or facilities for the treatment rendered in this matter.

4 RESPOND TO REQUEST TO PRODUCE NO. 18:

5
6 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts
7 of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the
8 question is not relevant to the subject matter of this litigation, and not calculated to
9 lead to the discovery of admissible evidence; it is also burdensome, oppressive and
10 harassing to Plaintiff.
11

12 REQUEST TO PRODUCE NO. 19:

13 All documents demonstrating the amounts accepted by each medical provider and/or
14 facility which sold its liens to any other person or entity for the treatment rendered in this case.

15 RESPOND TO REQUEST TO PRODUCE NO. 19:

16
17 Plaintiff objects to this interrogatory, as it seeks to ascertain if some parts
18 of Plaintiff's expenses (medical bills) were paid by collateral sources. As such, the
19 question is not relevant to the subject matter of this litigation, and not calculated to
20 lead to the discovery of admissible evidence; it is also burdensome, oppressive and
21 harassing to Plaintiff.
22

23 DATED this 23rd day of April, 2012.

24
25 RICHARD HARRIS LAW FIRM

 11451

26 JOSHUA R. HARRIS, ESQ.

27 Nevada Bar No. 9580

28 ALISON M. BRASIER, ESQ.

Nevada Bar No. 10522

801 South Fourth Street

Las Vegas, Nevada 89101

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 03 day of April, 2012, I caused the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND REQUESTS FOR PRODUCTION TO PLAINTIFF MARGARET SEASTRAND to be served as follows:

- ☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ [] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ [] by receipt of copy

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendant


An employee of the RICHARD HARRIS LAW FIRM

 RICHARD HARRIS
LAW FIRM

EXHIBIT “E”

cc: STJ, JSS, DD/AB

1 RESP
2 RICHARD A. HARRIS, ESQ.
3 Nevada Bar No. 505
4 JOSHUA R. HARRIS, ESQ.
5 Nevada Bar No. 9580
6 ALISON M. BRASIER, ESQ.
7 Nevada Bar No. 10522
8 RICHARD HARRIS LAW FIRM
9 801 South Fourth Street
10 Las Vegas, Nevada 89101
11 Phone (702) 444-4444
12 Fax (702) 444-4455
13 *Attorneys for Plaintiff*

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 MARGARET G. SEASTRAND,)

Case No. : A-11-636515-C

14 Plaintiff,)

Dept. No.: XXX

15 vs.)

16 RAYMOND RIAD KHOURY; DOES)
17 I through 10, and ROE ENTITIES 11)
18 through 20, inclusive,)

19 Defendants.)
20)

21
22 PLAINTIFF'S RESPONSE TO DEFENDANT RAYMOND KHOURY'S
23 SECOND SET OF INTERROGATORIES TO PLAINTIFF MARGARET SEASTRAND

24 TO: Defendant RAYMOND RIAD KHOURY; and

25 TO: Jacob S. Smith, Esq. of HALL JAFFE & CLAYTON, LLP, his counsel of record.

26 COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel of
27 record, Richard A. Harris, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS
28

1 LAW FIRM, pursuant to Rule 33 of the Nevada Rules of Civil Procedure, and hereby provides
2 the following Responses to Defendant's Second Set of Interrogatories to Plaintiff:
3

4
5 PRELIMINARY STATEMENT

6 Plaintiff, MARGARET G. SEASTRAND has not yet completed her discovery and
7 investigation for the preparation of this case for trial. Accordingly, the answers set forth herein
8 are provided without prejudice to the responding party's right to produce any subsequent
9 discovered facts or interpretations thereof and/or to add, modify or otherwise change or amend
10 the answers herein. The information hereinafter set forth is true and correct to the best of the
11 responding party's knowledge at this particular time, but it is subject to correction for
12 inadvertent errors or omission, if any such error or omissions are found to exist
13
14

15 INTERROGATORY NO. 32:

16 Set forth the amounts paid by any source which each and every medical provider or
17 facility accepted as payment for the services which they rendered.

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1 RESPOND TO INTERROGATORY NO. 32:

2 Plaintiff objects to this interrogatory it seeks to ascertain if some parts of
3 Plaintiff's expenses (medical bills) were paid by collateral source. As such, the
4 question is not relevant to the subject matter of this litigation, and not calculated to
5 lead to the discovery of admissible evidence; it is also burdensome, oppressive
6 and harassing to Plaintiff.
7

8
9 DATED this 23rd day of April, 2012.

