

CLERK OF THE COURT

1 NOAS
DANIEL F. POLSENBERG
2 Nevada Bar No. 2376
JOEL D. HENRIOD
3 Nevada Bar No. 8492
LEWIS ROCA ROTHGERBER CHRISTIE LLP
4 3993 Howard Hughes Parkway, Suite 600
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Electronically Filed
Apr 15 2016 10:42 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

7 LEANN SANDERS
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9 7401 West Charleston Boulevard
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11 LSanders@AlversonTaylor.com

12 *Attorneys for Defendants*
First Transit, Inc. and Jay Farrales

13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15 JACK CHERNIKOFF and ELAINE
16 CHERNIKOFF,
17 Plaintiffs,
18 vs.
19 FIRST TRANSIT, INC.; JAY FARRALES;
20 DOES 1-10; and ROES 1-10, inclusive,
21 Defendants.

Case No. A-13-682726-C
Dept. No. XXIII

NOTICE OF APPEAL

22 Please take notice that defendants First Transit, Inc. and Jay
23 Farrales hereby appeal to the Supreme Court of Nevada from:

- 24 1. All judgments and orders in this case;
25 2. "Judgment Upon the Jury Verdict," filed March 8, 2016, notice
26 of entry of which was served electronically on March 9, 2016 (Exhibit A);
27 and

1 3. All rulings and interlocutory orders made appealable by any of
2 the foregoing.

3 Dated this 8th day of April, 2016.

4 LEWIS ROCA ROTHGERBER CHRISTIE LLP

5 BY: /s/ Joel D. Henriod

6 DANIEL F. POLSENBERG (SBN 2376)
7 JOEL D. HENRIOD (SBN 8492)
8 3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, Nevada 89169
 (702) 949-8200

9 LEANN SANDERS (SBN 390)
10 ALVERSON, TAYLOR, MORTENSEN & SANDERS
11 7401 West Charleston Boulevard
 Las Vegas, Nevada 89117
 (702) 384-7000

12 *Attorneys for Defendants First Transit, Inc.*
13 *and Jay Farrales*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 8th day of April, 2016, I caused a true and
3 correct copy of the foregoing "Notice of Appeal" to be served *via* the Court's
4 electronic filing system and by courtesy email upon the following counsel of
5 record.

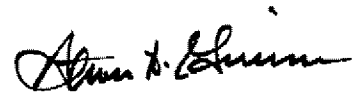
6 BENJAMIN P. CLOWARD
7 CLOWARD HICKS & BRASIER, PLLC
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11 CHARLES H. ALLEN
12 CHARLES ALLEN LAW FIRM
13 950 East Paces Ferry Road
14 NE Suite 1625
15 Atlanta, Georgia 30326
16 CAllen@CharlesAllenLawFirm.com

17
18 */s/ Jessie M. Helm*
19 An Employee of Lewis Roca Rothgerber Christie LLP
20
21
22
23
24
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28

EXHIBIT A

EXHIBIT A


CLERK OF THE COURT

1 NEO
2 BENJAMIN P. CLOWARD, ESQ.
3 Nevada Bar No. 11087
4 CLOWARD HICKS & BRASIER, PLLC
5 721 South 6th Street
6 Las Vegas, NV 89101
7 Telephone: (702) 628-9888
8 Facsimile: (702) 960-4118
9 Beloward@chblawyers.com
10 *Attorneys for Plaintiffs*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 JACK CHERNIKOFF and ELAINE
11 CHERNIKOFF,

CASE NO. A-13-682726-C

DEPT. NO. XXIII

12 Plaintiffs,

13 NOTICE OF ENTRY OF ORDER

14 vs.


15 FIRST TRANSIT, INC. JAY
16 FARRALES; DOES 1-10, and ROES 1-10
17 inclusive,

18 Defendants.

19 YOU WILL PLEASE TAKE NOTICE that the attached JUDGMENT UPON THE JURY
20 VERDICT was entered by this Court in the above-entitled matter on the 8th day of March, 2016.

21 DATED THIS 9th day of March, 2016.

22
23 CLOWARD HICKS & BRASIER, PLLC


24
25 BENJAMIN P. CLOWARD, ESQ.
26 Nevada Bar No. 11087
27 721 South Sixth Street
28 Las Vegas, Nevada 89101
Attorneys for Plaintiffs

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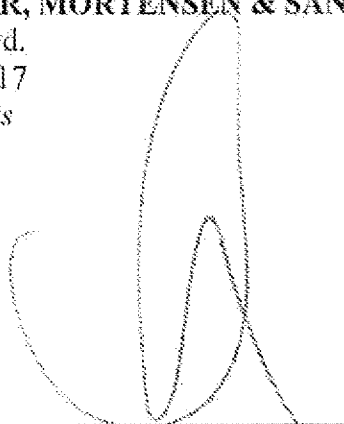
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of CLOWARD HICKS & BRASIER, PLLC and that on the 9 day of March 2016, I caused the foregoing NOTICE OF ENTRY OF ORDER 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
- pursuant to N.E.F.C.R. 9 by serving it via electronic service

to the attorneys listed below:

LEANN SANDERS, ESQ.
ALVERSON, TAYLOR, MORTENSEN & SANDERS
7401 W. Charleston Blvd.
Las Vegas, Nevada 89117
Attorneys for Defendants



An employee of the CLOWARD HICKS & BRASIER, PLLC

CLERK OF THE COURT

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JGJV
BENJAMIN P. CLOWARD, ESQ.
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Attorneys for Plaintiffs

CHARLES H. ALLEN, ESQ. (*Pro Hac Vice*)
Georgia Bar No. 009883
ALLEN LAW FIRM
400 West Peach Tree Street, Unit 3704
Atlanta, GA 30308
Fax (866) 639-0287
Attorney for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

JACK CHERNIKOFF and ELAINE
CHERNIKOFF,

Plaintiffs,

vs.

FIRST TRANSIT, INC. JAY
FARRALES; DOES 1-10, and ROES 1-10
inclusive,

Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

JUDGMENT UPON THE JURY
VERDICT

This action came on for trial before the court and the jury, the Honorable Stefany A. Miley,
District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its
verdict.¹

¹ **Exhibit 1: Jury Verdict**

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred before Trial	<input type="checkbox"/> Other - _____

1 IT IS ORDERED AND ADJUDGED that Plaintiffs, JACK CHERNIKOFF and ELAINE
2 CHERNIKOFF, have and recover of Defendant, FIRST TRANSIT, INC., the following sum:

3 Pain and suffering, by Harvey Chernikoff: \$7,500,000.00
4
5 Greif, sorrow, loss of companionship, society,
6 Comfort, and loss of relationship suffered
7 by Plaintiffs, JACK CHERNIKOFF and
8 ELAINE CHERNIKOFF: + \$7,500,000.00
9
10 **Total Damages \$15,000,000.00**

11 IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's past damages shall bear Pre-
12 Judgment interest in accordance with Lee v. Ball, 116 P.3d 64, (2005) at the rate of 3.25% per annum
13 plus 2%² from the date of service of the Summons and Complaint³ on June 7, 2013, through the date
14 of the verdict on February 29, 2016, as follows:

15 **PRE-JUDGMENT INTEREST ON PAST DAMAGES: 15,000,000.00**

16 06/07/13 through 02/29/16 = \$2,149,631.70
17 [(997 days) at (prime rate (3.25%) plus 2 percent = 5.25%)]
18 [Interest is approximately \$2,156.10 per day]

19 NOW, THEREFORE, Judgment Upon the Verdict in favor of the Plaintiffs are as follows:

20 JACK CHERNIKOFF and ELAINE CHERNIKOFF is hereby given Seventeen Million One
21 Hundred Forty-Nine Thousand, Six Hundred Thirty-One Dollars and 70/100 (\$17,149,631.70), which
22 shall bear interest at the current rate of 5.25% per day, until satisfied.

23 DATED THIS 8 day of March, 2016.

24 
DISTRICT COURT JUDGE

25 **JUDGE STEFANY A. MILEY**

26 *Respectfully submitted:*
CLOWARD HICKS & BRASIER, PLLC

27 
BENJAMIN P. CLOWARD, ESQ.

28 ² Exhibit 2: Prime Rate as of January 1, 2013

³ Exhibit 3: Affidavit of Service upon the Defendant

EXHIBIT "1"

DISTRICT COURT
CLARK COUNTY, NEVADA

JACK CHERNIKOFF and ELAINE
CHERNIKOFF,

Plaintiffs,

vs.

FIRST TRANSIT, INC. JAY
FARRALES; DOES 1-10, and ROES 1-10
inclusive,

Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

VERDICT FORM

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 29 2016

5:21 pm

BY 
KATHERINE STREUBER, DEPUTY

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VERDICT FORM

1
2 1. Do you find from a preponderance of the evidence that Defendant Jay Farrales
3 was negligent and that such negligence was a proximate cause of the death of Harvey
4 Chernikoff?

5 ANSWER: Yes No

6
7 2. Do you find from a preponderance of the evidence that Defendant First Transit,
8 Inc. was negligent and that such negligence was a proximate cause of the death of Harvey
9 Chernikoff?

10 ANSWER: Yes No

11 If you have answered "No" to questions #1 and #2 above, stop here, answer no further
12 questions, and have the foreperson sign and date this form.

13 3. Do you find from a preponderance of the evidence that Plaintiff Jack Chernikoff
14 was negligent and that such negligence was a proximate cause of the death of Harvey
15 Chernikoff?

16 ANSWER: Yes No

17
18 4. Do you find from a preponderance of the evidence that Plaintiff Elaine
19 Chernikoff was negligent and that such negligence was a proximate cause of the death of
20 Harvey Chernikoff?

21 ANSWER: Yes No

1 5. Using one hundred percent (100%) as the total combined negligence which
2 acted as a proximate cause of the injuries complained of by Plaintiffs Jack Chernikoff and
3 Elaine Chernikoff, what percentage of the total combined negligence do you find from the
4 evidence is attributable to:

5 Jay Farrales 0 %
6 First Transit, Inc. 100 %
7 Jack Chernikoff 0 %
8 Elaine Chernikoff 0 %
9
10 Totaling 100%

11 7. Without regard to the above answers, we find that the total amount of the
12 Plaintiffs' damages are divided as follows:

13
14 Pain and suffering by HARVEY CHERNIKOFF \$ 7.5 million
15
16 Grief, sorrow, loss of companionship,
17 Society, comfort, and loss of relationship
18 suffered by Plaintiffs JACK CHERNIKOFF
19 and ELAINE CHERNIKOFF: \$ 7.5 MILLION
20
21 TOTAL \$ 15,000,000

22
23 Dated this 29 day of FEBRUARY, 2016.

24 Fredy A. Garcia
25 FOREPERSON
26
27
28

EXHIBIT “2”

PRIME INTEREST RATE

NRS 99.040(1) requires:

"When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1, or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due, . . ."

Following is the prime rate as ascertained by the Commissioner of Financial Institutions:

January 1, 2015	3.25%	July 1, 2014	3.25%
January 1, 2014	3.25%	July 1, 2013	3.25%
January 1, 2013	3.25%	July 1, 2012	3.25%
January 1, 2012	3.25%	July 1, 2011	3.25%
January 1, 2011	3.25%	July 1, 2010	3.25%
January 1, 2010	3.25%	July 1, 2009	3.25%
January 1, 2009	3.25%	July 1, 2008	5.00%
January 1, 2008	7.25%	July 1, 2007	8.25%
January 1, 2007	8.25%	July 1, 2006	8.25%
January 1, 2006	7.25%	July 1, 2005	6.25%
January 1, 2005	5.25%	July 1, 2004	4.25%
January 1, 2004	4.00%	July 1, 2003	4.00%
January 1, 2003	4.25%	July 1, 2002	4.75%
January 1, 2002	4.75%	July 1, 2001	6.75%
January 1, 2001	9.50%	July 1, 2000	9.50%
January 1, 2000	8.25%	July 1, 1999	7.75%
January 1, 1999	7.75%	July 1, 1998	8.50%
January 1, 1998	8.50%	July 1, 1997	8.50%
January 1, 1997	8.25%	July 1, 1996	8.25%
January 1, 1996	8.50%	July 1, 1995	9.00%
January 1, 1995	8.50%	July 1, 1994	7.25%
January 1, 1994	6.00%	July 1, 1993	6.00%
January 1, 1993	6.00%	July 1, 1992	6.50%
January 1, 1992	6.50%	July 1, 1991	8.50%
January 1, 1991	10.00%	July 1, 1990	10.00%
January 1, 1990	10.50%	July 1, 1989	11.00%
January 1, 1989	10.50%	July 1, 1988	9.00%
January 1, 1988	8.75%	July 1, 1987	8.25%
January 1, 1987	Not Available		

* Attorney General Opinion No. 98-20:

If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in NRS 99.040 from the date the debt becomes due on any debt where there is no written contract fixing a different rate of interest, unless the account is an open or store accounts as

EXHIBIT “3”

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Legal Process Service 105 Mary Street Reno, Nevada 89509

Electronically Filed
06/11/2013 09:54:24 AM

AFFT
Richard Harris Law Firm
Benjamin P. Cloward, Esc.
831 S. 4th St.
Las Vegas, NV 89101
State Bar No.: 11087
Attorney(s) for: Plaintiff(s)


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY NEVADA

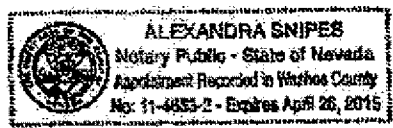
Case No.: A-13-682726-C
Dept. No.: XXIII
Date:
Time:


The Estate of Harvey Chernikoff, Deceased; by Jack Chernikoff as
personal representative, individually and as heir; et al.
vs Plaintiff(s)


First Transit, Inc. Laidlaw Transit Services, Inc dba First Transit, et al.
Defendant(s)

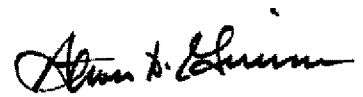
AFFIDAVIT OF SERVICE

I, Kelly Danna, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the: Summons: Complaint: Civil Cover Sheet: Initial Appearance Fee Disclosure on the 7th day of June, 2013 and served the same on the 7th day of June, 2013 at 2:35pm by serving the Defendant(s), First Transit, Inc. Laidlaw Transit Services, Inc. dba First Transit by personally delivering and leaving a copy at Registered Agent: The Corporation Trust Company of Nevada, 311 South Division Street, Carson City, Nevada 89703 with Alena Duggan, Administrative Assistant pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the registered agent as shown on the current certificate of designation filed with the Secretary of State.



