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BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
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Attorneys for Plaintiff

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

WYNN LAS VEGAS, LLC, a Nevada Limited
Liability Company, doing business as WYNN
LAS VEGAS; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S AMENDED FOURTH
SUPPLEMENT TO INITIAL 16.1
DISCLOSURES

Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record BRIAN D. NETTLES, ESQ. and CHRISTIAN M. MORRIS, ESQ. of the NETTLES LAW FIRM, hereby submits her Amended Fourth Supplement to Early Case Conference Disclosures pursuant to NRCP 16. 1, as follows (**supplemented documents are in bold**):

I. WITNESSES

Pursuant to NRCP 161 (a) (1) (A), the name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including

for impeachment or rebuttal, identifying the subjects of the information:

1. Yvonne O'Connell
c/o Nettles Law Firm
1389 Galleria Drive, Suite 200
Henderson, NV 89014

This witness, Plaintiff, is expected to testify regarding the facts and circumstances contained in the Complaint on file herein.

2. Person Most Knowledgeable
Wynn Las Vegas, LLC
c/o Lawrence J. Semenza, III, Esq.
LAWRENCE J. SEMENZA, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803

This witness is expected to testify regarding the facts and circumstances contained in the Complaint on file herein.

3. Jon Sorelle, M.D. and/or
Person Most Knowledgeable/Custodian of Records
The Minimally Invasive Hand Institute
8960 W. Tropicana Ave.
Las Vegas, NV 89147
Phone:(702) 739-4263

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

4. Person Most Knowledgeable/Custodian of Records
Steinberg Diagnostics

2950 S. Maryland Pkwy.
Las Vegas, NV
Phone: (702) 732-6000

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

5. Person Most Knowledgeable/Custodian of Records
UMC Quickcare
1800 West Charleston Blvd.
Las Vegas, NV 89102
Phone: (702) 383-2000

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

6. Person Most Knowledgeable/Custodian of Records
Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Phone: (702) 933-9394

1 This individual is expected to testify as a treating physician and as an expert regarding
2 the injuries sustained, past present and future medical treatment and impairment, prognosis,
3 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
4 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
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12 expected to testify include any and all facts and opinions in the said medical records, and that the
13 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
14 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
15 any party in this action that contradict the same.

11 7. Timothy Trainor, M.D. and/or
12 Person Most Knowledgeable/Custodian of Records
13 Advanced Orthopedic & Sports Medicine
14 8420 W. Warm Springs Rd.
15 Las Vegas, NV
16 Phone: (702) 740-5327

15 This individual is expected to testify as a treating physician and as an expert regarding
16 the injuries sustained, past present and future medical treatment and impairment, prognosis,
17 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
18 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
19 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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27 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
28 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

25 8. John A. Thompson, M.D. and/or
26 Person Most Knowledgeable/Custodian of Records
27 Desert Oasis Clinic
28 6316 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Phone: (702) 310-9350

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

9. Christopher Milford, M.D., P.C. and/or
Person Most Knowledgeable/Custodian of Records
Silver State Neurology
9811 W. Charleston Blvd., Ste. 2-357
Las Vegas, NV 89117
Phone: (702) 256-3637

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

10. Person Most Knowledgeable/Custodian of Records
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Phone: (702) 489-9785

1 This individual is expected to testify as a treating physician and as an expert regarding
2 the injuries sustained, past present and future medical treatment and impairment, prognosis,
3 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
4 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
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11 other incidents having relevance to this action. The facts and opinions to which the expert is
12 expected to testify include any and all facts and opinions in the said medical records, and that the
13 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
14 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
15 any party in this action that contradict the same.

11. Edson Erkulvrawatr, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550

15 This individual is expected to testify as a treating physician and as an expert regarding
16 the injuries sustained, past present and future medical treatment and impairment, prognosis,
17 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
18 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
19 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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25 other incidents having relevance to this action. The facts and opinions to which the expert is
26 expected to testify include any and all facts and opinions in the said medical records, and that the
27 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
28 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

12. Leo Germin, M.D.
Person Most Knowledgeable/Custodian of Records
Clinical Neurology Specialists
1691 W. Horizon Ridge Pkwy., Ste. 100
Henderson, NV 89012
Phone: (702) 804-1212

NETTLES LAW FIRM

1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

1 This individual is expected to testify as a treating physician and as an expert regarding
2 the injuries sustained, past present and future medical treatment and impairment, prognosis,
3 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
4 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
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12 expected to testify include any and all facts and opinions in the said medical records, and that the
13 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
14 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
15 any party in this action that contradict the same.