10 RICHARD HARRIS LAW FIRM

11
12  11/451

13 RICHARD A. HARRIS, ESQ.

14 Nevada Bar No. 505

15 JOSHUA R. HARRIS, ESQ.

16 Nevada Bar No. 9580

17 ALISON M. BRASIER, ESQ.

18 Nevada Bar No. 10522

19 801 South Fourth Street

20 Las Vegas, Nevada 89101

21 *Attorneys for Plaintiff*
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 23 day of April, 2012, I caused the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT RAYMOND KHOURY'S SECOND SET OF INTERROGATORIES TO PLAINTIFF MARGARET SEASTRAND to be served as follows:

- ☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ by receipt of copy

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendant


An employee of the RICHARD HARRIS LAW FIRM

1 **DOEW**
2 RICHARD A. HARRIS, ESQ.
3 Nevada Bar No. 505
4 JOSHUA R. HARRIS, ESQ.
5 Nevada Bar No. 9580
6 ALISON M. BRASIER, ESQ.
7 Nevada Bar No. 10522
8 RICHARD HARRIS LAW FIRM
9 801 South Fourth Street
10 Las Vegas, Nevada 89101
11 Phone (702) 444-4444
12 Fax (702) 444-4455
13 Attorneys for Plaintiff

STJ
JSS
w/Exh - Denise

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 MARGARET G. SEASTRAND,
14 Plaintiff,

CASE NO.: A-11-636515-C
DEPT. NO.: XXX

15 vs.

16 RAYMOND RIAD KHOURY; DOES I-X, and
17 ROE CORPORATIONS I-X, inclusive,
18 Defendants.
19

20 **PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES**

21 COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel of
22 record, Joshua R. Harris and Alison M. Brasier, of the RICHARD HARRIS LAW FIRM, and
23 hereby submits the following Designation of Expert Witnesses:
24

25 ///

26 ///

27 ///

28 ///

EXPERT WITNESSES

1. **JEFFREY GROSS, M.D.**
27882 Forbes Road, Suite 100
Laguna Niguel, California 92677
Tel: 949-364-6888

Dr. Gross is a board certified neurosurgeon and is expected to provide expert testimony relating to his review of Plaintiff's medical records, opinions regarding his past medical care and/or treatment, and his opinions regarding her potential need for future care and/or treatment, including the treatment and medical reasonableness of other medical providers. He will also provide opinions regarding the causation of Plaintiff's injuries and the necessity and reasonableness of Plaintiff's past and future medical expenses.

2. **TERRENCE B. DINNEEN, M.S., C.R.C., C.R.E.**
DeVINNEY & DINNEEN CAREER and VOCATIONAL ECONOMICS
SERVICES, LTD.
445 Apple Street, Suite 205
Reno, Nevada 89502
Tel: 775-825-5558

Mr. Dinneen is a qualified economist and is expected to provide expert testimony relating to Plaintiff's present day value of Dr. Gross' life care plan and vocational loss report. Mr. Dinneen will also provide testimony as to any other economic issues raised by Defendant's or other experts in this action and will opine regarding the present value of Plaintiff's future medical expenses and vocational loss.

3. **Arthur C. Croft, Ph.D.(c), D.C., M.Sc., M.P.H., F.A.C.O.**
826 Orange Avenue, #633
Coronado, California 92118
Tel: (619) 423-9867

Dr. Croft is expect to testify with respect to accident reconstruction and injury biomechanics, including but not limited to, testimony with respect to vehicle components,

1 vehicle handling characteristics, the performance of the subject vehicle and its components at
2 the time of the accident, vehicles speeds, impacts, motion, orientation, kinematics, and the
3 reconstruction of the subject accident. Dr. Croft will testify in the areas of mechanical
5 engineering, vehicle dynamics, and vehicle design in relation to accident reconstruction. Dr.
6 Croft will also testify as to the injuries allegedly sustained by plaintiff, including an analysis of
7 the mechanism of injury and injury causation, seating position of the plaintiff, and related
8 issues.
9

10 EXHIBITS

- 11
- 12 1. Expert Neurosurgical Case Review and Medical Life Care Plan of Jeffrey D.
13 Gross, M.D. dated June 4, 2012 (39 pages);
 - 14 2. Curriculum Vitae, Fee Schedule, and Testimony and Depositions of Jeffrey D.
15 Gross, M.D. (22 pages);
 - 16 3. Present Value of Life Care Plan of Terrence B. Dinneen, M.S., C.R.C., C.R.E.
17 dated August 24, 2011 (10 pages);
 - 18 4. Vocational Loss Report by Terrence B. Dinneen, M.S., C.R.C., C.R.E. dated
19 August 27, 2011 (13 pages);
 - 20 5. Curriculum Vitae, Fee Schedule, Testimony and Depositions of Terrence B.
21 Dinneen, M.S., C.R.C., C.R.E. (27 pages);
 - 22 3. Expert Report of Arthur C. Croft, Ph.D.(c), D.C., M.Sc., M.P.H., F.A.C.O. dated
23 August 28, 2012 (28 pages);
 - 24 4. Curriculum Vitae, Fee Schedule, and Testimony Report of Arthur C. Croft,
25 Ph.D.(c), D.C., M.Sc., M.P.H., F.A.C.O. (25 pages);

26 ///

27 ///

28 ///

1 Plaintiff reserves the right to supplement and/or amend any and all Expert Witness
2 Disclosures and supplements thereto, as discovery is continuing.