State of Nevada, County of Washoe
SUBSCRIBED AND SWORN to before me on this
11th day of June, 2013

Notary Public: Alexandra Snipes


Affiant Kelly Danna # R-057577
Legal Process Service License # 604
Work Order No 1304659
01 10 2013 10 54 24 AM



CLERK OF THE COURT

1 **ASTA**
DANIEL F. POLSENBERG
2 Nevada Bar No. 2376
JOEL D. HENRIOD
3 Nevada Bar No. 8492
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(702) 385-7000 (Fax)
11 LSanders@AlversonTaylor.com

12 *Attorneys for Defendants*
First Transit, Inc. and Jay Farrales

13
14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 JACK CHERNIKOFF and ELAINE
CHERNIKOFF,
17 Plaintiffs,
18 *vs.*
19 FIRST TRANSIT, INC.; JAY FARRALES;
DOES 1-10; and ROES 1-10, inclusive,
20 Defendants.
21

Case No. A-13-682726-C
Dept. No. XXIII

CASE APPEAL STATEMENT

- 22 1. Name of appellants filing this case appeal statement:
23 Defendants FIRST TRANSIT, INC. and JAY FARRALES
24
25 2. Identify the judge issuing the decision, judgment, or order appealed from:
26 THE HONORABLE STEFANY A. MILEY
27 3. Identify each appellant and the name and address of counsel for each
appellant:
28

1 *Attorneys for Appellants First Transit, Inc. and Jay Farrales*

2 DANIEL F. POLSENBERG
3 JOEL D. HENRIOD
4 LEWIS ROCA ROTHGERBER CHRISTIE LLP
5 3993 Howard Hughes Parkway, Suite 600
6 Las Vegas, Nevada 89169
7 (702) 949-8200

8 LEANN SANDERS
9 ALVERSON, TAYLOR, MORTENSEN & SANDERS
10 7401 West Charleston Boulevard
11 Las Vegas, Nevada 89117
12 (702) 384-7000

- 13 4. Identify each respondent and the name and address of appellate counsel,
14 if known, for each respondent (if the name of a respondent's appellate
15 counsel is unknown, indicate as much and provide the name and address
16 of that respondent's trial counsel):

17 *Attorneys for Respondents Jack Chernikoff and Elaine Chernikoff*

18 BENJAMIN P. CLOWARD
19 CLOWARD HICKS & BRASIER, PLLC
20 4101 Meadows Lane, Suite 210
21 Las Vegas, Nevada 89107
22 (702) 628-9888

23 CHARLES H. ALLEN
24 CHARLES ALLEN LAW FIRM
25 950 East Paces Ferry Road
26 NE Suite 1625
27 Atlanta, Georgia 30326
28 (404) 419-6674

- 29 5. Indicate whether any attorney identified above in response to question 3
30 or 4 is not licensed practice law in Nevada and, if so, whether the district
31 court granted that attorney permission to appear under SCR 42 (attach a
32 copy of any district court order granting such permission):

33 Charles H. Allen is not licensed to practice in Nevada. A copy
34 of the order granting him permission to appear is attached hereto
35 as Exhibit A.

- 36 6. Indicate whether appellant was represented by appointed or retained
37 counsel in the district court:

38 Retained counsel

- 39 7. Indicate whether appellant is represented by appointed or retained
40 counsel on appeal:

41 Retained counsel

1 8. Indicate whether appellant was granted leave to proceed in forma
2 pauperis, and the date of entry of the district court order granting such
leave:

N/A

3
4 9. Indicate the date the proceedings commenced in the district court, e.g.,
date complaint, indictment, information, or petition was filed:

5 Complaint filed May 31, 2013

6 10. Provide a brief description of the nature of the action and result in the
7 district court, including the type of judgment or order being appealed and
the relief granted by the district court:

8 This is a wrongful death action. Defendants appeal from the
9 judgment upon the jury verdict in favor of the decedent's heirs,
entered on March 9, 2016.

10 11. Indicate whether the case has previously been the subject of an appeal or
11 an original writ proceeding in the Supreme Court and, if so, the caption
and Supreme Court docket number of the prior proceeding.

12 N/A

13 12. Indicate whether this appeal involves child custody or visitation:

14 This case does not involve child custody or visitation.

15 13. If this is a civil case, indicate whether this appeal involves the possibility
16 of settlement:

17 There are no circumstances that make settlement impossible.

18 Dated this 8th day of April, 2016.

19 LEWIS ROCA ROTHGERBER CHRISTIE LLP

20
21 BY: /s/ Joel D. Henriod
22 DANIEL F. POLSENBERG (SBN 2376)
23 JOEL D. HENRIOD (SBN 8492)
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26 7401 West Charleston Boulevard
Las Vegas, Nevada 89117
(702) 384-7000

27 *Attorneys for Defendants First Transit, Inc.*
28 *and Jay Farrales*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 8th day of April, 2016, I caused a true and
3 correct copy of the foregoing "Case Appeal Statement" to be served *via* the
4 Court's electronic filing system and by courtesy email upon the following
5 counsel of record.

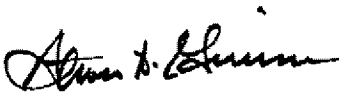
6 BENJAMIN P. CLOWARD
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11 CHARLES H. ALLEN
12 CHARLES ALLEN LAW FIRM
13 950 East Paces Ferry Road
14 NE Suite 1625
15 Atlanta, Georgia 30326
16 CAllen@CharlesAllenLawFirm.com

17
18 */s/ Jessie M. Helm*
19 An Employee of Lewis Roca Rothgerber Christie LLP
20
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EXHIBIT A

EXHIBIT A


CLERK OF THE COURT

1 NOE
2 BENJAMIN P. CLOWARD, ESQ.
3 Nevada Bar No. 11087
4 **RICHARD HARRIS LAW FIRM**
5 801 South Fourth Street
6 Las Vegas, Nevada 89101
7 Phone: (702) 444-4444
8 Fax: (702) 444-4455
9 E-Mail: Benjamin@RichardHarrisLaw.com
10 *Attorneys for Plaintiff*

DISTRICT COURT
CLARK COUNTY, NEVADA

JACK CHERNIKOFF, ELAINE
CHERNIKOFF,

CASE NO. A-13-682726-C
DEPT. NO. XXIII

Plaintiffs,

vs.

FIRST TRANSIT, INC. LAIDLAW
TRANSIT SERVICES, INC dba FIRST
TRANSIT; JAY FARRALES; DOES 1-10,
and ROES 1-10 inclusive,

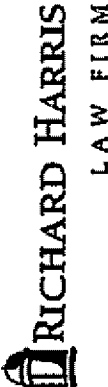
Defendants.

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD.

PLEASE TAKE NOTICE that an Order Granting Motion for Association of Out of State
Counsel Pro Hac Vice was filed with the Court on May 27, 2014.

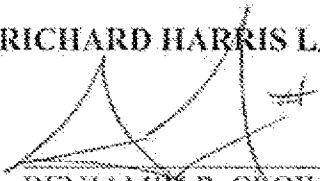
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1 A copy of which is attached hereto.

2 DATED this 28th day of May 2014.

3
4
5
6 RICHARD HARRIS LAW FIRM

7  #10664
8 BENJAMIN P. CLOWARD, ESQ.
9 Nevada Bar No. 11087
10 801 South Fourth Street
11 Las Vegas, NV 89101

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18 RICHARD HARRIS
LAW FIRM

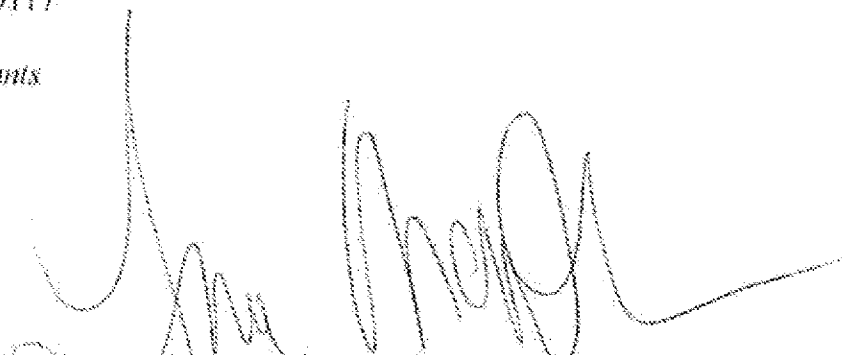
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of RICHARD HARRIS LAW FIRM, and that on this 27 day of May, 2014, I served a copy of the foregoing

NOTICE OF ENTRY OF ORDER as follows:

- U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or
- Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or
- Hand Delivery—By hand-delivery to the addresses listed below.

Leann Sanders, Esq.
 Shirley Blazich, Esq.
 ALVERSON, TAYLOR,
 MORTENSEN & SANDERS
 7401 W. Charleston Blvd.
 Las Vegas, Nevada 89117
 Fax (702) 385-7000
Attorneys for Defendants



 An employee of the Richard Harris Law Firm

RICHARD HARRIS
 LAW FIRM

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CLERK OF THE COURT

1 ORD
2 BENJAMIN P. CLOWARD, ESQ.
3 Nevada Bar No. 11087
4 Utah Bar No. 12336
5 **RICHARD HARRIS LAW FIRM**
6 801 South Fourth Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 444-4444
9 Facsimile: (702) 444-4455
10 *Attorney for Plaintiff*

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

13 The Estate of HARVEY CHERNIKOFF,
14 Deceased; by JACK CHERNIKOFF as
15 personal representative, individually and as
16 heir; ELAINE CHERNIKOFF individually
17 and as heir,

18 Plaintiffs,

19 vs.

20 FIRST TRANSIT, INC. LAIDLAW
21 TRANSIT SERVICES, INC dba FIRST
22 TRANSIT; JAY FARRALES; DOES 1-10,
23 and ROES 1-10 inclusive,

24 Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

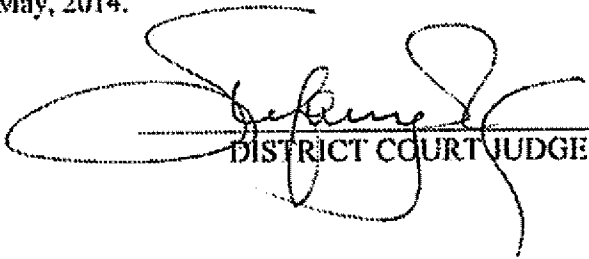
**ORDER GRANTING MOTION FOR
ASSOCIATION OF OUT OF STATE
COUNSEL PRO HAC VICE**

25 CHARLES H. ALLEN, ESQ, having filed his Motion to Associate as Counsel under
26 Nevada Supreme Court Rule 42, together with a Verified Application for Association of
27 Counsel, a Certificate of Good Standing in the state of Georgia, and the State Bar of Nevada
28 Statement; said application having been noticed, no objections having been made, and the Court
being fully appraised in the matter, and good cause appearing, it is hereby ORDERED that said

 RICHARD HARRIS
LAW FIRM

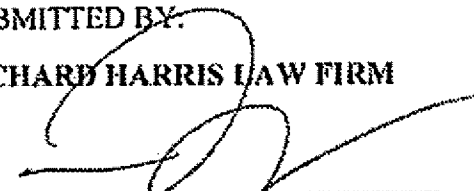
1 application is hereby granted, and CHARLES H. ALLEN, ESQ. is hereby associated as counsel
2 for this action only.

3 Dated this 22 day of May, 2014.

4
5
6 
7 _____
8 DISTRICT COURT JUDGE

9 SUBMITTED BY:
10 RICHARD HARRIS LAW FIRM

JUDGE STEFANY A. MILEY

11
12 By: 
13 _____
14 BENJAMIN P. CLOWARD, ESQ.
15 Nevada Bar No. 11087
16 801 South Fourth Street
17 Las Vegas, Nevada 89101
18 *Attorney for Plaintiffs*

RICHARD HARRIS
LAW FIRM

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

§
§
§
§
§

Location: **Department 23**
Judicial Officer: **Miley, Stefany**
Filed on: **05/31/2013**
Cross-Reference Case Number: **A682726**

CASE INFORMATION

Statistical Closures
03/08/2016 Verdict Reached

Case Type: **Negligence - Other Negligence**
Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-682726-C
Court	Department 23
Date Assigned	05/31/2013
Judicial Officer	Miley, Stefany



PARTY INFORMATION

Plaintiff	Chernikoff, Elaine	Cloward, Benjamin P. <i>Retained</i> 702-628-9888(W)
	Chernikoff, Jack	Cloward, Benjamin P. <i>Retained</i> 702-628-9888(W)
	Estate of Harvey Chernikoff Removed: 03/31/2014 Dismissed	
Defendant	Farrales, Jay	Sanders, LeAnn <i>Retained</i> 7023847000(W)
	First Transist Inc	Sanders, LeAnn <i>Retained</i> 7023847000(W)
	Laidlaw Transit Services Inc Removed: 03/31/2014 Dismissed	Sanders, LeAnn <i>Retained</i> 7023847000(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


05/31/2013	 Complaint Filed By: Plaintiff Estate of Harvey Chernikoff <i>Complaint</i>
05/31/2013	Case Opened
06/11/2013	 Affidavit of Service Filed By: Plaintiff Estate of Harvey Chernikoff <i>Affidavit of Service</i>


DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C


06/27/2013  Initial Appearance Fee Disclosure
Filed By: Defendant First Transist Inc
Initial Appearance Fee Disclosure


06/27/2013  Demand for Jury Trial
Filed By: Defendant First Transist Inc
Demand for Jury Trial


06/27/2013  Answer to Complaint
Filed by: Defendant Laidlaw Transit Services Inc; Defendant First Transist Inc; Defendant Farrales, Jay
Defendants First Transist, Inc., Laidlaw Transit Services, Inc. d/b/a First Transist and Jay Farrales' Answer to Plaintiffs' Complaint


07/23/2013  Commissioners Decision on Request for Exemption - Granted
Party: Plaintiff Estate of Harvey Chernikoff
Commissioner's Decision on Request for Exemption - Granted


08/20/2013  Joint Case Conference Report
Filed By: Plaintiff Estate of Harvey Chernikoff
Joint Case Conference Report


08/28/2013  Scheduling Order
Scheduling Order


08/30/2013  Order Setting Civil Jury Trial
Order Setting Civil Jury Trial


10/11/2013  Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Elaine Chernikoff


10/11/2013  Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Jack Chernikoff

11/20/2013  Notice to Vacate Deposition
Filed by: Defendant First Transist Inc
Notice of Vacating Deposition of Elaine Chernikoff

11/20/2013  Notice to Vacate Deposition
Filed by: Defendant First Transist Inc
Notice of Vacating Deposition of Jack Chernikoff











01/07/2014  Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Elaine Chernikoff

01/07/2014  Notice of Taking Deposition
Filed By: Plaintiff Estate of Harvey Chernikoff
Notice of Taking Deposition of Jack Chernikoff

01/16/2014  Amended Notice of Taking Deposition
Filed By: Plaintiff Estate of Harvey Chernikoff

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Amended Notice of Taking Deposition of Jack Chernikoff

- 01/16/2014  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Amended Notice of Taking Deposition of Elaine Chernikoff
- 01/24/2014  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Third Amended Notice of Taking Deposition of Elaine Chernikoff
- 01/24/2014  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Third Amended Notice of Taking Deposition of Elaine Chernikoff
- 02/20/2014  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Third Amended Notice of Taking Deposition of Jack Chernikoff
- 02/20/2014  Motion to Dismiss
Filed By: Defendant First Transist Inc
Motion to Dismiss The Estate of Harvey Chernikoff
- 03/31/2014  Stipulation and Order for Dismissal With Prejudice
Filed By: Defendant First Transist Inc
Stipulation and Order to Dismiss the Estate of Harvey Chernikoff
- 03/31/2014  Stipulation and Order for Dismissal Without Prejudice
Filed By: Defendant First Transist Inc
Stipulation and Order To Dismiss Laidlaw Transit Services, Inc., Without Prejudice
- 03/31/2014  Motion to Appear as Out of State Counsel
Filed By: Plaintiff Estate of Harvey Chernikoff
Motion for Association of Out of State counsel Pro Hac Vice - Charles H Allen Esq
- 03/31/2014 **Order of Dismissal With Prejudice** (Judicial Officer: Miley, Stefany)
Debtors: Estate of Harvey Chernikoff (Plaintiff)
Creditors: Laidlaw Transit Services Inc (Defendant), First Transist Inc (Defendant), Jay Farrales (Defendant)
Judgment: 03/31/2014, Docketed: 04/07/2014
- 03/31/2014 **Order of Dismissal Without Prejudice** (Judicial Officer: Miley, Stefany)
Debtors: Estate of Harvey Chernikoff (Plaintiff), Jack Chernikoff (Plaintiff), Elaine Chernikoff (Plaintiff)
Creditors: Laidlaw Transit Services Inc (Defendant)
Judgment: 03/31/2014, Docketed: 04/07/2014
- 04/01/2014  Certificate of Mailing
Filed By: Plaintiff Estate of Harvey Chernikoff
Certificate of Service
- 04/01/2014 **CANCELED Motion to Dismiss** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated
Motion to Dismiss The Estate of Harvey Chernikoff
- 04/04/2014  Notice of Entry