3 DATED this 29th day of August, 2012.

6 RICHARD HARRIS LAW FIRM

7 By: 

RICHARD A. HARRIS, ESQ.

Nevada Bar No. 505

JOSHUA R. HARRIS, ESQ.

Nevada Bar No. 9580

ALISON M. BRASIER, ESQ.

Nevada Bar No. 10522

801 South Fourth Street

Las Vegas, Nevada 89101

Attorneys for Plaintiff

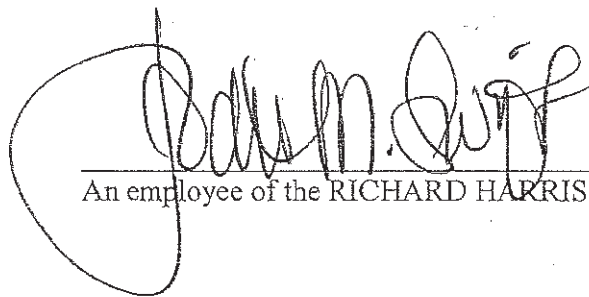
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS
LAW FIRM and that on the 29 day of August, 2012, I caused the foregoing **PLAINTIFF'S**
DESIGNATION OF EXPERT WITNESSES to be served as follows:

- ☒ by placing a true and correct copy of the same to be deposited for mailing in the
U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first
class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ by hand delivery

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendants



An employee of the RICHARD HARRIS LAW FIRM

COPY

SUPP
RICHARD A. HARRIS, ESQ.
Nevada Bar No. 505
ALISON M. BRASIER, ESQ.
Nevada Bar No. 10522
RICHARD HARRIS LAW FIRM
801 South Fourth Street
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Phone (702) 444-4444
Fax (702) 444-4455
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,
Plaintiff,

CASE NO.: A-11-636515-C
DEPT. NO.: XXX

vs.

RAYMOND RIAD KHOURY; DOES I-X, and
ROE CORPORATIONS I-X, inclusive,

PLAINTIFF'S SUPPLEMENT TO
INITIAL EARLY CASE
CONFERENCE LIST OF
WITNESSES AND DOCUMENTS

Defendants.

Plaintiff, by and through her attorneys of record, the RICHARD HARRIS LAW FIRM,
hereby produces the following supplement to list of witnesses and documents pursuant to
N.R.C.P. Section 16.1.

DOCUMENTS

1. Las Vegas Metropolitan Police Department, State of Nevada Traffic Accident Report.
2. 6 color photographs depicting damages to Plaintiff's vehicle as a result of the subject crash.
3. Property damage estimate prepared by Classic Body & Pain Inc. B East.

4. Medical records and bills from Las Vegas Fire & Rescue.
5. Medical records and bills from Mountain View Hospital.
6. Medical records and bills from Radiology Specialist, Ltd.
7. Medical records and bills from Fremont Emergency Services.
8. Medical records and bills from Primary Care Consultants.
9. Medical records and bills from Neck & Back Clinic.
10. Medical records and bills from Nevada Imaging Company.
11. Medical records and bills from Marjorie E. Belsky, M.D.
12. Medical records and bills from Surgery Center of Southern Nevada.
13. Medical records and bills from Mario Tarquino, M.D.
14. Medical records and bills from William S. Muir, M.D.
15. Medical records and bills from Las Vegas Radiology/Sierra Meds Services.
16. Medical records and bills from Summerlin Hospital Medical Center.
17. Medical records and bills from Russell Shah, M.D.
18. Medical records and bills from Leo Langlois, M.D..
19. Medical records and bills from Nevada Spine Clinic.
20. Medical records and bills from St. Rose Dominican Hospital.
21. Medical records and bills from Eddy Luh, M.D.
22. All radiology films, floral images of selective nerve root blocks, x-rays, MRI, CT scans, videos, and diagnostic testing/documentation taken in connection with the care and treatment rendered to Plaintiff as a result of the subject incident.
23. Plaintiff expects to utilize any and all writings, published works, journals, treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs, and other data compilations, and other

1 medical reference materials which Plaintiff and/or Plaintiff's expert use in
2 support of Plaintiff's allegations.

- 3 24. Plaintiff may offer at trial certain exhibits for demonstrative purposes, including
but not limited to the following:
- 4 a. Video, storyboards, and/or power point images, blow ups and/or
5 transparencies of exhibits;
 - 6 b. Diagrams and/or models of the human body, specifically related
7 to Plaintiff's injuries;
 - 8 c. Samples of hardware used for and during surgery;
 - 9 d. Photographs and videos of surgical procedures and other
10 diagnostic tests;
 - 11 e. Actual diagnostic studies;
 - 12 f. Samples of tools used in surgical procedures;
 - 13 g. Diagrams, drawings, pictures, photos, film, video, DVD and
14 CD ROM of various parts of the human body, diagnostic tests and
15 surgical procedures; and,
 - 16 h. Power point images, drawings, diagrams, animations, storyboards,
17 of the vehicles involved, the parties involved, the location of the
18 motor vehicle accident, and/or re-enactments of the motor vehicle
19 accident at issue.

20 WITNESSES

- 21 1. Margaret Seastrand
22 c/o Richard Harris Law Firm
23 801 S. Fourth Street
24 Las Vegas, NV 89101

25 Plaintiff is expected to testify regarding the facts and circumstances surrounding the
26 incident at issue herein.

- 27 2. Raymond Khoury
28 c/o Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7455 West Washington Avenue, Suite 460
Las Vegas, NV 89128

Defendant is expected to testify regarding the facts and circumstances surrounding the
incident at issue herein.

3. Investigating Officer, T. Conn (I.D. No. 8101)
Investigating Officer, John Hines (I.D. No. 4350)
Las Vegas Metropolitan Police Department

1 400 E. Stewart
2 Las Vegas, Nevada 89101

3 Officer T. Conn and/or Officer John Hines are expected to testify regarding his/her
4 investigation of the subject crash, and their report regarding same.

5
6 4. Gary Forsberg and/or
7 Person(s) Most Knowledgeable
8 c/o Classic Body & Pain Inc.
9 2540 North Nellis Blvd.
10 Las Vegas, Nevada 89156

11 Gary Forsberg and/or PMK are expected to testify regarding his/her evaluation of
12 damages to the vehicles involved in the subject crash, and their report regarding same.

13
14 5. Jerry and Karly Busby
15 6445 Spanish Garden Court
16 Las Vegas, Nevada 89110

17 This witness is expected to testify regarding his/her knowledge of the facts and
18 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
19 quality of life.

20
21 6. Cari Jepson
22 523 Moon Chase Street
23 Las Vegas, Nevada

24 This witness is expected to testify regarding his/her knowledge of the facts and
25 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
26 quality of life.

27
28 7. Sharla Isle
1663 English Road Drive
Las Vegas, Nevada 89142

This witness is expected to testify regarding his/her knowledge of the facts and
circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
quality of life.

8. Larry and Jackie Snowden
518 Benedict Drive
Las Vegas, Nevada 89110

1 These witness is expected to testify regarding his/her knowledge of the facts and
2 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
3 quality of life.

4 9. Chalice Lundquist
5 4924 Vega Lane
6 Las Vegas, Nevada 89130

7 This witness is expected to testify regarding his/her knowledge of the facts and
8 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
9 quality of life.

10 10. Doug Seastrand
11 6440 Spanish Garden Court
12 Las Vegas, Nevada 89110

13 This witness is expected to testify regarding his/her knowledge of the facts and
14 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
15 quality of life.

16 11. Beth Seastrand
17 6441 Spanish Garden Court
18 Las Vegas, Nevada 89110

19 This witness is expected to testify regarding his/her knowledge of the facts and
20 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
21 quality of life.

22 12. Shirley Seastrand
23 6450 Spanish Garden Court
24 Las Vegas, Nevada 89110

25 This witness is expected to testify regarding his/her knowledge of the facts and
26 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
27 quality of life.

28 13. Scott Seastrand
 6465 Spanish Garden Court
 Las Vegas, Nevada 89110

 This witness is expected to testify regarding his/her knowledge of the facts and
 circumstances surrounding the subject crash, and how Plaintiff's injuries affected her
 quality of life.

1 Plaintiff hereby reserves the right to call any and all witnesses identified by Defendant
2 or any other parties to this action at the time of trial of this matter.

3 Plaintiff further reserves the right to supplement and/or amend the above listed
4 witnesses, as discovery is continuing.
5

6
7 MARGARET SEASTRAND'S HEALTHCARE PROVIDERS

- 8 14. Paramedic and/or Person(s) Most Knowledgeable
9 City of Las Vegas C EMS
10 400 East Stewart Avenue
11 Las Vegas, NV 89101
- 12 15. Mark Ferdowsian, D.O.; Linda Sarson, R.N.
13 David P. Gorczya, M.D. / Lindsey C. Blake, M.D.
14 Mountainview Hospital
15 3100 North Tenaya Way
16 Las Vegas, Nevada 89128
- 17 16. David P. Gorczya, M.D. / Lindsey C. Blake, M.D.
18 Radiology Specialists, Ltd.
19 P.O. Box 50709
20 Henderson, Nevada 89016
- 21 17. Dr. Mark Ferdowsian, D.O.
22 And/or Person(s) Most Knowledgeable
23 Fremont Emergency Services
24 P.O. Box 1569
25 Las Vegas, NV 89125
- 26 18. Timothy Knauff, PA-C
27 and/or Person(s) Most Knowledgeable
28 Primary Care Consultants
9975 South Eastern Avenue, Suite 110B
Las Vegas, NV 89183
19. Matthew C. Olmstead, D.C. / Dr. Benjamine S. Lurie and/or
Person(s) Most Knowledgeable
Neck & Back Clinic
2425 North Lamb Blvd., Suite 100
Las Vegas, NV 89115
20. William Orrison, M.D. 6