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Filed By: Plaintiff Chernikoff, Jack
Notice of Entry of Stipulation and Order

04/04/2014  Notice of Entry of Stipulation and Order
Filed By: Defendant First Transist Inc
Notice of Entry of Stipulation and Order

05/06/2014  **Motion to Associate Counsel** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiff's Motion for Association of Out of State counsel Pro Hac Vice

05/15/2014  Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Chernikoff, Jack
Stipulation and Order for Extension of Time to Complete Discovery (First Request)

05/27/2014  Order Granting Motion
Filed By: Plaintiff Estate of Harvey Chernikoff
Order Granting Motion for Association of Out of State counsel Pro Hac Vice - Charles H Allen Esq

05/29/2014  Notice of Entry of Order
Filed By: Plaintiff Chernikoff, Jack
Notice of Entry of Order

06/27/2014  Initial Expert Disclosure
Filed By: Defendant First Transist Inc
Defendants Jay Farrales and First Transit, Inc's Initial Expert Witness Disclosure Statement

08/05/2014  Stipulation to Extend Discovery
Party: Defendant First Transist Inc
Stipulation and Order for Extension of Time To Complete Discovery

08/20/2014  Notice of Entry
Filed By: Defendant First Transist Inc
Notice of Entry of Stipulation and Order For Extension of Time To Complete Discovery

09/17/2014  Amended Order Setting Jury Trial
Order Re-Setting Civil Jury Trial and Calendar Call


09/25/2014  Affidavit of Service
Filed By: Plaintiff Chernikoff, Jack
Affidavit of Service


09/25/2014  Stipulation to Extend Discovery
Party: Defendant First Transist Inc
Stipulation and Order for Extension of Time to Complete Discovery (Third Request)


09/29/2014  Notice of Entry
Filed By: Defendant First Transist Inc
Notice of Stipulation and Order to Extend Discovery

10/21/2014  Motion
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Motion to Substitute Expert on Order Shortening Time


DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C


11/06/2014  Opposition to Motion
Filed By: Defendant First Transist Inc
Defendants' Opposition to Plaintiffs' Motion to Substitute Expert on Order Shortening Time


11/07/2014  **Motion for Substitution** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiffs' Motion to Substitute Expert on OST


12/08/2014  Objection to Discovery Commissioners Report and Recommend
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc and Jay Farrales' Objection to the Discovery Commissioner's Report & Recommendations


12/12/2014 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner


12/17/2014  Reply
Filed by: Plaintiff Chernikoff, Jack
Plaintiffs' Reply to Defendants' Objection to the Discovery Commissioner's Report and Recommendations


12/23/2014  Discovery Commissioners Report and Recommendations
Filed By: Plaintiff Chernikoff, Jack
Discovery Commissioners Report and Recommendations


01/13/2015  Amended Order Setting Jury Trial
Second Order Re-Setting Civil Jury Trial and Calendar Call


01/13/2015  **Objection to Discovery Commissioner's Report** (9:30 AM) (Judicial Officer: Miley, Stefany)
Events: 12/08/2014 Objection to Discovery Commissioners Report and Recommend


01/16/2015  Stipulation to Extend Discovery
Party: Defendant First Transist Inc
Stipulation and Order for Extension of Time to Complete Discovery (4th request)

01/20/2015  Notice of Entry of Stipulation and Order
Filed By: Defendant First Transist Inc
Notice of Entry of Stipulation and Order for Extension of Time to Complete Discovery


01/20/2015  Decision and Order
Decision


02/20/2015  Notice of Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Kenneth A. Stein, M.D.


03/01/2015  Notice of Association of Counsel
Filed By: Plaintiff Chernikoff, Jack
Notice of Association of Counsel


03/18/2015  Notice of Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Carl Berkowitz, PhD


DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C


03/20/2015  Notice of Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Telephonic Deposition of Daniel Limgamfelter, D.O.

03/23/2015  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Amended Notice of Taking Telephonic Deposition of Daniel Limgamfelter, D.O. (phone number only)


04/02/2015  Notice of Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Neil Chernikoff

04/02/2015  Notice of Deposition
Filed By: Defendant First Transist Inc
Notice of Taking Deposition of Jennifer Demers


04/06/2015  Affidavit of Service
Filed By: Plaintiff Chernikoff, Jack
Affidavit of Service


04/06/2015  Affidavit of Service
Filed By: Plaintiff Chernikoff, Jack
Affidavit of Service on Jennifer Demers


04/14/2015 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Miley, Stefany)
Vacated


04/20/2015  Amended Notice of Taking Deposition
Filed By: Plaintiff Chernikoff, Jack
First Amended Notice of Taking Deposition of Neil Chernikoff


04/20/2015 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
Vacated

05/15/2015  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Amended Notice of Taking Deposition of Neil Chernikoff

05/19/2015  Motion for Summary Judgment
Filed By: Defendant First Transist Inc
Defendants' First Transit, Inc. and Jay Farrales' Motion for Summary Judgment on Plaintiffs' Claims for Punitive Damages

05/22/2015  Amended Notice of Taking Deposition
Filed By: Defendant First Transist Inc
Third Amended Notice of Taking Deposition of Neil Chernikoff


05/22/2015  Motion to Strike
Filed By: Defendant First Transist Inc
Defendants' First Transit, Inc., and Jay Farrales' Motion to Strike Plaintiffs' Passenger Transportation Expert, Carl Berkowitz, Ph.D.

05/29/2015  Motion in Limine
Filed By: Defendant First Transist Inc

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs After the Close of Discovery


05/29/2015

 Motion in Limine

Filed By: Defendant First Transit Inc

Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 2 to Exclude Post-July 2011 Policy Documents and Any References or Testimony Related Thereto


05/29/2015

 Motion in Limine

Filed By: Defendant First Transit Inc

Defendants' First Transit, Inc., and Jay Farrales' Motion in Limine No. 3 To Exclude Postmortem Photographs of Decedent at Trial


05/29/2015

 Motion in Limine

Filed By: Defendant First Transit Inc

Defendants' First Transit, Inc., and Jay Farrales' Motion in Limine No. 4 To Preclude Speculation by Lay Witnesses That First Aid Would Have Saved Decedent's Life


05/29/2015

 Motion in Limine

Filed By: Plaintiff Chernikoff, Jack

Plaintiff's Motion in Limine No. 1 To Exclude any Discussion, Mention Reference, Comments Regarding the Retention of Ned Einstein


05/29/2015

 Motion in Limine

Filed By: Plaintiff Chernikoff, Jack

Plaintiff's Motion in Limine No. 2 To Exclude any Reference or Comments that Carl Berkowitz Utilized Ned Einstein's Report


05/29/2015

 Motion in Limine

Filed By: Plaintiff Chernikoff, Jack

Plaintiff's Motion in Limine No. 3 To Exclude any Reference or Comments that Harvey was Incompetent to Ride the Bus and Exclude any Arguments Regarding Comparative Negligent


05/29/2015

 Motion in Limine

Filed By: Plaintiff Chernikoff, Jack

Plaintiff's Motion in Limine No. 4 To Exclude any Reference of Harvey Obtaining a Driver's License

06/03/2015

 Stipulation and Order for Dismissal

Filed by: Defendant First Transit Inc

Stipulation and Order to Dismiss Plaintiffs' Punitive Damages Claim

06/03/2015

Order of Dismissal (Judicial Officer: Miley, Stefany)


Debtors: Estate of Harvey Chernikoff (Plaintiff), Jack Chernikoff (Plaintiff), Elaine Chernikoff (Plaintiff)

Creditors: First Transit Inc (Defendant), Jay Farrales (Defendant)

Judgment: 06/03/2015, Docketed: 06/10/2015

Comment: Certain Claims


06/05/2015

 Opposition to Motion

Filed By: Plaintiff Chernikoff, Jack

Plaintiffs' Opposition to Defendants' Motion to Strike Plaintiffs' Passenger Transport Expert Carl Berkowitz

06/05/2015

 Notice of Entry of Stipulation & Order for Dismissal

Filed By: Defendant First Transit Inc

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Notice of Entry of Stipulation and Order

- 06/15/2015  Opposition to Motion
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc. and Jay Farrales' Opposition to Plaintiffs' Motion in Limine No. 1 to Exclude any Discussion, Mention, Reference, Comments Regarding the Retention of Ned Einstein
- 06/15/2015  Opposition to Motion
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc. and Jay Farrales' Opposition to Plaintiffs' Motion in Limine No. 2 to Exclude any Reference or Comments that Carl Berkowitz utilized Ned Einstein's Report
- 06/15/2015  Opposition to Motion in Limine
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc. and Jay Farrales' Opposition to Plaintiffs' Motion in Limine No. 3 That Purports to Seek Exclusion of Any Reference or Comments That the Decedent was Incompetent to Ride the Bus and Any Arguments Regarding Comparative Negligence
- 06/15/2015  Opposition to Motion in Limine
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc. and Jay Farrales' Opposition to Plaintiffs' Motion in Limine No. 4 To Exclude Any Reference of Decedent Obtaining a Drivers License
- 06/16/2015  Notice of Non Opposition
Filed By: Defendant First Transist Inc
Notice Pursuant to EDCR 2.20 of Non-Opposition to Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs After the Close of Discovery, and Request for Order Granting Same
- 06/16/2015  Notice of Non Opposition
Filed By: Defendant First Transist Inc
Notice Pursuant to EDCR 2.20 of Non-Opposition to Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 2 to Exclude Post-July 2011 Policy Documents and any References or Testimony Related Thereto, and Request for Order Granting Same
- 06/16/2015  Notice of Non Opposition
Filed By: Defendant First Transist Inc
Notice Pursuant to EDCR 2.20 of Non-Opposition to Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 3 to Exclude Postmortem Photographs of Decedent at Trial, and Request for Order Granting Same
- 06/16/2015  Notice of Non Opposition
Filed By: Plaintiff Estate of Harvey Chemikoff
Notice Pursuant to EDCR 2.20 of Non-Opposition to Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 4 to Preclude Speculation by Lay Witnesses that First Aid Would Have Saved Decedent's Life and Request for Order Granting Same
- 06/17/2015  Opposition to Motion in Limine
Filed By: Plaintiff Chemikoff, Jack
Plaintiff's Opposition to Defendants' Motion in Limine No. 3 to Exclude Postmortem Photographs of Decedent at Trial
- 06/17/2015  Opposition to Motion in Limine
Filed By: Plaintiff Chemikoff, Jack
Plaintiff's Opposition to Defendants' Motion in Limine No. 1 to Exclude Items Produced by Plaintiff's after the Close of Discovery

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

- 06/17/2015  Opposition to Motion in Limine
Filed By: Plaintiff Chernikoff, Jack
Plaintiff's Opposition to Defendants' Motion in Limine No. 4 to Preclude Speculation by a Lay Witnesses that First Aid Would Have Saved Decedent's Life
- 06/17/2015  Motion for Sanctions
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc. and Jay Farrales' Motion for Sanctions, or in the Alternative, Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shortening Time
- 06/18/2015  Pre-Trial Disclosure
Party: Plaintiff Chernikoff, Jack
Plaintiffs' Pre-Trial Disclosure
- 06/19/2015  Pre-trial Memorandum
Filed by: Plaintiff Chernikoff, Jack
Plaintiffs' Pre-trial Memorandum
- 06/19/2015  Opposition to Motion in Limine
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Opposition to Defendants Motion in Limine No. 23 to Exclude Post-July 2011 Policy Documents and Any Referenced or Testimony Related thereto
- 06/19/2015  Amended Notice
Filed By: Defendant First Transist Inc
Amended Notice of Motion on Order Shortening Time
- 06/19/2015  Pre-trial Memorandum
Filed by: Defendant First Transist Inc
Defendants' Pre-Trial Memorandum
- 06/22/2015  Opposition to Motion
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Opposition to Defendants' First Transits, Inc. and Jay Farrales Motion for Sanctions, or in the Alternative , Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shorting Time
- 06/23/2015  Reply in Support
Filed By: Plaintiff Chernikoff, Jack
Reply In Support of Defendants First Transit, Inc., and Jay Farrales' Motion to Strike Plaintiffs' Passenger Transportation Expert, Carl Berkowitz, Ph.D.
- 06/23/2015 **Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendant's Amended Notice of Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shortening Time
- 06/23/2015  **All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)
Calendar Call; Defendant's Amended Notice of Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shortening Time
- 06/23/2015 **Calendar Call** (11:00 AM) (Judicial Officer: Miley, Stefany)
- 06/25/2015  Motion
Filed By: Plaintiff Chernikoff, Jack






DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Plaintiffs' Motion to Strike Impermissible Video on an Order Shortening Time

- 06/26/2015  Notice of Rescheduling
Notice of Rescheduling of Hearings
- 06/26/2015  Reply in Support
Filed By: Defendant First Transist Inc
Defendants First Transit Inc. and Jay Farrales' Reply in Support of Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs after the Close of Discovery
- 06/26/2015  Reply in Support
Filed By: Defendant First Transist Inc
Defendants First Transit Inc. and Jay Farrales' Reply in Support of Motion in Limine No. 2 to Exclude Post-July 2011 Policy Documents and any References or Testimony Related There to
- 06/26/2015  Reply in Support
Filed By: Defendant First Transist Inc
Defendants First Transit Inc. and Jay Farrales' Reply in Support of Motion in Limine No. 3 to Exclude Postmortem Photographs of Decedent at Trial
- 06/26/2015  Reply in Support
Filed By: Plaintiff Chernikoff, Jack
Defendants First Transit Inc. and Jay Farrales' Reply in Support of Motion in Limine No. 4 to Preclude Speculation by Lay Witnesses that First Aid Would Have Saved Decedent's Life
- 06/29/2015  Opposition to Motion
Filed By: Defendant First Transist Inc
Defendants' Opposition to Plaintiffs' Motion to Strike "Impermissible" Video on Order Shortening Time
- 06/29/2015  Order Setting Civil Jury Trial
Third Order Re-Setting Civil Jury Trial and Calendar Call
- 06/29/2015 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
Vacated
- 06/29/2015  Stipulation and Order for Dismissal Without Prejudice
Filed By: Defendant First Transist Inc
Stipulation and Order to Dismiss Plaintiffs' Claim for Funeral Expenses
- 06/29/2015 **Order of Dismissal Without Prejudice** (Judicial Officer: Miley, Stefany)
Debtors: Estate of Harvey Chernikoff (Plaintiff), Jack Chernikoff (Plaintiff), Elaine Chernikoff (Plaintiff)
Creditors: First Transist Inc (Defendant), Jay Farrales (Defendant)
Judgment: 06/29/2015, Docketed: 07/06/2015
Comment: Certain Claims
- 06/30/2015  Notice of Entry of Stipulation and Order
Filed By: Defendant First Transist Inc
Notice of Entry of Stipulation and Order to Dismiss Plaintiffs' Claim for Funeral Expenses
- 06/30/2015 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated - Moot
Defendants First Transit, Inc. and Jay Farrales' Motion for Summary Judgment on Plaintiffs' Claims for Punitive Damages
- 06/30/2015 **Motion to Strike** (9:30 AM) (Judicial Officer: Miley, Stefany)

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Defendants' First Transit, Inc., and Jay Farrales' Motion to Strike Plaintiffs' Passenger Transportation Expert, Carl Berkowitz, Ph.D.

- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiff's Motion in Limine No. 1 To Exclude any Discussion, Mention Reference, Comments Regarding the Retention of Ned Einstein
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiff's Motion in Limine No. 3 To Exclude any Reference or Comments that Harvey was Incompetent to Ride the Bus and Exclude any Arguments Regarding Comparative Negligent
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiff's Motion in Limine No. 4 To Exclude any Reference of Harvey Obtaining a Driver's License
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiff's Motion in Limine No. 2 To Exclude any Reference or Comments that Carl Berkowitz Utilized Ned Einstein's Report
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs After the Close of Discovery
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 2 to Exclude Post-July 2011 Policy Documents and Any References or Testimony Related Thereto
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants' First Transit, Inc., and Jay Farrales' Motion in Limine No. 3 To Exclude Postmortem Photographs of Decedent at Trial
- 06/30/2015 **Motion in Limine** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants' First Transit, Inc., and Jay Farrales' Motion in Limine No. 4 To Preclude Speculation by Lay Witnesses That First Aid Would Have Saved Decedent's Life
- 06/30/2015 **CANCELED Motion for Sanctions** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated - Duplicate Entry
Defendants First Transit, Inc. and Jay Farrales' Motion for Sanctions, or in the Alternative, Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shortening Time
- 06/30/2015 **Motion to Strike** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiffs' Motion to Strike Impermissible Video on an Order Shortening Time
- 06/30/2015  **All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)
- 07/01/2015  Motion to Continue Trial
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Motion to Vacate and Continue the Trial Date on an Order Shortening Time
- 07/02/2015  Objection
Filed By: Defendant First Transist Inc
Defendants First Transit Inc. and Jay Farrales' Objections to Plaintiffs' Pre-Trial Disclosures Pursuant to NRC P 16.1 (a)(3)
- 07/02/2015  Notice of Rescheduling
Notice of Rescheduling of Hearing
- 07/06/2015  Opposition to Motion

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Filed By: Defendant First Transist Inc
Defendants' Limited Opposition to Plaintiffs' Motion to Vacate and Continue the Trial Date on an Order Shortening Time

- 07/07/2015  **Motion to Vacate Trial Date** (9:30 AM) (Judicial Officer: Miley, Stefany)
Plaintiffs' Motion to Vacate and Continue the Trial Date on an Order Shortening Time
- 07/09/2015  Amended Order Setting Jury Trial
Firm Order Re-Setting Civil Jury Trial and Calendar Call
- 07/13/2015 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
Vacated
- 07/31/2015  Motion to Continue Trial
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Motion to Continue Trial
- 09/01/2015  Amended Order Setting Jury Trial
Amended Firm Order Re-Setting Civil Jury Trial and Calendar Call
- 09/04/2015  Stipulation and Order
Filed by: Defendant First Transist Inc
Stipulation and Order to Withdraw Plaintiffs Motion in Limine No. 3 to Seek Exclusion of any Reference or Comments that the Decedent was Incompetent to Ride the Bus and any Arguments Regarding Comparative Negligence
- 09/04/2015  Order
Filed By: Defendant First Transist Inc
Order Denying Defendants Motion to Strike Plaintiffs' Passenger Transportation Expert, Carl Berkowitz, PhD
- 09/04/2015  Order
Filed By: Plaintiff Chernikoff, Jack
Order Denying Plaintiffs Jack and Elaine Chernikoff's Motion in Liminte No. 1 to Exclude any Discussion, Mention, Reference, Comments Regarding the Retention of Ned Einstein
- 09/04/2015  Order
Filed By: Plaintiff Chernikoff, Jack
Order Denying Plaintiffs Jack and Elain Chernikoff's Motion in Limine No. 2 to Exclude any Reference or Comments that Carl Berkowitz Utilized Ned Einstein's Report
- 09/04/2015  Order
Filed By: Plaintiff Chernikoff, Jack
Order Denying Plaintiffs Jack and Elaine Chernikoff's Motion in Limine No. 4 to Exclude any Reference of Decedent Obtaining a Drivers License
- 09/04/2015  Order
Filed By: Plaintiff Chernikoff, Jack
Order Deferring Ruling on Plaintiffs Jack and Elaine Chernikoff's Motion to Strike Impermissible Video on Order Shortening Time
- 09/04/2015  Order
Filed By: Plaintiff Chernikoff, Jack
Order Granting in Part and Denying in Part Defendants Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs after the Close of Discovery

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

09/04/2015



Order

Filed By: Defendant First Transist Inc
Order Granting in Part and Denying in Part Defendants First Transit Inc and Jay Farrales Motion in Limine No. 2 to Exclude Post July 2011 Policy Documents and Any References or Testimony Related Thereto

09/04/2015



Order

Filed By: Defendant First Transist Inc
Order on Defendants Motion in Lmine No. 3 to Exclude Postmortem Photographs of Decedent at Trial

09/04/2015



Order

Filed By: Defendant First Transist Inc
Order Granting in Part and Denying in Part Defendant's First Transit Inc and Jay Farrales Motion in Limine No.4 to Preclude Speculation by Lay Witnesses that First Aid would have Saved Decedents Life

09/08/2015



Notice of Entry of Stipulation and Order

Filed By: Defendant First Transist Inc
Notice of Entry of Stipulation and Order to Withdraw Plaintiffs Motion in Limine No.3 to Seek Exclusion of Any Reference or Comment that the Decedent was Incompetent to Ride the Bus and any Arguments Regarding Comparative Negligence

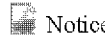
09/08/2015



Notice of Entry of Order

Filed By: Defendant First Transist Inc
Notice of Entry of Order Granting in Part and Denying in Part Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No. 2 to Exclude Post-July 2011 Policy Document and Any Rederences or Testimony Related Thereto

09/08/2015



Notice of Entry of Order

Filed By: Defendant First Transist Inc
Notice of Entry or Order Granting in Part and Denying in Part Defendant First Transit, Inc. and Jay Farrales' Motion in Limine No. 1 to Exclude Items Produced by Plaintiffs After the Close of Discovery

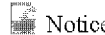
09/08/2015



Notice of Entry of Order

Filed By: Defendant First Transist Inc
Notice of Entry of Order re: Defendants Motion in Limine No. 3 to Exclude Postmortem Photograph of Decedent at Trial

09/08/2015



Notice of Entry of Order

Filed By: Defendant First Transist Inc
Notice of Entry of Order Granting in Part and Denying in Part Defendants First Transit, Inc. and Jay Farrales' Motion in Limine No.4 to Preclude Speculation by Lay Witnesses that First Aid Would Have Saved Decedent's Life

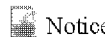
09/08/2015



Notice of Entry of Order

Filed By: Defendant First Transist Inc
Notice of Entry of Order Denying Plaintiff Jack and Elaine Chernikoff's Motion in Limine No. 4 to Exclude any Reference of Decedent Obtaining a Drivers License

09/08/2015





Notice of Entry of Order


Filed By: Defendant First Transist Inc
Notice of Entry of Order Denying Plaintiffs Jack and Elaine Chernikoff's Motion in Limine No. 2 to Exclude any Reference of Comments that Carl Berkowitz Utilized Ned Einstein's Report


09/08/2015


DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

 Notice of Entry of Order
Filed By: Defendant First Transist Inc
Notice of Entry of Order Denying Plaintiffs Jack and Elaine Chernikoff's Motion in Limine No. 1 to Exclude any Discussion, Mention, Reference, Comments Regarding the Retention of NED Einstein

09/08/2015  Notice of Entry of Order
Filed By: Defendant First Transist Inc
Notice of Entry of Order Denying Defendants Motion to Strike Plaintiffs' Passenger Transportation Expert, Carl Berkowitz, PH. D


09/08/2015  Notice of Entry of Order
Filed By: Defendant First Transist Inc
Notice of Entry of Order Deferring Ruling on Plaintiffs Jack and Elaine Cherrnikoff's Motion to Strike Impermissible Video on Order Shortening Time


09/08/2015  Stipulation and Order
Filed by: Defendant First Transist Inc
Stipulation and Order to Reset Trial


09/09/2015  Notice of Entry of Stipulation and Order
Filed By: Defendant Farrales, Jay
Notice of Entry of Stipulation and Order to Reset Trial


09/22/2015 **CANCELED Motion to Continue Trial** (9:30 AM) (Judicial Officer: Miley, Stefany)
*Vacated - per Stipulation and Order
Plaintiffs' Motion to Continue Trial*


02/02/2016 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Miley, Stefany)
Vacated


02/08/2016  Notice
Filed By: Defendant First Transist Inc
Notice of Trial Subpoena


02/12/2016  Notice
Filed By: Defendant First Transist Inc
Notice of Depositions on File with The Court

02/16/2016  Trial Subpoena
Filed by: Plaintiff Chernikoff, Jack
Trial Subpoena to Jennifer Jacobs

02/16/2016  Trial Subpoena
Filed by: Plaintiff Chernikoff, Jack
Trial Subpoena to Czarina Mendez
















02/17/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Plaintiff's Bench Brief Regarding the Issue of Jury Selection

02/17/2016  **Jury Trial - FIRM** (1:00 PM) (Judicial Officer: Miley, Stefany)

02/18/2016  Affidavit
Filed By: Plaintiff Chernikoff, Jack













DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Affidavit of Service

- 02/18/2016  Affidavit of Service
Filed By: Plaintiff Chernikoff, Jack
Affidavit
- 02/18/2016  **Jury Trial** (9:30 AM) (Judicial Officer: Miley, Stefany)
- 02/18/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Memorandum of Law RE: Objection to Evidence Mentioning Plaintiff's Non-Testifying Expert, Dr. Carl Berkowitz
- 02/18/2016  Jury List
- 02/19/2016  **Jury Trial** (9:30 AM) (Judicial Officer: Miley, Stefany)
- 02/22/2016  Brief
Filed By: Plaintiff Chernikoff, Elaine
Plaintiffs' Bench Brief Regarding Exclusion Of Laidlaw Transit Services' Employee Handbook
- 02/22/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Plaintiff's Bench Brief Regarding Exclusion of Irrelevant Information from Defendant's Proposed Exhibits C,D,E,F, H, I & J
- 02/22/2016  Opposition
Filed By: Defendant First Transist Inc
Defendants First Transit, Inc., and Jay Farrales' Opposition to Plaintiffs' Memorandum of Law re: Objection to Evidence
- 02/22/2016  **Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
- 02/23/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Plaintiff's Bench Brief Regarding Common Carrier Jury Instruction
- 02/23/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Bench Brief Regarding Nevada Pattern Jury Instruction "4NG.45-Duty to Disabled, Infirm or Intoxicated Person, or Duty to a child"
- 02/23/2016  **Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
- 02/24/2016  Brief
Filed By: Plaintiff Chernikoff, Jack
Plaintiffs' Renewed Objection to Evidence Mentioning Plaintiffs' Non-Testifying Experts., Dr. Carl Berkowitz or Ned Einstein
- 02/24/2016  **Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
- 02/25/2016  Motion
Filed By: Defendant First Transist Inc









DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Defendants' Motion to Preclude Plaintiffs from Recalling Daniel Lingamfelter, D.O. as a Rebuttal Witness









- 02/25/2016  **Jury Trial** (9:30 AM) (Judicial Officer: Miley, Stefany)
- 02/25/2016  Jury Instructions
Party: Plaintiff Chernikoff, Jack
Plaintiffs' Proposed Jury Instructions with Citations
- 02/26/2016  **Jury Trial** (9:30 AM) (Judicial Officer: Miley, Stefany)
02/26/2016, 02/29/2016
- 02/26/2016  Proposed Jury Instructions Not Used At Trial
Plaintiff's Proposed Jury Instructions Not Used at Trial
- 02/29/2016  Amended Jury List
- 02/29/2016  Verdict
- 02/29/2016  Jury Instructions
- 02/29/2016 **Verdict** (Judicial Officer: Miley, Stefany)
Debtors: First Transist Inc (Defendant), Jay Farrales (Defendant)
Creditors: Jack Chernikoff (Plaintiff), Elaine Chernikoff (Plaintiff)
Judgment: 02/29/2016, Docketed: 03/07/2016
Total Judgment: 15,000,000.00
- 03/01/2016 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)
Vacated
- 03/03/2016  Request
Filed by: Defendant First Transist Inc
Request for Trial Transcript
- 03/08/2016  Judgment Upon Jury Verdict
Filed By: Plaintiff Chernikoff, Jack
Judgment Upon Jury Verdict
- 03/08/2016 **Judgment Plus Interest** (Judicial Officer: Miley, Stefany)
Debtors: First Transist Inc (Defendant)
Creditors: Jack Chernikoff (Plaintiff), Elaine Chernikoff (Plaintiff)
Judgment: 03/08/2016, Docketed: 03/15/2016
Total Judgment: 17,149,631.70
- 03/09/2016  Notice of Entry of Judgment
Filed By: Plaintiff Chernikoff, Jack
Notice of Entry or Order
- 03/15/2016  Memorandum of Costs and Disbursements
Filed By: Defendant First Transist Inc
Defendant Jay Farrales' Memorandum of Costs and Disbursements
- 03/15/2016  Memorandum of Costs and Disbursements
Filed By: Plaintiff Chernikoff, Jack

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Plaintiffs' Memorandum of Costs and Disbursements

- 03/15/2016  Motion for Costs
Filed By: Plaintiff Chernikoff, Jack
Motion for Costs
- 03/16/2016  Notice of Association of Counsel
Filed By: Defendant First Transist Inc
Notice of Association of Counsel
- 03/21/2016  Motion to Retax
Filed By: Defendant First Transist Inc
Defendants First Transist, Inc. and Jay Farrales' Motion to Retax Plaintiffs' Memorandum of Costs
- 03/23/2016  Motion for New Trial
Filed By: Defendant First Transist Inc
Motion for New Trial (and Motion for Leave to Supplement)
- 03/23/2016  Motion to Amend Judgment
Filed By: Defendant First Transist Inc
Defendants' Motion to Alter or Amend the Judgment
- 03/25/2016  Bond
Filed By: Plaintiff Chernikoff, Jack
Supersedeas Bond
- 03/29/2016  Motion
Filed By: Defendant First Transist Inc
Motion for Leave to Supplement Post-Trial Motions Upon Receipt of Trial Transcript (On Order Shortening Time)
- 03/29/2016  Receipt of Copy
Filed by: Defendant First Transist Inc
Receipt of Copy
- 03/31/2016  Motion for Attorney Fees and Costs
Filed By: Defendant Farrales, Jay
Defendant Jay Farrales' Motion for Costs and Attorney's Fees
- 03/31/2016  Motion for Stay of Execution
Filed By: Defendant First Transist Inc
Motion for Stay (on Order Shortening Time)
- 04/01/2016  Receipt of Copy
Filed by: Defendant First Transist Inc
Receipt of Copy
- 04/05/2016 **Motion for Leave** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants' Motion for Leave to Supplement Post-Trial Motions Upon Receipt of Trial Transcript (On Order Shortening Time)
- 04/05/2016 **Motion For Stay** (9:30 AM) (Judicial Officer: Miley, Stefany)
Defendants' Motion for Stay (on Order Shortening Time)