- 1 And/or Person(s) Most Knowledgeable
2 Nevada Imaging
3 5495 South Rainbow Blvd., Suite 101
4 Las Vegas, Nevada 89118
- 5 21. Majorie Belsky, M.D.
6 Mario F. Tarquino, M.D.
7 And/or Person(s) Most Knowledgeable
8 3111 South Maryland Parkway, Suite 200
9 Las Vegas, NV 89109
- 10 22. Marjorie Belsky, M.D. / Mario F. Tarquino, M.D.
11 And/or Person(s) Most Knowledgeable
12 Surgery Center of Southern Nevada
13 2250 Flamingo, Suite 100
14 Las Vegas, Nevada 89119
- 15 23. Mario Tarquino, M.D. (Anesthesia)
16 And/or Person(s) Most Knowledgeable
17 3111 South Maryland Parkway, Suite 200
18 Las Vegas, Nevada 89109
- 19 24. William S. Muir, MD
20 And/or Person(s) Most Knowledgeable
21 653 N. Town Center Drive #210
22 Las Vegas, NV 89144
- 23 25. Sonny Patidar, M.D.
24 And/or Person(s) Most Knowledgeable
25 Las Vegas Radiology
26 7500 Smoke Ranch Road, Suite 100
27 Las Vegas, Nevada 89128
- 28 26. Treating Physicians
And/or Person(s) Most Knowledgeable
Summerlin Medical Center
657 Town Center Drive
Las Vegas, Nevada
- 27 27. Russell J. Shah, M.D.
10624 South Eastern Avenue, Suite A425
Henderson, Nevada 89052
- 28 28. Leo P. Langlois, M.D. 7

1 And/or Person(s) Most Knowledgeable
2 Kern Island Pain Medicine
3 2920 H Street
4 Bakersfield, CA 93301

5 29. Yevgeniy A. Khavkin, M.D.
6 Jaswinder S. Grover, M.D.
7 And/or Person(s) Most Knowledgeable
8 Nevada Spine Clinic
9 7140 Smoke Ranch Road, Suite 150
10 Las Vegas, NV 89128

11 30. Yevgeniy Khavkin, M.D.; Eddy Luh, M.D.
12 Jaswinder Grover, M.D.; Mario Fojtik, NCST
13 Dr. Matthew Treinen (Radiologist)
14 And/or Person(s) Most Knowledgeable
15 St. Rose Dominican Hospital
16 8280 W. Warm Springs
17 Las Vegas, NV 89113

18 31. Custodian of Records
19 ALL ABOVE FACILITIES

20 These individuals will testify as to the completeness and accuracy of records, and the
21 medical records and bills generated in the normal course of business.

22 The above medical providers are expected to testify to Plaintiff's injuries, diagnosis,
23 treatment and prognosis, as well as the authenticity of their medical records and bills.

24 Plaintiffs treating physicians are expected to offer testimony regarding the Plaintiffs
25 diagnosis, treatment and prognosis for any and all services rendered as a result of the injuries
26 sustained in the accident. Plaintiffs treating physicians will not prepare expert reports, but will
27 rely upon medical records generated as a result of the treatment for Plaintiffs injuries. The
28 doctor will opine, to a reasonable degree of medic probability, that the medical treatment was
reasonable and necessary.

Plaintiff hereby reserves the right to call any and all medical providers identified by Defendant or any other parties to this action at the time of trial of this matter.

Plaintiff further reserves the right to supplement and/or amend the above listed medical providers, as discovery is continuing.

COMPUTATION OF DAMAGES PURSUANT TO NRCP 16.1(a)(1)(C)

PROVIDER	DATE OF SERVICE	AMOUNT INCURRED
Las Vegas Fire & Rescue	03/13/09	\$ 772.00
Mountain View Hospital	03/13/09	\$ 4,468.45
Radiology Specialist, Ltd.	03/13/09	\$ 215.00
Fremont Emergency Services	03/13/09	\$ 275.00
Primary Care Consultants	03/30/09	\$ 300.00
Neck & Back Clinic	03/20/09 - 07/22/09	\$ 3,500.00
Nevada Imaging Company	04/03/09	\$ 2,743.00
Marjorie E. Belsky, M.D.	05/05/09 - 12/15/09	\$ 22,310.00
Mario Tarquino, M.D.	05/20/09 - 12/09/09	\$ 52,923.07
Surgery Center of Southern NV	09/16/09 - 12/09/09	\$ 3,600.00
William S. Muir, M.D.	08/24/09 - 01/25/09	\$ 49,714.00
Sierra Meds Services	10/13/09	\$ 1,650.00
Summerlin Hospital	01/22/10 - 01/27/10	\$ 58,495.00
Russell Shah, M.D.	12/10/09 - 01/07/10	\$ 7,995.00
Leo Langlois, M.D.	04/02/10 - 04/14/10	\$ 1,391.00
Nevada Spine Clinic	04/29/10 - 12/14/10	\$ 38,367.50
St. Rose Dominican Hospital	05/12/10 - 05/16/10	\$ 168,074.00
Eddy Luh, M.D.	05/17/10 - 06/08/10	\$ 7,790.00
TOTAL		*\$ 424,583.02

*This total amount does not include Plaintiff's lost wages, future and/or residual damages, and medical bills not yet received. However, as previously stated above, Plaintiff reserves the right to supplement and/or amend this Computation of Damages as discovery is continuing.

**LOSS OF EARNINGS /
LOSS OF EARNING CAPACITY**

TBA

1 FUTURE MEDICAL EXPENSES

TBA

2 PAIN AND SUFFERING

3 Plaintiff will make a claim for general pain and suffering, in an amount to be determined
4
5 at trial.
6

7 DATED this 3rd day of May, 2012.

8 RICHARD HARRIS LAW FIRM

9
10 By:  11451
11 RICHARD A. HARRIS, ESQ.

12 Nevada Bar No. 505

13 ALISON M. BRASIER, ESQ.

14 Nevada Bar No. 10522

15 801 South Fourth Street

16 Las Vegas, Nevada 89101

17 Phone (702) 444-4444

18 Fax (702) 444-4455

19 Attorneys for Plaintiff
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 3 day of May, 2012, I caused the foregoing PLAINTIFF'S SUPPLEMENT TO INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS to be served as follows:

- ☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ by hand delivery

to the attorneys listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith, Esq.
HALL JAFFE & CLAYTON, LLP.
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
Attorneys for Defendants


An employee of the RICHARD HARRIS LAW FIRM



CLERK OF THE COURT

1 **ANSC**
STEVEN T. JAFFE
2 sjaffe@lawhjc.com
Nevada Bar No. 007035
3 JACOB S. SMITH
jsmith@lawhjc.com
4 Nevada Bar No. 010231

5 **HALL JAFFE & CLAYTON, LLP**
7455 WEST WASHINGTON AVENUE, SUITE 460
6 LAS VEGAS, NEVADA 89128
(702) 316-4111
7 FAX (702) 316-4114

8 Attorneys for Defendant
Raymond R. Khoury
9

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 MARGARET G. SEASTRAND,
13 Plaintiff,

14 vs.

15 RAYMOND RIAD KHOURY; DOES 1
16 through 10; and ROE ENTITIES 11 through
20, inclusive,

17 Defendants.
18

CASE NO. A-11-636515-C
DEPT NO. XXX

ANSWER TO COMPLAINT

19 COMES NOW, Defendant, RAYMOND RIAD KHOURY, by and through his attorneys,
20 STEVEN T. JAFFE, ESQ. and JACOB S. SMITH, ESQ. of the law firm of HALL JAFFE &
21 CLAYTON, LLP, and answers Plaintiff's Complaint as follows:

22 1. Answering Paragraphs 1, 2, 4 and 6 of the Complaint, this Answering Defendant is
23 without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations
24 contained therein, and accordingly, those allegations are hereby denied.

25 2. Answering Paragraph 3 of the Complaint, this Answering Defendant admits all
26 allegations contained therein.

27 3. Answering Paragraphs 5, 7 and 8 of the Complaint, this Answering Defendant denies all
28 allegations contained therein

4. Answering Paragraphs 9, 10 and 11 of the Complaint, this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations regarding injuries and damages contained therein, and accordingly, those allegations are hereby denied. This Answering Defendant denies the remaining allegations contained therein, and demands strict proof of all alleged damages.

AFFIRMATIVE DEFENSES

As and for their affirmative defenses in this case, this Answering Defendant asserts the following:

FIRST AFFIRMATIVE DEFENSE

Defendant alleges that this Court lacks in personal jurisdiction over the Defendant.

SECOND AFFIRMATIVE DEFENSE

Defendant alleges that there has been insufficiency of process and as a result, Defendant has been prejudiced in this litigation.

THIRD AFFIRMATIVE DEFENSE

Defendant alleges that there has been insufficiency in the service of process and as a result, Defendant has been prejudiced in this litigation.

FOURTH AFFIRMATIVE DEFENSE

The Complaint fails to state a claim against the Defendant upon which relief can be granted.

FIFTH AFFIRMATIVE DEFENSE

The cause of action set forth in the Complaint is subject to dismissal for failure to join a necessary and indispensable party pursuant to NRCP 19.

SIXTH AFFIRMATIVE DEFENSE

Defendant alleges that the collision alleged in the Complaint, and the alleged damages and injuries, if any, to Plaintiff, were proximately caused or contributed to by Plaintiff's own negligence and such negligence was greater than any of the Defendant's negligence.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate his damages and, thus, monetary recovery, if any, should be reduced accordingly.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 The Complaint and each and every purported cause of action in the Complaint fails to state facts
3 sufficient to constitute a cause of action or to state a claim on which relief can be granted against
4 Defendant.

5 **NINTH AFFIRMATIVE DEFENSE**

6 Defendant, without negligence on his part, was suddenly and unexpectedly confronted with peril
7 arising from the actual presence of or appearance of imminent danger to himself or others and utilized
8 reasonable care in responding to such emergency and therefore, Defendant's conduct is excused.