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

04/05/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendants' Motion for Leave to Supplement Post-Trial Motions Upon Receipt of Trial Transcript (On Order Shortening Time); Defendants' Motion for Stay (on Order Shortening Time)</i>
04/08/2016	 Notice of Appeal Filed By: Defendant First Transist Inc <i>Notice of Appeal</i>
04/08/2016	 Case Appeal Statement Filed By: Defendant First Transist Inc <i>Case Appeal Statement</i>
04/11/2016	 Opposition Filed By: Plaintiff Chernikoff, Jack <i>Opposition to Motion to Alter or Amend Judgment</i>
04/11/2016	 Opposition Filed By: Plaintiff Chernikoff, Jack <i>Opposition to Motion for New Trial; Request to Supplement Opposition When Transcripts are Complete</i>
04/12/2016	 Opposition to Motion Filed By: Plaintiff Chernikoff, Jack <i>Plaintiffs' Opposition to Defendant Jay Farrales' Motion for Costs and Attorneys Fees</i>
04/12/2016	 Opposition to Motion Filed By: Plaintiff Chernikoff, Jack <i>Plaintiff's Opposition to Defendants Motion to Retax</i>
04/12/2016	 Memorandum of Costs and Disbursements Filed By: Plaintiff Chernikoff, Jack <i>Plaintiff's Amended Memorandum of Costs and Disbursements</i>
05/31/2016	Motion to Retax (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendants First Transit, Inc. and Jay Farrales' Motion to Retax Plaintiffs' Memorandum of Costs</i>
05/31/2016	Motion for New Trial (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Motion for New Trial (and Motion for Leave to Supplement)</i>
05/31/2016	Motion to Amend Judgment (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendants' Motion to Alter or Amend the Judgment</i>
06/07/2016	Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant Jay Farrales' Motion for Costs and Attorney's Fees</i>

DATE	FINANCIAL INFORMATION	
	Plaintiff Estate of Harvey Chernikoff	
	Total Charges	280.50
	Total Payments and Credits	280.50
	Balance Due as of 4/13/2016	0.00
	Defendant Laidlaw Transit Services Inc	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 4/13/2016	0.00

DEPARTMENT 23
CASE SUMMARY
CASE NO. A-13-682726-C

Defendant Farrales, Jay	
Total Charges	33.50
Total Payments and Credits	33.50
Balance Due as of 4/13/2016	0.00
Defendant First Transist Inc	
Total Charges	751.50
Total Payments and Credits	751.50
Balance Due as of 4/13/2016	0.00
Plaintiff Chernikoff, Elaine	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/13/2016	0.00
Plaintiff Chernikoff, Jack	
Total Charges	65.00
Total Payments and Credits	65.00
Balance Due as of 4/13/2016	0.00
Defendant First Transist Inc	
Appeal Bond Balance as of 4/13/2016	500.00

Clark County, Nevada

XXIII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): The Estate of HARVEY CHERNIKOFF

Defendant(s) (name/address/phone): FIRST TRANSIT INC.,

Attorney (name/address/phone):

BENJAMIN P. CLOWARD, 801 S. 4th Street, Las Vegas, NV 89101

702-444-4444

Attorney (name/address/phone):

Unknown

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

Real Property	Negligence	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input checked="" type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Account Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case law) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

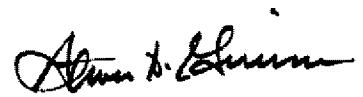
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

May 31, 2013

Date

Signature of initiating party or representative #7584



CLERK OF THE COURT

1 **JGJV**
2 BENJAMIN P. CLOWARD, ESQ.
3 Nevada Bar No. 11087
4 **CLOWARD HICKS & BRASIER, PLLC**
5 721 South 6th Street
6 Las Vegas, NV 89101
7 Telephone: (702) 628-9888
8 Facsimile: (702) 960-4118
9 Bcloward@chblawyers.com
10 *Attorneys for Plaintiffs*

11 CHARLES H. ALLEN, ESQ. (*Pro Hac Vice*)
12 Georgia Bar No. 009883
13 **ALLEN LAW FIRM**
14 400 West Peach Tree Street, Unit 3704
15 Atlanta, GA 30308
16 Fax (866) 639-0287
17 *Attorney for Plaintiffs*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 JACK CHERNIKOFF and ELAINE
21 CHERNIKOFF,

22 Plaintiffs,

23 vs.

24 FIRST TRANSIT, INC. JAY
25 FARRALES; DOES 1-10, and ROES 1-10
26 inclusive,

27 Defendants.

28 CASE NO. A-13-682726-C
DEPT. NO. XXIII

JUDGMENT UPON THE JURY
VERDICT

29 This action came on for trial before the court and the jury, the Honorable Stefany A. Miley,
30 District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its
31 verdict.¹

32 ¹ Exhibit 1: Jury Verdict

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred before Trial	<input type="checkbox"/> Other - _____

1 IT IS ORDERED AND ADJUDGED that Plaintiffs, JACK CHERNIKOFF and ELAINE
2 CHERNIKOFF, have and recover of Defendant, FIRST TRANSIT, INC., the following sum:

3 Pain and suffering, by Harvey Chernikoff: \$7,500,000.00
4
5 Greif, sorrow, loss of companionship, society,
6 Comfort, and loss of relationship suffered
7 by Plaintiffs, JACK CHERNIKOFF and
8 ELAINE CHERNIKOFF: + \$7,500,000.00
9
10 **Total Damages** **\$15,000,000.00**

11 IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's past damages shall bear Pre-
12 Judgment interest in accordance with Lee v. Ball, 116 P.3d 64, (2005) at the rate of 3.25% per annum
13 plus 2%² from the date of service of the Summons and Complaint³ on June 7, 2013, through the date
14 of the verdict on February 29, 2016, as follows:

15 **PRE-JUDGMENT INTEREST ON PAST DAMAGES: 15,000,000.00**

16 06/07/13 through 02/29/16 = \$2,149,631.70
17 [(997 days) at (prime rate (3.25%) plus 2 percent = 5.25%)]
18 [Interest is approximately \$2,156.10 per day]

19 NOW, THEREFORE, Judgment Upon the Verdict in favor of the Plaintiffs are as follows:

20 JACK CHERNIKOFF and ELAINE CHERNIKOFF is hereby given Seventeen Million One
21 Hundred Forty-Nine Thousand, Six Hundred Thirty-One Dollars and 70/100 (\$17,149,631.70), which
22 shall bear interest at the current rate of 5.25% per day, until satisfied.

23 DATED THIS 8 day of March, 2016.

24 
DISTRICT COURT JUDGE

25 *ds* JUDGE STEFANY A. MILEY

26 *Respectfully submitted:*


CLOWARD HICKS & BRASIER, PLLC

27 BENJAMIN P. CLOWARD, ESQ.

28 ² Exhibit 2: Prime Rate as of January 1, 2013

³ Exhibit 3: Affidavit of Service upon the Defendant

EXHIBIT "1"

DISTRICT COURT
CLARK COUNTY, NEVADA

JACK CHERNIKOFF and ELAINE
CHERNIKOFF,

Plaintiffs,

vs.

FIRST TRANSIT, INC. JAY
FARRALES; DOES 1-10, and ROES 1-10
inclusive,

Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

VERDICT FORM

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 29 2016

BY  5:21 pm
KATHERINE STREUBER, DEPUTY

VERDICT FORM

1
2 1. Do you find from a preponderance of the evidence that Defendant Jay Farrales
3 was negligent and that such negligence was a proximate cause of the death of Harvey
4 Chernikoff?

5 ANSWER: Yes No

6 2. Do you find from a preponderance of the evidence that Defendant First Transit,
7 Inc. was negligent and that such negligence was a proximate cause of the death of Harvey
8 Chernikoff?
9

10 ANSWER: Yes No

11 If you have answered "No" to questions #1 and #2 above, stop here, answer no further
12 questions, and have the foreperson sign and date this form.

13 3. Do you find from a preponderance of the evidence that Plaintiff Jack Chernikoff
14 was negligent and that such negligence was a proximate cause of the death of Harvey
15 Chernikoff?
16

17 ANSWER: Yes No

18 4. Do you find from a preponderance of the evidence that Plaintiff Elaine
19 Chernikoff was negligent and that such negligence was a proximate cause of the death of
20 Harvey Chernikoff?
21

22 ANSWER: Yes No

23
24
25
26
27
28

1 5. Using one hundred percent (100%) as the total combined negligence which
2 acted as a proximate cause of the injuries complained of by Plaintiffs Jack Chernikoff and
3 Elaine Chernikoff, what percentage of the total combined negligence do you find from the
4 evidence is attributable to:

5 Jay Farrales 0 %
6 First Transit, Inc. 100 %
7 Jack Chernikoff 0 %
8 Elaine Chernikoff 0 %
9 Totaling 100%

11 7. Without regard to the above answers, we find that the total amount of the
12 Plaintiffs' damages are divided as follows:

13
14 Pain and suffering by HARVEY CHERNIKOFF \$ 7.5 million
15
16 Grief, sorrow, loss of companionship,
17 Society, comfort, and loss of relationship
18 suffered by Plaintiffs JACK CHERNIKOFF
19 and ELAINE CHERNIKOFF: \$ 7.5 million
20
21 TOTAL \$ 15,000,000

22
23 Dated this 29 day of FEBRUARY, 2016.

24 Fred A. Acosta
25 FOREPERSON
26
27
28

EXHIBIT “2”

PRIME INTEREST RATE

NRS 99.040(1) requires:

"When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1, or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due, . . ."

Following is the prime rate as ascertained by the Commissioner of Financial Institutions:

January 1, 2015	3.25%	July 1, 2014	3.25%
January 1, 2014	3.25%	July 1, 2013	3.25%
January 1, 2013	3.25%	July 1, 2012	3.25%
January 1, 2012	3.25%	July 1, 2011	3.25%
January 1, 2011	3.25%	July 1, 2010	3.25%
January 1, 2010	3.25%	July 1, 2009	3.25%
January 1, 2009	3.25%	July 1, 2008	5.00%
January 1, 2008	7.25%	July 1, 2007	8.25%
January 1, 2007	8.25%	July 1, 2006	8.25%
January 1, 2006	7.25%	July 1, 2005	6.25%
January 1, 2005	5.25%	July 1, 2004	4.25%
January 1, 2004	4.00%	July 1, 2003	4.00%
January 1, 2003	4.25%	July 1, 2002	4.75%
January 1, 2002	4.75%	July 1, 2001	6.75%
January 1, 2001	9.50%	July 1, 2000	9.50%
January 1, 2000	8.25%	July 1, 1999	7.75%
January 1, 1999	7.75%	July 1, 1998	8.50%
January 1, 1998	8.50%	July 1, 1997	8.50%
January 1, 1997	8.25%	July 1, 1996	8.25%
January 1, 1996	8.50%	July 1, 1995	9.00%
January 1, 1995	8.50%	July 1, 1994	7.25%
January 1, 1994	6.00%	July 1, 1993	6.00%
January 1, 1993	6.00%	July 1, 1992	6.50%
January 1, 1992	6.50%	July 1, 1991	8.50%
January 1, 1991	10.00%	July 1, 1990	10.00%
January 1, 1990	10.50%	July 1, 1989	11.00%
January 1, 1989	10.50%	July 1, 1988	9.00%
January 1, 1988	8.75%	July 1, 1987	8.25%
January 1, 1987	Not Available		

* Attorney General Opinion No. 98-20:

If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in NRS 99.040 from the date the debt becomes due on any debt where there is no written contract fixing a different rate of interest, unless the account is an open or store accounts as

EXHIBIT “3”

1 AFPT
2 Richard Harris Law Firm
3 Benjamin P. Cloward, Esq.
4 801 S. 4th St.
5 Las Vegas, NV 89101
6 State Bar No.: 11087
7 Attorney(s) for: Plaintiff(s)

Alana Duggan
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY NEVADA

Case No.: A-13-682726-C
Dept. No.: XXIII
Date:
Time:

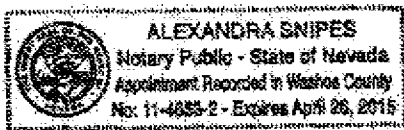
8
9 The Estate of Harvey Chernikoff, Deceased; by Jack Chernikoff as
10 personal representative, individually and as heir; et al.

11 vs Plaintiff(s)

12 First Transit, Inc. Laidlaw Transit Services, Inc dba First Transit, et al.
13 Defendant(s)

AFFIDAVIT OF SERVICE

14
15 I, Kelly Danner, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the
16 United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604, and
17 not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the
18 Summons; Complaint; Civil Cover Sheet; Initial Appearance Fee Disclosure on the 7th day of June, 2013 and
19 served the same on the 7th day of June, 2013 at 2:35pm by serving the Defendant(s), First Transit, Inc. Laidlaw
20 Transit Services, Inc dba First Transit, by personally delivering and leaving a copy at Registered Agent: The
21 Corporation Trust Company of Nevada, 311 South Division Street, Carson City, Nevada 89703 with
22 Alana Duggan, Administrative Assistant, pursuant to NRS 14.020 as a person of suitable age and discretion at
23 the above address, which address is the address of the registered agent as shown on the current certificate of
24 designation filed with the Secretary of State.



33 State of Nevada, County of Washoe

34 SUBSCRIBED AND SWORN to before me on this

35 11th day of June 2013

36
37
38
Alexandra Snipes
Notary Public Alexandra Snipes

Kelly Danner
Affiant Kelly Danner # R-057577
Legal Process Service License # 604
Work Order No 1304659
06112013095424

Legal Process Service 105 Mary Street Reno, Nevada 89509


CLERK OF THE COURT

1 **NEO**
2 BENJAMIN P. CLOWARD, ESQ.
3 Nevada Bar No. 11087
4 **CLOWARD HICKS & BRASIER, PLLC**
5 721 South 6th Street
6 Las Vegas, NV 89101
7 Telephone: (702) 628-9888
8 Facsimile: (702) 960-4118
9 Beloward@chblawvers.com
10 *Attorneys for Plaintiffs*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 JACK CHERNIKOFF and ELAINE
12 CHERNIKOFF,

13 Plaintiffs,

14 vs.

15 FIRST TRANSIT, INC. JAY
16 FARRALES; DOES 1-10, and ROES 1-10
17 inclusive,

18 Defendants.


CASE NO. A-13-682726-C
DEPT. NO. XXIII

NOTICE OF ENTRY OF ORDER

19 YOU WILL PLEASE TAKE NOTICE that the attached **JUDGMENT UPON THE JURY**
20 **VERDICT** was entered by this Court in the above-entitled matter on the 8th day of March, 2016.

21 DATED THIS 9th day of March, 2016.

23 **CLOWARD HICKS & BRASIER, PLLC**

24 
25 BENJAMIN P. CLOWARD, ESQ.
26 Nevada Bar No. 11087
27 721 South Sixth Street
28 Las Vegas, Nevada 89101
Attorneys for Plaintiffs

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of **CLOWARD HICKS &**
3 **BRASIER, PLLC** and that on the 9 day of March 2016, I caused the foregoing NOTICE OF
4 ENTRY OF ORDER to be served as follows:
5

- 6 by placing a true and correct copy of the same to be deposited for mailing in the U.S.
7 Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class
8 postage was fully prepaid; and/or
9 pursuant to EDCR 7.26, by sending it via facsimile; and/or
10 pursuant to N.E.F.C.R. 9 by serving it via electronic service

11 to the attorneys listed below:
12

13 LEANN SANDERS, ESQ.
14 ALVERSON, TAYLOR, MORTENSEN & SANDERS
15 7401 W. Charleston Blvd.
16 Las Vegas, Nevada 89117
Attorneys for Defendants

17
18
19
20
21 _____
An employee of the CLOWARD HICKS & BRASIER, PLLC
22
23
24
25
26
27
28

Alvin D. Linn
CLERK OF THE COURT

1 **JGJV**
2 **BENJAMIN P. CLOWARD, ESQ.**
3 Nevada Bar No. 11087
4 **CLOWARD HICKS & BRASIER, PLLC**
5 721 South 6th Street
6 Las Vegas, NV 89101
7 Telephone: (702) 628-9888
8 Facsimile: (702) 960-4118
9 Bcloward@chblawyers.com
10 *Attorneys for Plaintiffs*

11 **CHARLES H. ALLEN, ESQ. (Pro Hac Vice)**
12 Georgia Bar No. 009883
13 **ALLEN LAW FIRM**
14 400 West Peach Tree Street, Unit 3704
15 Atlanta, GA 30308
16 Fax (866) 639-0287
17 *Attorney for Plaintiffs*

DISTRICT COURT

CLARK COUNTY, NEVADA

JACK CHERNIKOFF and ELAINE
CHERNIKOFF,

Plaintiffs,

vs.

FIRST TRANSIT, INC. JAY
FARRALES; DOES 1-10, and ROES 1-10
inclusive,

Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

JUDGMENT UPON THE JURY
VERDICT

24 This action came on for trial before the court and the jury, the Honorable Stefany A. Miley,
25 District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its
26 verdict.¹

¹ Exhibit 1: Jury Verdict

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred before Trial	<input type="checkbox"/> Other - _____

1 IT IS ORDERED AND ADJUDGED that Plaintiffs, JACK CHERNIKOFF and ELAINE
2 CHERNIKOFF, have and recover of Defendant, FIRST TRANSIT, INC., the following sum:

3 Pain and suffering, by Harvey Chernikoff: \$7,500,000.00
4
5 Greif, sorrow, loss of companionship, society,
6 Comfort, and loss of relationship suffered
7 by Plaintiffs, JACK CHERNIKOFF and
8 ELAINE CHERNIKOFF: + \$7,500,000.00
9
10 **Total Damages \$15,000,000.00**

11 IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's past damages shall bear Pre-
12 Judgment interest in accordance with Lee v. Ball, 116 P.3d 64, (2005) at the rate of 3.25% per annum
13 plus 2%² from the date of service of the Summons and Complaint³ on June 7, 2013, through the date
14 of the verdict on February 29, 2016, as follows:

15 **PRE-JUDGMENT INTEREST ON PAST DAMAGES: 15,000,000.00**

16 06/07/13 through 02/29/16 = **\$2,149,631.70**
17 [(997 days) at (prime rate (3.25%) plus 2 percent = 5.25%)]
18 [Interest is approximately \$2,156.10 per day]

19 NOW, THEREFORE, Judgment Upon the Verdict in favor of the Plaintiffs are as follows:

20 JACK CHERNIKOFF and ELAINE CHERNIKOFF is hereby given Seventeen Million One
21 Hundred Forty-Nine Thousand, Six Hundred Thirty-One Dollars and 70/100 (\$17,149,631.70), which
22 shall bear interest at the current rate of 5.25% per day, until satisfied.

23 DATED THIS 8 day of March, 2016.

24 
DISTRICT COURT JUDGE

25 **JUDGE STEFANY A. MILEY**

26 *Respectfully submitted:*
CLOWARD HICKS & BRASIER, PLLC

27 **BENJAMIN P. CLOWARD, ESQ.**

28 ² Exhibit 2: Prime Rate as of January 1, 2013

³ Exhibit 3: Affidavit of Service upon the Defendant

EXHIBIT "1"

DISTRICT COURT
CLARK COUNTY, NEVADA

JACK CHERNIKOFF and ELAINE
CHERNIKOFF,

Plaintiffs,

vs.

FIRST TRANSIT, INC. JAY
FARRALES; DOES 1-10, and ROES 1-10
inclusive,

Defendants.

CASE NO. A-13-682726-C
DEPT. NO. XXIII

VERDICT FORM

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 29 2016

5:21 PM

BY 
KATHERINE STREUBER, DEPUTY

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VERDICT FORM

1
2 1. Do you find from a preponderance of the evidence that Defendant Jay Farrales
3 was negligent and that such negligence was a proximate cause of the death of Harvey
4 Chernikoff?

5 ANSWER: Yes No

6
7 2. Do you find from a preponderance of the evidence that Defendant First Transit,
8 Inc. was negligent and that such negligence was a proximate cause of the death of Harvey
9 Chernikoff?

10 ANSWER: Yes No

11 If you have answered "No" to questions #1 and #2 above, stop here, answer no further
12 questions, and have the foreperson sign and date this form.

13 3. Do you find from a preponderance of the evidence that Plaintiff Jack Chernikoff
14 was negligent and that such negligence was a proximate cause of the death of Harvey
15 Chernikoff?

16 ANSWER: Yes No

17
18 4. Do you find from a preponderance of the evidence that Plaintiff Elaine
19 Chernikoff was negligent and that such negligence was a proximate cause of the death of
20 Harvey Chernikoff?

21 ANSWER: Yes No

1 5. Using one hundred percent (100%) as the total combined negligence which
2 acted as a proximate cause of the injuries complained of by Plaintiffs Jack Chernikoff and
3 Elaine Chernikoff, what percentage of the total combined negligence do you find from the
4 evidence is attributable to:

5 Jay Farrales 0 %
6 First Transit, Inc. 100 %
7 Jack Chernikoff 0 %
8 Elaine Chernikoff 0 %
9
10 Totaling 100%

11 7. Without regard to the above answers, we find that the total amount of the
12 Plaintiffs' damages are divided as follows:

13
14 Pain and suffering by HARVEY CHERNIKOFF \$ 7.5 million
15
16 Grief, sorrow, loss of companionship,
17 Society, comfort, and loss of relationship
18 suffered by Plaintiffs JACK CHERNIKOFF
19 and ELAINE CHERNIKOFF: \$ 7.5 MILLION
20
21 TOTAL \$ 15,000,000

22
23
24 Dated this 29 day of FEBRUARY, 2016.

25
26
27
28
Fredy A. Acuna
FOREPERSON

EXHIBIT “2”

PRIME INTEREST RATE

NRS 99.040(1) requires:

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January 1, 1989	10.50%	July 1, 1988	9.00%
January 1, 1988	8.75%	July 1, 1987	8.25%
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* Attorney General Opinion No. 98-20:

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EXHIBIT “3”

1 AFFT
2 Richard Harris Law Firm
3 Benjamin P. Cloward, Esc.
4 801 S. 4th St.
5 Las Vegas, NV 89101
6 State Bar No.: 11087
7 Attorney(s) for: Plaintiff(s)

[Signature]
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY NEVADA

Case No.: A-13-682726-C
Dept. No.: XXIII
Date:
Time:

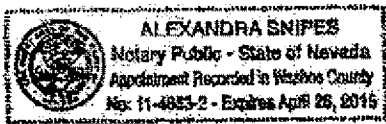
The Estate of Harvey Chernikoff, Deceased; by Jack Chernikoff as
personal representative, individually and as heir; et al.
vs Plaintiff(s)

First Transit, Inc. Laidlaw Transit Services, Inc dba First Transit, et al.
Defendant(s)

AFFIDAVIT OF SERVICE

I, Kelly Dannan, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the: Summons; Complaint; Civil Cover Sheet; Initial Appearance Fee Disclosure on the 7th day of June, 2013 and served the same on the 7th day of June, 2013 at 2:35pm by serving the Defendant(s), First Transit, Inc. Laidlaw Transit Services, Inc dba First Transit by personally delivering and leaving a copy at Registered Agent: The Corporation Trust Company of Nevada, 311 South Division Street, Carson City, Nevada 89703 with Alena Duggan, Administrative Assistant pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the registered agent as shown on the current certificate of designation filed with the Secretary of State.

Legal Process Service 105 Mary Street Reno, Nevada 89509



33 State of Nevada, County of Washoe
34 SUBSCRIBED AND SWORN to before me on this
35 11th day of June 2013
36 *[Signature]*
Notary Public - Alexandra Snipes

[Signature]
Affiant Kelly Dannan # R-057577
Legal Process Service License # 604
Work Order No 1304659
FILE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 06, 2014

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

May 06, 2014 9:30 AM Motion to Associate
Counsel

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Benjamin Cloward, Esq., present on behalf of Plaintiffs.
Taylor Trujillo, Esq., present on behalf of Defendants.

Court noted everything is in order for the Pro Hac Vice and ORDERED, Motion GRANTED. Plaintiff to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

November 07, 2014

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

**November 07, 2014 9:30 AM Motion for Substitution Plaintiffs' Motion to
Substitute Expert on
OST**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT: Cloward, Benjamin P. Attorney
 Hyson, Kimberley A. Attorney

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Berkowitz must adopt Mr. Einstein's opinions; Pltf will pay expert fees, and deposition fees and costs. Colloquy. Ms. Hyson prefers not having another report; argument by counsel. Upon Ms. Hyson's request for investigation fees, Commissioner advised counsel speak with the District Court Judge. COMMISSIONER RECOMMENDED, Mr. Berkowitz cannot create new opinions; no further report needed.

COMMISSIONER RECOMMENDED, any type of modification made to expert disclosures, or opinions not utilized at Trial, Mr. Cloward must advise Defense counsel by 11/26/14; Defense counsel can supplement expert disclosure up to 30 days before Trial (get it done if necessary); if something unanticipated occurs, return to Discovery, and Commissioner will make it fair.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 1/22/15; FILE dispositive motions by 2/23/15; all other discovery deadlines are CLOSED; 4/20/15 Trial date STANDS.

Mr. Cloward to prepare the Report and Recommendations, and Ms. Hyson to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Cloward to appear at status check hearing to report on the Report and Recommendations.

12/12/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

January 13, 2015

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

January 13, 2015	9:30 AM	Objection to Discovery Commissioner's Report	Defendants' First Transit Inc and Jay Farrales Objection to Discovery Commissioner's Report
------------------	---------	---	--

HEARD BY: Miley, Stefany COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Cloward, Benjamin P.	Attorney
	Hyson, Kimberley A.	Attorney

JOURNAL ENTRIES

- Court inquired of the amount spent to rebut Dr. Einstein's opinions. My. Hyson advised over \$10,000.00 in legal fees not including expert opinions. Upon further inquiry of the Court, Ms. Hyson advised they had spent many hours on doctor's trial history and qualifications and stated they would prepare an itemization. Counsel then argued Plaintiff is minimizing amounts and noted other report would need to be reviewed by their experts. Court requested counsel streamline the issues. Counsel pointed out the report was in excess of 60 pages, stated they were going to have rebuttal reports and review Mr. Berkowitz's trial history and noted excusable neglect was not addressed by Discovery Commissioner. Court found ethical issue vague. Argument by Mr. Cloward noting report was due after conversation they had after site inspection, stated they had to get report in under duress and stated reason for delays. Court stated its concern with trial set for April and noted it is not unreasonable defense counsel would have done this and there would be reasonable amount. Argument by Mr. Cloward. Court requested defense counsel prepare a breakdown as to what had

been done. Mr. Cloward advised they want to be reasonable and wanted the Court to understand the new report which needs no further review as there are no new opinions in said report. Court inquired of proposals regarding background checks. Argument by Mr. Cloward. Colloquy regarding taking of Dr. Einstein and Mr. Berkowitz's depositions and hourly rates. Mr. Cloward advised they would pay hourly rate and recorder's fee, however, would not pay for attorney fees or cost for travel. Further colloquy regarding fee schedules and recorder fees. Court directed defense counsel to produce, by the following week, how much had been expended on Dr. Einstein and to check rates. Mr. Cloward advised Dr. Einstein's charge for copying of his file is \$3,500.00 and stated he would provide a letter to the Court and counsel. Colloquy regarding trial setting. COURT ORDERED, trial date VACATED and RESET. Court noted it had not made a decision regarding excusable neglect, directed counsel to provide numbers as soon as possible and stated a decision would follow upon their receipt.

06-23-15 11:00 AM CALENDAR CALL

06-29-15 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 23, 2015

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

June 23, 2015	9:30 AM	All Pending Motions	Calendar Call; Defendant's Amended Notice of Motion to Dismiss for Failure to Timely Serve Pre-Trial Disclosures on Order Shortening Time
----------------------	----------------	----------------------------	--

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Cloward, Benjamin P.	Attorney
	Hyson, Kimberley A.	Attorney

JOURNAL ENTRIES

- Court advised Plaintiff may respond orally. Ms. Hyson advised Plaintiff had not served pre-trial disclosures on the correct date, noted they were 20 days late and believed sanctions should be imposed. Court advised it had went through pre-trial disclosures and stated it was unable to see the prejudice. Ms. Hyson argued Plaintiff stated there would be no prejudice as the people were identified in discovery and noted the delay causes the prejudice. Counsel further argued they were allowed fourteen days in which to file objections and Plaintiff was twenty dates late with their disclosures. Court noted disclosure was untimely, however, it still did not see the prejudice. Further argument by counsel. Colloquy regarding objections. Counsel noted they had not went through all disclosures, however, there would be objections. Statement by Mr. Cloward regarding trial availability and noted witness would not be available during the first two weeks of the stack.

Arguments by counsel regarding eulogy and multiple photographs of Plaintiff. Ms. Hyson noted photographs were attached to 8th Supplemental which was after discovery had been closed. Court noted although photographs were late, sanctions would not be imposed and ORDERED, Motion to Dismiss is DENIED. Mr. Cloward noted unavailability of expert and suggested video testimony. Court noted there would be a basis for video deposition. Ms. Hyson advised the expert was already in Europe. Mr. Cloward advised they could do video preservation or deposition. Colloquy regarding deposition. Ms. Hyson advised deposition was not completed therefore deposition transcript was not complete either. COURT ORDERED, matter SET for trial and all pending motions in limine are reset. Mr. Cloward to prepare the order and provide to opposing counsel for review prior to submitting to the Court for signature.