9 **TENTH AFFIRMATIVE DEFENSE**

10 Plaintiff failed to property and timely file her Complaint pursuant to the applicable statute of
11 limitations.

12 **ELEVENTH AFFIRMATIVE DEFENSE**

13 The accident which is the subject matter of this action was unavoidable, wherefore, Plaintiff is
14 barred from any recovery against this Defendant.

15 **TWELFTH AFFIRMATIVE DEFENSE**

16 Defendant alleges that Plaintiff is barred from bringing this claim as all consequences of this
17 claim were avoidable.

18 **THIRTEENTH AFFIRMATIVE DEFENSE**

19 Defendant alleges that the injuries, if any, suffered by the Plaintiff as set forth in the Plaintiff's
20 Complaint were caused in whole or in part by the negligence of a third party over which Defendant had
21 no control.

22 **FOURTEENTH AFFIRMATIVE DEFENSE**

23 Plaintiff is barred from recovering any special damages herein for failure to specifically allege
24 the items of special damages claims, pursuant to NRCP 9(g).

25 **FIFTEENTH AFFIRMATIVE DEFENSE**

26 Plaintiff's injuries and problems, as alleged herein, pre-existed the accident at issue in this
27 matter, thereby barring or limiting recovery.

28 ///

1 **SIXTEENTH AFFIRMATIVE DEFENSE**

2 Plaintiff does not belong to the class of persons a statute was designed to protect, and the
3 Plaintiff's claimed injury is not the type any statute was intended to protect.

4 **SEVENTEENTH AFFIRMATIVE DEFENSE**

5 Plaintiff has intentionally or negligently destroyed critical evidence, thereby constituting
6 spoliation of evidence, to this Defendant's prejudice.

7 **EIGHTEENTH AFFIRMATIVE DEFENSE**

8 Defendant reserves its right to assert additional affirmative defenses in the event discovery
9 indicates that additional affirmative defenses would be appropriate.

10 WHEREFORE, Defendant, RAYMOND RIAD KHOURY, prays for relief as follows:

- 11 1. That Plaintiff take nothing by virtue of her Complaint on file herein;
12 2. A judgment of dismissal be entered in favor of Defendant;
13 3. That this answering Defendant be dismissed with costs incurred and reasonable attorney's
14 fees; and
15 4. For such other and further relief as to the Court deems just and proper in the premises.

16 DATED this 21 day of June, 2011.

17 HALL JAFFE & CLAYTON, LLP

18
19 By 

20 STEVEN T. JAFFE

21 Nevada Bar No. 007035

22 JACOB S. SMITH

23 Nevada Bar No. 010231

24 7455 West Washington Avenue, Suite 460

25 Las Vegas, Nevada 89128

26 Attorneys for Defendant

27 Raymond R. Khoury
28

1 **CERTIFICATE OF SERVICE**

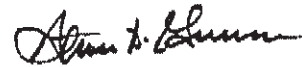
2 Pursuant to N.R.C.P. 5(b), I hereby certify that service of the foregoing **ANSWER TO**
3 **COMPLAINT** was made this 21 day of June, 2010, by depositing a true and correct copy of the same
4 by U.S. Mail in Las Vegas, Nevada, addressed, stamped, and mailed to the following:

5
6 Shoshana Kunin-Leavitt, Esq.
7 RICHARD HARRIS LAW FIRM
8 801 S. Fourth Street
9 Las Vegas, Nevada 89101
10 *Attorneys for Plaintiff*

11 

12 An Employee of
13 HALL JAFFE & CLAYTON, LLP
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CLERK OF THE COURT

1 COMP
2 SHOSHANA KUNIN-LEAVITT, ESQ.
3 Nevada Bar No. 011625
4 CHRISTIAN N. GRIFFIN, ESQ.
5 Nevada Bar No. 010601
6 RICHARD HARRIS LAW FIRM
7 801 South Fourth Street
8 Las Vegas, Nevada 89101
9 Tel: (702) 444-4444
10 Email: shoshana@richardharrislaw.com
11 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,

Plaintiff,

vs.

RAYMOND RIAD KHOURY; DOES 1 through 10;
and ROE ENTITIES 11 through 20, inclusive,

Defendants.

CASE NO.: A-11-636515-C

DEPT. NO.: XXX

RICHARD HARRIS
LAW FIRM



COMPLAINT

COMES NOW, Plaintiff MARGARET G. SEASTRAND, by and through her counsel,
Shoshana Kunin-Leavitt, Esq. and Christian N. Griffin, Esq. of the RICHARD HARRIS LAW
FIRM, and for her causes of action against Defendants, and each of them, complains and alleges as
follows:

JURISDICTION

1. That at all times relevant herein, Plaintiff MARGARET G. SEASTRAND (hereinafter
referred to as "Plaintiff"), is and was a resident of Clark County, Nevada.