07-13-15 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 30, 2015

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

June 30, 2015 9:30 AM All Pending Motions

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Cloward, Benjamin P. Attorney
 Hyson, Kimberley A. Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO STRIKE IMPERMISSIBLE VIDEO ON AN ORDER SHORTENING TIME: Mr. Cloward noted the video would show Plaintiff sleeping on the bus, there had been a different bus driver how had not noticed Plaintiff slumped over the seat. Court inquired whether different driver had driven with Plaintiff prior. Counsel advised driver might have driven Plaintiff a few times, however, driver did not stated in deposition that Plaintiff had been sleeping and pointed out the video shows exactly what happened. Colloquy regarding driver's reaction once he felt something was wrong. Argument by Ms. Hyson noting Plaintiff's pattern of sleeping on the bus. Mr. Cloward argued regarding Defendant's deposition, disputed probative vs. prejudice and stipulated the Plaintiff had slept on the bus on previous occasions. COURT ORDERED, ruling DEFERRED until trial as it would need to see foundation laid before entering a decision and noted matter would be addressed outside the presence of the jury. FURTHER, Plaintiff may not use videos during their opening statement. DEFENDANTS FIRST TRANSIT INC AND JAY FARRALES' MOTION IN LIMINE NO. 4 TO PRECLUDE SPECULATION BY LAY WITNESSES THAT FIRST AID WOULD HAVE SAVED DECEDENT'S LIFE: Ms. Hyson argued to preclude any testimony from expert Berkowitz or lay witnesses as they had not seen the video of what occurred on the bus and noted they cannot testify outside their personal knowledge. Argument by Mr. Cloward stating witnesses should be able to state bus driver should have tried to save Plaintiff's life by attempting CPR or

heimlich maneuver. Further argument by Ms. Hyson. Court stated its findings and ORDERED, motion GRANTED IN PART as lay witnesses are not qualified and DENIED IN PART as to expert. Court cautioned counsel. DEFENDANT FIRST TRANSIT INC AND JAY FARRALES' MOTION IN LIMINE NO. 1 TO EXCLUDE ITEMS PRODUCED BY PLAINTIFFS AFTER THE CLOSE OF DISCOVERY: Colloquy regarding photographs and eulogy. Ms. Hyson advised there were 83 photographs of Plaintiff which are duplicative, believed they were in Plaintiff's counsel's possession, thus, there should have been no delay in disclosure and requested on two photographs of Plaintiff and his family. Statement by the Court noting it would allow some photographs in order for jury to get a feel for the person. Mr. Cloward requested half of the photographs. Court believed request to be excessive. Arguments by counsel. Court stated Plaintiff may use 15 photographs so jury will understand relationship between Plaintiff and his parents and inquired of the need of eulogy. Mr. Cloward stated they would withdraw eulogy. COURT ORDERED, motion GRANTED IN PART as to photographs and DENIED IN PART as to eulogy. Colloquy regarding time limit on which to produce photographs Plaintiff intend to use at trial. DEFENDANTS FIRST TRANSIT INC AND JAY FARRALES' MOTION IN LIMINE NO 2 TO EXCLUDE POST JULY 2011 POLICY DOCUMENTS AND ANY REFERENCES OR TESTIMONY RELATED THERETO: Argument by Ms. Hyson noting what had been disclosed was only a proposal which never went into effect and believed it would mislead the jury. Argument by Mr. Cloward regarding structure of company and believed they put more value on property than on safety. Court stated it understood an expert would be testifying as to what was done, thus it does not see need for policies since they were not in effect. Further argument by counsel noting Defendants gave a job description, however, nothing stated it was not in effect in 2011 and added nothing had changed on the documents other than the date. Mr. Cloward then stated they believed bid was a separate issue, noted it had been requested at the time of deposition and advised their expert would be testifying this is unconstitutional problem. Argument by Ms. Hyson regarding employment documents of Defendant and pointed out the bid had not been produced during discovery as it was subpoenaed for Transportation Commission. Statement by the Court regarding relevance of employment records being whether employee had been keeping up on their CPR certification and stated it did not see the relevance. Mr. Cloward advised company hired individuals with no experience and noted company then only trains them for a few days. Arguments by counsel. Ms. Hyson noted the Plaintiff had deposed First Transit Supervisor and argued they had an opportunity then to question regarding the bid. Further arguments by counsel. Ms. Hyson advised in discovery request Plaintiff did not provide a time frame and noted she was not on this case when discovery request had been submitted. COURT ORDERED, motion GRANTED IN PART/DENIED IN PART as it will allow questioning of the road supervisor as long as he is aware of position and training in 2011; as to employee file, nothing prior to incident will be allowed; and it will not allow the bid as it is not relevant. DEFENDANTS FIRST TRANSIT INC AND JAY FARRALES' MOTION IN LIMINE NO 3 TO EXCLUDE POSTMORTEM PHOTOGRAPHS OF DECEDENT AT TRIAL: Court noted parties cannot inflame the jury and requested the relevance of said photographs. Arguments by counsel. COURT ORDERED, ruling DEFERRED to time of trial. Statement by Mr. Cloward. PLAINTIFF'S MOTION IN LIMINE NO 1 TO EXCLUDE ANY DISCUSSION, MENTION REFERENCE, COMMENTS REGARDING THE RETENTION OF NED EINSTEIN: Colloquy regarding comments made in report. Arguments by counsel. Court noted it had discussed issue with Discovery Commissioner Bulla and she stated it is not unusual to substitute experts and noted it

is not prejudicial. Further arguments by counsel. Court inquired of Plaintiff's counsel what aspect of their case would they be abandoning. Argument by Mr. Cloward noting expert is out of the country, however, is able to appear by video. Argument by Ms. Hyson advising there is nothing set up to do testimony. Court stated parties to prepare a stipulation. Mr. Cloward announced ready unless defense did not want to do video testimony. COURT ORDERED, motion DENIED. PLAINTIFF'S MOTION IN LIMINE NO 2 TO EXCLUDE ANY REFERENCE OR COMMENTAS THAT CARL BERKOWITZ UTILIZED NED EINSTEIN'S REPORT: COURT ORDERED, motion DENIED. Mr. Cloward WITHDREW Motion in Limine No 3. PLAINTIFF'S MOTION IN LIMINE NO 4 TO EXCLUDE ANY REFERENCE OF HARVEY OBTAINING A DRIVER'S LICENSE: Mr. Cloward advised it is not a fair inference that Plaintiff had intellectual ability. Argument by Ms. Hyson noting Plaintiff did get a California Driver's License, noting he understood signs and rules or the road and believed it could show whether Plaintiff could have recognized sig on the bus. COURT ORDERED, motion DENIED. DEFENDANTS FIRST TRANSIT INC AND JAY FARRALES' MOTION TO STRIKE PLAINTIFF'S PASSENGER TRANSPORTATION EXPERT, CARL BERKOWITZ P.H.D.: Court advised it had reviewed report, stated it did not see dispute and noted expert had testified in a similar case. COURT ORDERED, motion DENIED without argument. Ms. Hyson to prepare the order and provide to opposing counsel for review prior to submitting to the Court for signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

July 07, 2015

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

July 07, 2015	9:30 AM	Motion to Vacate Trial Date	Plaintiffs' Motion to Vacate and Continue the Trial Date on an Order Shortening Time
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Cloward, Benjamin P.	Attorney
	Hyson, Kimberley A.	Attorney

JOURNAL ENTRIES

- Colloquy regarding expert issue. Ms. Hyson advised they had agreed to trial deposition, however, before they could speak with counsel, Mr. Cloward filed the motion to continue. Colloquy regarding trial schedule. COURT ORDERED, motion GRANTED and trial date VACATED and RESET. JEA to prepare and distribute Amended Trial Order.

11-10-15 11:00 AM CALENDAR CALL

11-16-15 1:00 PM TRIAL BY JURY (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 17, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 17, 2016 1:00 PM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Louisa Garcia

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative for First Transit, Inc., also present.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding voir dire and jury selection.

PROSPECTIVE JURORS PRESENT: Introductory statements by Court and by counsel. Clerk called roll. Prospective Jury Panel SWORN. Voir dire commenced.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Cloward made a record as to challenges for cause of prospective jurors. Court advised, as previously indicated, it was going to allow Defendant to conduct voir dire.

A-13-682726-C

Michele Tucker, Court Clerk present, 2:45 - 4:15 p.m.

Continued Voir Dire. Evening recess. The Court ADMONISHED and EXCUSED the Prospective Panel for the evening.

2-18-16 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 18, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 18, 2016 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Louisa Garcia

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative for First Transit, Inc., also present.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding previously stipulated joint exhibits. Ms. Anderson stated last week counsel submitted a list concerning certain parts of deposition testimony from Jennifer McKibbins and Jay Farrales that they would like to read or play in opening statements. Ms. Anderson advised several of those sections were objected to; therefore, requested the Court review and make a ruling as to those objections. Mr. Cloward stated he would like to show the jury during opening demonstrative evidence. Upon Court s inquiry, Ms. Sanders stated at this point they do not have any stipulated joint exhibits. Mr. Cloward indicated only one of the exhibits had over-redactions. Colloquy regarding employee manual and video of the actual incident. Court advised it would think about whether counsel may use in opening.

PROSPECTIVE JURY PRESENT: Voir dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: COURT ADVISED it thought about the unstipulated documents and was not go allow them in at this time as defense counsel prepared their opening based on the previous stipulation. Court advised Juror #357 submitted a note indicating her mother was on dialysis. Counsel stipulated to release her from the panel. COURT ORDERED, Panel Member #357, EXCUSED.

PROSPECTIVE JURY PRESENT: Continued Voir dire. Conference at the Bench. Additional members excused for cause. Voir dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court advised it allowed Plaintiff additional inquiry regarding challenges for cause. Statement by Mr. Cloward regarding Whitlock v. Salmon. Colloquy. Mr. Cloward renewed challenges for cause. Court advised it would revisit Strobeck and Smith noting it already made a record on the others.

PROSPECTIVE JURY PRESENT: Following additional questioning by the Court regarding challenges, COURT ORDERED, prior ruling STANDS. Additional Panel Members were thanked and excused for cause or by Peremptory Challenges. Jury SELECTED and SWORN. Court gave instructions to the jury. The Court ADMONISHED and EXCUSED the Panel for the evening.

OUTSIDE THE PRESENCE OF THE JURY: Discussions regarding jury instructions and opening statements. EVENING RECESS.

2/19/16 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 19, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 19, 2016 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Louisa Garcia

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative for First Transit, Inc., also present.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Cloward advised Plaintiff filed a bench brief yesterday and indicated they would not be calling one of their expert witnesses; nobody discussed him as being a potential witness so none of the veneer were asked about whether they knew him. Mr. Cloward stated he did not think it would be appropriate to discuss him at trial and provided case authority to support his position. Ms. Sanders stated they received a copy of the brief yesterday and was prepared to file a written opposition. Court advised it has not had an opportunity to review it and parties would discuss at a later time.

JURY PRESENT: Opening Statements by Mr. Cloward and Ms. Sanders. Testimony and exhibits presented; depositions PUBLISHED and FILED IN OPEN COURT. (See worksheets) Evening recess.

A-13-682726-C

The Court ADMONISHED and EXCUSED the Jury Panel for the evening.

2-22-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 22, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 22, 2016 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative of First Transit Inc., present. OUTSIDE THE PRESENCE OF THE JURY. Mr. Cloward addressed issues regarding expert Berkowitz and Motion to Strike lay law policies. Argument by Ms. Sanders. Argument by Mr. Cloward regarding cardiac issue and requested exhibit not be published until attorneys agreed and modify portions before sending back with jurors during deliberations. Court pointed out that once exhibits are marked as proposed they cannot be given back or changed. Arguments by counsel. Court believed issue is premature and parties may only show to jury what is at issue at the time. Mr. Cloward advised he was only protecting the record. Statement by the Court. Argument by Mr. Cloward. Argument by Ms. Hyson. Further argument by Mr. Cloward. Court again stated it was premature and noted its reluctance to give blanket ruling. Mr. Cloward stated deposition could not be used as it is hearsay. COURT ORDERED, motion DENIED. JURY PRESENT. Testimony and exhibits presented. (See

worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding exhibits.

02-23-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 23, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 23, 2016 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative of First Transits Inc., present. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding Defendant's Motion in Limine No. 3. Court stated its would allow photographs as they were attached to witness' deposition. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY.

A-13-682726-C

02-24-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 24, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 24, 2016 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative of First Transits Inc., present. OUTSIDE THE PRESENCE OF THE JURY. Court advised it received Plaintiff's Re-Newed Objection to Expert Berkowitz and stated it understood Plaintiffs' position. Argument by Ms. Hyson. Argument by Mr. Cloward. Court stated its concerns. Ms. Hyson advised experts had done supplemental reports. Argument by Mr. Cloward. Court stated counsel wanted it to speculate and give tentative rulings. Mr. Cloward requested defense proffer evidence. Court advised party could appeal if they so choose and believed counsel was being disrespectful as he mentioned appealing every time they did not agree with this Court's ruling. JURY PRESENT. Plaintiff RESTED. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented.

A-13-682726-C

(See worksheets) COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witnesses and scheduling as to Jury Instructions.

02-25-16 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 25, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 25, 2016 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative of First Transits Inc., present. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Defendants' motion. JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding designation. Arguments by counsel. Ms. Sanders advised they would not get into the handbook. Further arguments by counsel. COURT ORDERED, matter CONTINUED.

A-13-682726-C

02-26-16 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 26, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 26, 2016 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- Jennifer McKibbins, Representative of First Transits Inc., present. OUTSIDE THE PRESENCE OF THE JURY. Jury Questions reviewed. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Defense RESTED. OUTSIDE THE PRESENCE OF THE JURY. Jury Instructions argued. Colloquy regarding Comparative Negligence. Arguments by counsel. Jury Instructions SETTLED. JURY PRESENT. Court instructed the jury. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY.

A-13-682726-C

02-29-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 29, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

February 29, 2016 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Allen, Charles H.	Attorney
	Alverson, J. Bruce	Attorney
	Brasier, Allison M.	Attorney
	Chernikoff, Elaine	Plaintiff
	Chernikoff, Jack	Plaintiff
	Cloward, Benjamin P.	Attorney
	Farrales, Jay	Defendant
	Hyson, Kimberley A.	Attorney
	Sanders, LeAnn	Attorney

JOURNAL ENTRIES

- JURY PRESENT. Closing argument by Mr. Cloward. **OUTSIDE THE PRESENCE OF THE JURY.**
JURY PRESENT. Closing argument by Ms. Sanders. Rebuttal closing argument by Mr. Cloward. At the hour of 3:54 p.m., the jury retired to deliberate. Judge Joanna Kishner present to take verdict. At the hour of 5:21 p.m., the jury returned with a verdict for the Plaintiff and against Defendant First Transits Inc. Jury polled, thanked and excused.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 05, 2016

A-13-682726-C Jack Chernikoff, Plaintiff(s)
vs.
First Transist Inc, Defendant(s)

April 05, 2016	9:30 AM	All Pending Motions	Defendants' Motion for Leave to Supplement Post-Trial Motions Upon Receipt of Trial Transcript (On Order Shortening Time); Defendants' Motion for Stay (on Order Shortening Time)
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Brasier, Alison M.	Attorney
	Polsenberg, Daniel F.	Attorney

JOURNAL ENTRIES

- Ms. Brasier advised they had a limited opposition and requested time parameters. Court noted the transcript would not be available until sometime in June and inquired whether parties needed anything further from the Court. Mr. Polsenberg stated he was unsure if they were going to file a Notice of Appeal. Colloquy regarding parameters. Court stated its findings and ORDERED, Motion for Leave is GRANTED and Motion for Stay is GRANTED. Mr. Polsenberg to prepare the Orders and provide to opposing counsel for review prior to submitting to the Court for signature.