///

 RICHARD HARRIS
LAW FIRM

1 2. That at all times relevant herein, Defendant RAYMOND RIAD KHOURY (hereinafter
2 referred to as "Defendant KHOURY"), is and was a resident of Clark County, Nevada.

3 3. All the facts and circumstances that give rise to the subject lawsuit occurred in Clark County,
4 Nevada.

5 4. That the true names and capacities whether individual, corporate, associate, partnership or
6 otherwise of the Defendants herein designated as DOES 1 through 10 and ROE ENTITIES 11
7 through 20, inclusive, are unknown to Plaintiff, but are believed to be the owners, course and scope
8 employers and/or family members of the Defendants, who operated the subject motor vehicle, and
9 therefore Plaintiff sues said Defendants by such fictitious names.
10

11 5. That Plaintiff is informed and believes and thereon alleges each of the Defendants, including
12 those designated herein as DOE and ROE ENTITIES are legally responsible for the injuries and
13 damages to Plaintiff as herein alleged.
14

15 6. That at such time that Plaintiff determines the true identities of the DOE and ROE
16 ENTITIES, Plaintiff will seek leave of this Court to amend this Complaint to set forth the proper
17 names of those Defendants as well as asserting appropriate charging allegations.
18

19 7. That on or about March 13, 2009, and at all times mentioned, Defendants, were the owners,
20 employers, family members and/or operators of a motor vehicle, while in the course and scope of
21 employment and/or family purpose, which was entrusted and driven in such a negligent and careless
22 manner so as to cause a collision with the vehicle occupied by Plaintiff.
23

24 8. As a result of Defendant's violation of Nevada traffic laws, Defendant KHOURY was
25 negligent per se in causing the subject motor vehicle collision.

26 ///

27 ///

1 9. As a direct and proximate result, Plaintiff was seriously injured and caused to suffer great
2 pain of body and mind, some of which conditions are permanent and disabling all to their general
3 damage in an amount in excess of Ten Thousand Dollars (\$10,000.00).

4 10. As a direct and proximate result, Plaintiff incurred and will incur expenses for past and future
5 medical care and treatment, all to her special damage in an amount according to proof at trial.
6

7 11. As a direct and proximate result, Plaintiff sustained a loss of earnings and earning capacity,
8 all to her special damage in an amount according to proof at trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for judgment of this Court, as follows:
11

- 12 1. General damages in an amount in excess of \$10,000.00;
13 2. Special damages for medical and incidental expenses incurred and to be incurred;
14 3. Special damages for lost earnings and earning capacity;
15 4. Attorney's fees and costs of suit incurred herein; and
16 5. For such other and further relief this Court may deem just and proper.
17

18 DATED this 2nd day of March, 2011.

19 RICHARD HARRIS LAW FIRM

20
21 By: [Signature]
22 SHOSHANA KUNIN-LEAVITT, ESQ.
23 Nevada Bar No. 011625
24 CHRISTIAN N. GRIFFIN, ESQ.
25 Nevada Bar No. 010601
26 801 South Fourth Street
27 Las Vegas, Nevada 89101
28 *Attorneys for Plaintiff*

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND RIAD KHOURY,

Appellant,

vs.

MARGARET SEASTRAND,

Respondent.

Supreme Court Case No. 64702

Supreme Court Case No. 65007
Electronically Filed
Nov 13 2014 08:09 a.m.

Supreme Court Case No. 65172
Tracie K. Lindeman
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County

The HONORABLE JERRY WEISE, District Court Judge

District Court Case No. A-11-636515-C

APPELLANT'S APPENDIX

VOLUME I

STEVEN T. JAFFE, ESQ.

Nevada Bar No. 007035

JACOB S. SMITH, ESQ.

Nevada Bar No. 010231

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7425 Peak Drive

Las Vegas, Nevada 89128

Attorneys for Appellant Raymond Riad Khoury

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VOLUME I

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Exhibit 1	March 8, 2011, Complaint	JA 0001-0003
Exhibit 2	June 21, 2011, Answer to Complaint	JA 0004-0008
Exhibit 3	May 3, 2012, Plaintiff's Supplement to Early Case Conference List of Witnesses and Documents (pleading only)	JA 0009-0019
Exhibit 4	August 29, 2012, Plaintiff's Designation of Expert Witnesses (pleading only)	JA 0020-0024
Exhibit 5	November 1, 2012, Defendant's Motion to Compel Discovery Responses and Production of Documents Re: Plaintiff's Medical Liens	JA 0025-0064
Exhibit 6	November 20, 2012, Plaintiff's Opposition to Defendant's Motion to Compel Discovery Responses and Production of Documents Re: Plaintiff's Medical Liens	JA 0065-0106
Exhibit 7	November 30, 2012, Defendant's Reply to Plaintiff's Motion to Compel Discovery Responses and Production of Documents Re: Plaintiff's Medical Liens	JA 0107-0112
Exhibit 8	March 14, 2013, Discovery Commissioner's Report and Recommendations	JA 0113-0118