JOINT EXHIBITS

CASE NO. A682726

	Date Offered	Objection	Date Admitted
A1 - Operator Incident Report	FEB 25 2016	NO	FEB 25 2016
A2 - Disk Containing Video Footage of Harvey Chernikoff	FEB 13 2016	NO	FEB 13 2016
A2-1 - Poster Board	FEB 25 2016	NO	FEB 25 2016
A2-2 - " "	"	"	"
A2-3 - " "	"	"	"
A2-4 - " "	"	"	"
A2-5 - " "	"	"	"
A2-6 - " "	"	"	"
A2-7 - " "	"	"	"
A2-8 - " "	"	"	"
A3 - Records from C.C. Coroner's Office	FEB 19 2016	NO	FEB 19 2016
A4 - Report of Investigation from C.C. Coroner/Medical Examiner			
A5 - Records from C.C. Fire Dept.	FEB 24 2016	NO	FEB 24 2016
A6 - RTC Paratransit Guide	FEB 22 2016	NO	FEB 22 2016
A7 - First Transit LV Operator Training Matrix	FEB 26 2016	NO	FEB 26 2016
A8 - " " Minimum Training Requirements	FEB 26 2016	NO	FEB 26 2016
A9 - " " Collective Bargaining Agreement	FEB 26 2016	NO	FEB 26 2016
A10 - Jay Farrales' Personnel File	FEB 26 2016	NO	FEB 26 2016

JOINT EXHIBITS

CASE NO. A682726

	Date Offered	Objection	Date Admitted
A11- Jay Farrales' Medical Examination Reports for Commercial Driver Fitness Determination	FEB 2 6 2016	NO	FEB 2 6 2016
A12- " " Application for Employment with Laidlaw	FEB 2 6 2016	NO	FEB 2 6 2016
A13- Supplement to Jay Farrales' Personnel File	FEB 2 6 2016	NO	FEB 2 6 2016
A14- Documentation regarding Jay Farrales Safety Classes + Tests	FEB 2 6 2016	NO	FEB 2 6 2016
A15- Driver Manifest for Bus 1790 on July 29, 2011	FEB 2 5 2016	NO	FEB 2 5 2016
A16- Contract between RTC of Southern Nevada & Laidlaw Transit Services Inc dated 3/8/07	FEB 2 6 2016	NO	FEB 2 6 2016
A17- Harvey Chernikoff's Records from the RTC of Southern Nevada			
A18- Photograph of Signage on Bus	FEB 2 2 2016	NO	FEB 2 2 2016
A19- Thirty Eight (38) Bus Inspection Photographs taken by Expert (00001-00003)			
A19 - Photo (00004)	FEB 2 5 2016	NO	FEB 2 5 2016
A19 - Photos (00005-00025)			
A19 - Photo (00026)	FEB 2 5 2016	NO	FEB 2 5 2016

Attachment
to

JOINT EXHIBITS

ORIGINAL

JOINT EXHIBITS

Exhibit #	# of PAGES	DESCRIPTION	OFFERED	OBJ	Admit
A1	1	Operator Incident Report [A1 - 00001]	FEB 2 5 2016	NO	FEB 2 5 2016
A2	1	Disc containing video footage of Harvey Chernikoff on a First Transit vehicle on July 29, 2011	2-19-16	NO	2-19-16
A3	21	Records from the Clark County Coroner's Office [A3 - 00001 - 00021]	2-19-16	NO	2/19/16
A4	9	Report of Investigation from the Clark County Coroner/Medical Examiner [A4 - 00001 - 00009]			
A5	3	Records from the Clark County Fire Department [A5 - 00001 - 00003]	FEB 2 4 2016	NO	FEB 2 4 2016
A6	12	RTC Paratransit Guide [A6 - 00001 - 00012]	FEB 2 2 2016	NO	FEB 2 2 2016
A7	3	First Transit, Inc.'s Las Vegas Operator Training Matrix [A7 - 00001 - 00003]			
A8	1	First Transit, Inc.'s Minimum Training Requirements [A8 - 00001]			
A9	50	First Transit, Inc.'s Collective Bargaining Agreement [A9 - 00001 - 00050]			
A10	133	Jay Farrales' Personnel File [A10 - 00001 - 00133]			
A11	8	Jay Farrales' Medical Examination Reports for Commercial Driver Fitness Determination, dated June 2, 2006, May 24, 2008, and May 21, 2010 [A11 - 00001 - 00008]			
A12	16	Jay Farrales' Application for Employment with Laidlaw Transit Services [A12 - 00001 - 00016]			
A13	34	Supplement to Jay Farrales' Personnel File [A13 - 00001 - 00034]			
A14	110	Documentation regarding Jay Farrales' Safety Classes and Tests [A14 - 00001 - 00110]			
A15	5	Driver Manifest for Bus 1790 on July 29, 2011 [A15 - 00001 - 00005]	FEB 2 5 2016	NO	FEB 2 5 2016
A16	110	Contract between Regional Transportation Commission of Southern Nevada and Laidlaw Transit Services, Inc., dated March 8, 2007 [A16 - 00001 - 00110]	FEB 2 6 2016	NO	FEB 2 6 2016
A17	7	Harvey Chernikoff's records from the Regional Transportation Commission of Southern Nevada [A17 - 00001 - 00007]			
A18	1	Photograph of signage on Bus 1790 [A18 - 00001]	FEB 2 2 2016	NO	FEB 2 2 2016
A19	38	A19-00004 + 00026 Thirty Eight (38) Bus Inspection photographs taken by Defendant's expert Matt Daecher [A19 - 00001 - 00038]	FEB 2 5 2016	NO	FEB 2 5 2016
A20	1	Death Certificate [20 - 00001]			

PLAINTIFF'S EXHIBITS

CASE NO. A 682726

	Date Offered	Objection	Date Admitted
1- First Transit Inc's, Minimum Hiring Standards			
2- 2010 First Transit Employee Handbook	FEB 19 2016 1	NO	FEB 19 2016 1
3- LVMPD Incident Report (3-00001 - 3-00008)			
- 3-00009 - Voluntary Statement	FEB 25 2016	NO	FEB 25 2016
4- Net Claim Summary Form			
5- CAD Incident Report + Disc w/ 911 Calls			
6- RTC of Southern Nevada Documents			
7- 14 Color Photographs of Harvey's Life	FEB 19 2016 1	NO 1	FEB 19 2016 1
8- Harvey Chernikoff Eulogy			
9- Jay Ferrales Personnel File			
- 9-00001 - 9-00050			
- 9-00051	FEB 25 2016	NO	FEB 25 2016
- 9-00052 - 00133			
10- Ferrales Employee File			
11- Ferrales Safety			
12- Photograph of Signage on Bus			
13- Photos of Decedent (4 photos)	FEB 23 2016	NO	FEB 23 2016

ONE PAGE

ATTACHMENTS TO

PLAINTIFFS' EXHIBITS

ORIGINAL

PLAINTIFFS' EXHIBITS

Exhibit #	# of PAGES	DESCRIPTION	Offered	OBJ	Admit
1	1	First Transit, Inc.'s Minimum Hiring Standards [0001 - 00001]			
2	80	2010 First Transit Employee Handbook [0002- 00001 - 00080]	2-19-16	n	2-19-16
3	4	LVMPD Incident Report [0003 - 00001 - 00004] 00009 4/25/16			
4	2	Net Claim Summary Form [0004 - 00001 - 00002]			
5	1	The CAD Incident Report 1107290001082 and the disc with the 911 calls [0005 - 00001]			
6	971	Regional Transportation Commission of Southern Nevada Documents [0006 - 00001 - 00971]			
7	14	14 Color Photographs of Harvey's Life [0007 - 00001 - 00014]	2-19-16	n	2-19-16
8	1	Harvey Chernikoff Eulogy [0008 - 00001]			
9	133	Jay Ferrales Personnel File 00051 1/25/16			
10	1	Ferrales Employee File (A10-00008)			
11	110	Ferrales Safety			
12	1	Photograph of Signage on Bus			
13	4	Photos of Decedent	FEB 23 2016	NO	FEB 23 2016

**PLAINTIFFS' EXHIBITS
(ATTACHMENTS)**

PLAINTIFFS' EXHIBITS				
Exhibit #	# of PAGES	DESCRIPTION	OBJECTION	ADMITTED (YES/NO)
1	1	First Transit, Inc.'s Minimum Hiring Standards [0001 - 00001]	Def.'s Object	
2	80	2010 First Transit Employee Handbook [0002- 00001 - 00080]	Def.'s Object	
3	4	LVMPD Incident Report [0003 - 00001 - 00004]	Def.'s Object	
4	2	Net Claim Summary Form [0004 - 00001 - 00002]	Def.'s Object	
5	1	The CAD Incident Report 1107290001082 and the disc with the 911 calls [0005- 00001]	Def.'s Object	
6	971	Regional Transportation Commission of Southern Nevada Documents [0006 - 00001 - 00971]	Def.'s Object	
7	14	14 Color Photographs of Harvey's Life [0007 - 00001 - 00014]	Def.'s Object	
8	1	Harvey Chernikoff Eulogy [0008 - 00001]	Def.'s Object	
9	133	Jay Ferrales Personnel File	Def.'s Object	
10	1	Ferrales Employee File 00008 (A10-00008)	Def.'s Object	
11	110	Ferrales Safety 00017 (A14-00017-A14-00018)	Def.'s Object	
12	1	Photograph of signage on Bus 1790 [A18 - 00001]	Def.'s Object	
13	24	Photos 0013-00024 -0001-00024	Def.'s Object	

DEFENDANT'S EXHIBITS

CASE NO. A682726

	Date Offered	Objection	Date Admitted
A- Disc Containing Video Footage of Harvey Chernikoff 7/27/11			
B- Laidlaw Transit Services' Employee Handbook			
C- Harvey Chernikoff's Records from Transition Services			
D- Harvey Chernikoff's Records from State of Nevada Desert Regional Center			
E- " " Records from San Gabriel/Pomona Regional Center			
F- Harvey Chernikoff's Records from Gautham Reddy M.D.			
- 00001-00010			
- 00011-00014	FEB 24 2016	NO	FEB 24 2016
- 00015-00020	FEB 24 2016	NO	FEB 24 2016
- 00021-00024			
- 00025-00027	FEB 24 2016	NO	FEB 24 2016
- 00028-00043			
- 00044-00045	FEB 24 2016	NO	FEB 24 2016
- 00046-00080			
- 00081	FEB 24 2016		FEB 24 2016

* F are admitted as individual pages reflected above.

① of 2
Defendant's Exhibits

DEFENDANT'S EXHIBITS

CASE NO. A1682726

	Date Offered	Objection	Date Admitted
F- Cont. 00082-00177			
G- Title 49 Part 37 of the Code of Federal Regulations			
H- Medical Records of Elaine Chernikoff from Gautham Reddy			
I- Medical Records of Jack Chernikoff from Gautham Reddy			
J- Jack Chernikoff's Medical Records from Ricardo Fortillas			
K- First Transit Video Recording Records + Retention Policy			

(2) of 2
Def't Exhibits

DEFENDANTS' EXHIBITS

ORIGINAL

DEFENDANTS' EXHIBITS

Exhibit #	# of PAGES	DESCRIPTION	OFFERED	objected	Admitted
Exhibit "A"	1	Disc containing video footage of Harvey Chernikoff on a First Transit vehicle on July 27, 2011			
Exhibit "B"	23	Laidlaw Transit Services' Employee Handbook [B - 00001-00023]			
Exhibit "C"	12	Harvey Chernikoff's Records from Transition Services [C - 00001-00012]			
Exhibit "D"	66	Harvey Chernikoff's records from the State of Nevada Desert Regional Center [D - 00001-00066]			
Exhibit "E"	448	Harvey Chernikoff's records from the San Gabriel/Pomona Regional Center [E - 00001-00448]			
Exhibit "F"	177	Harvey Chernikoff's records from Gautham Reddy, M.D. [F - 00001-00177] FIS-F20 00177 Only 00001	FEB 24 2016	No	FEB 24 2016
Exhibit "G"	90	Title 49 Part 37 of the Code of Federal Regulations [G - 00001-00090]			
Exhibit "H"	226	Medical Records of Elaine Chernikoff from Gautham Reddy, M.D. [H - 00001-00226]			
Exhibit "I"	528	Medical Records of Jack Chernikoff from Gautham Reddy, M.D. [I - 00001-00528]			
Exhibit "J"	11	Jack Chernikoff's Medical Records from Ricardo Fontillas, M.D. [J - 00001-00011]			
Exhibit "K"	1	First Transit Video Recording Records & Retention Policy [K - 00001]			

** Attachment to Deft Exhibits **

COURT'S EXHIBITS

CASE NO. A682726

	Date Offered	Objection	Date Admitted
1. Plaintiff's Power Point presentation	2/19/16		2/19/16
2. Juror note #8 (not asked)	2/19/16		2/19/16
3. Juror note #4 (asked and answered)	2/19/16		2/19/16
4. Juror note #8 (asked and answered)	2/19/16		2/19/16
5. Juror note #8 (asked and answered)	2/19/16		2/19/16
6. Deft's Power Point presentation	2/19/16		2/19/16
7. Juror Question #4 (Not asked)	FEB 23 2016	NO	FEB 23 2016
8. Juror Question #4 (Not asked)	"		"
9. Juror Question #4 (Not asked)			
10. Juror Question #8 (Not asked)			
11. Juror Question #8 (Asked + Answered)			
12. Juror Question #4 (Asked + Answered)	FEB 24 2016	NO	FEB 24 2016
13. Juror Question #10 (Asked + Answered)	FEB 24 2016	NO	FEB 24 2016
14. Juror Question #8 (Asked + Answered)	FEB 26 2016	NO	FEB 26 2016
15. Juror Question #8 (Asked + Answered)	"		"
16. Juror Question #4 (Asked + Answered)			
17. Juror Question #3 (Asked + Answered)			
18. Juror Question #4 (Asked + Answered)			
19. Juror Question #10 (Asked + Answered)			
20. Pltff's Proposed Instruction-Not Given			
21. Pltff's Closing Argument Power Point		NO	
22. Deft's Closing Argument Power Point		NO	

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT UPON THE JURY VERDICT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

JACK CHERNIKOFF; ELAINE
CHERNIKOFF,

Plaintiff(s),

vs.

FIRST TRANSIT, INC.; JAY FARRALES,

Defendant(s),

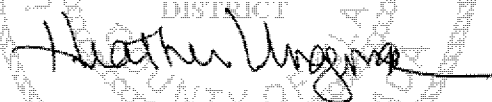
Case No: A682726

Dept No: XXIII

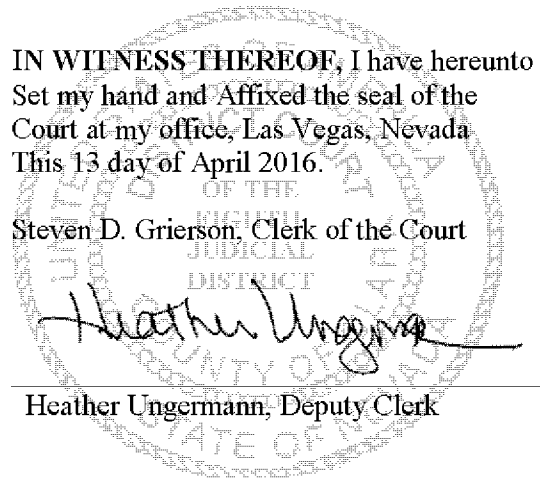
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of April 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



CHECK DATE
04/12/16

Lewis Roca
ROTHGERBER CHRISTIE

201 E Washington Street-Suite 1200
Phoenix, Arizona 85004-2595
Telephone (602) 262-5311

CHECK NO: 163687

Phoenix Op Acct #3317939274

WELLS FARGO
Main Office
Phoenix, Arizona
91-527/1221

CHECK AMOUNT
\$250.00

TWO HUNDRED FIFTY AND 00/100 Dollars

PAY
TO THE
ORDER OF

Supreme Court of Nevada

A-13-682726x

⑈163687⑈

⑆122105278⑆

⑈3317939274⑈