16 13. Andrew Cash, M.D. and/or
17 Person Most Knowledgeable/Custodian of Records
18 Nevada Institute of Spine Care
19 9339 W. Sunset Road, Ste. 100
20 Las Vegas, NV89148
21 Phone: (702) 630-3472

22 This individual is expected to testify as a treating physician and as an expert regarding
23 the injuries sustained, past present and future medical treatment and impairment, prognosis,
24 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
25 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
26 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

14. Lee Wittenberg, DPM and/or
Person Most Knowledgeable/Custodian of Records
Apache Foot & Ankle Specialist LLC
9710W. Tropicana Ave., Ste. 115
Las Vegas, NV 89147
Phone: (702) 362-2622

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

15. Suresh Prabhu, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Ascent Primary Care
653 N. Town Center Dr., Ste. 217
Las Vegas, NV 89144
Phone: (702) 545-0751

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

16. Person Most Knowledgeable/Custodian of Records
University Medical Center
1800 West Charleston Blvd.
Las Vegas, NV 89102
Phone: (702) 383-2000

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis,

1 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
2 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
3 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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11 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
12 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
13 any party in this action that contradict the same.

14
15 17. Thomas Dunn, M.D.
16 **Craig T. Tingey, M.D.**
17 **Andrew S. Martin, M.D. and/or**
18 Person Most Knowledgeable/Custodian of Records
19 Desert Orthopaedic Center
20 2800 East Desert Inn Road, Suite 100
21 Las Vegas, NV 89121-3609
22 Phone: (702) 731-1616
23

24 This individual is expected to testify as a treating physician and as an expert regarding
25 the injuries sustained, past present and future medical treatment and impairment, prognosis,
26 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
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medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

24 18. Yakov Shaposhnikov, M.D. and/or
25 Person Most Knowledgeable/Custodian of Records
26 Gastrointestinal and Liver Diseases
27 2020 Goldring Avenue
28 Las Vegas, NV 89106

This individual is expected to testify as a treating physician and as an expert regarding
the injuries sustained, past present and future medical treatment and impairment, prognosis,

disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

17. Enrique Lacayo, M.D. and/or
Person Most Knowledgeable/Custodian of Records
2020 Goldring Avenue
Las Vegas, NV 89106

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

18. Nanjunda Subramanyam, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Nevada Heart and Vascular Center
1820 Desert Inn Rd., Suite A
Las Vegas, NV 89169

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert

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8 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
9 any party in this action that contradict the same.

10
11 19. Scott Manthei, M.D. and/or
12 Person Most Knowledgeable/Custodian of Records
13 Nevada Eye and Ear
14 2598 Windmill Pkwy.
15 Henderson, NV 89074

16 This individual is expected to testify as a treating physician and as an expert regarding
17 the injuries sustained, past present and future medical treatment and impairment, prognosis,
18 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
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set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

20 20. Tyree Carr, M.D. and/or
21 Person Most Knowledgeable/Custodian of Records
22 Nevada Institute of Ophthalmology
23 2800 N. Tenaya Way, #102
Las Vegas, NV 89128

24 This individual is expected to testify as a treating physician and as an expert regarding
25 the injuries sustained, past present and future medical treatment and impairment, prognosis,
26 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
27 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
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21. Troy Valdez -- brother
4 Starling Lane
Aliso Viejo, CA 92656
(949) 254-4550
(949) 228-0959

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to and after the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

22. Holly Valdez -- sister in law
4 Starling Lane
Aliso Viejo, CA 92656
(949) 254-4550
(949) 228-0959

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to and after the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

23. Dave Brobeck -- Holly Valdez' father
217 Monarch Bay Drive
Dana Point, CA 92629
(949) 499-9811

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

24. Gaye Brobeck -- Holly Valdez' mother
217 Monarch Bay Drive
Dana Point, CA 92629
(949) 499-9811

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to and after the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

25. David Brobeck -- Holly Valdez' brother
20 Blue Heron Lane
Aliso Viejo, CA 92656
(949) 859-3793

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

26. Mele Brobeck -- Holly Valdez' sister in law
20 Blue Heron Lane
Aliso Viejo, CA 92656
(949) 859-3793

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to and after the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

27. Larry Muro -- Troy Valdez' friend
4739 Mascagni St.
Ventura, CA 93003
(805) 616-0274

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

28. Janine Muro -- Troy Valdez' friend
4739 Mascagni St.
Ventura, CA 93003
(805) 616-0274

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

29. Jim Holloway -- Troy Valdez' friend
2834 Serang Place
Costa Mesa, CA 92626
(714) 241-7777

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

30. Renee Holloway -- Troy Valdez' friend
2834 Serang Place
Costa Mesa, CA 92626
(714) 241-7777

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

31. Allen Stroub -- Plaintiff's Cousin
7009 Bandolero Way
Bakersfield, CA
(805) 838-7187

This witness is expected to testify concerning his knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

32. Helen Stroub -- Plaintiff's Cousin
7009 Bandolero Way
Bakersfield, CA
(805) 838-7187

This witness is expected to testify concerning her knowledge of Plaintiff's health and circumstances prior to the incident surrounding Plaintiff's allegations contained in the Complaint on file herein.

33. Person Most Knowledgeable/Custodian of Records
Las Vegas Radiology
7500 Smoke Ranch Road, Suite 100
Las Vegas, Nevada 89128
(702) 254-5004

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident.

1 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
2 any party in this action that contradict the same.

3 34. Person Most Knowledgeable/Custodian of Records
4 Open Sided MRI of Las Vegas
5 630 South Rancho, Suite G
6 Las Vegas, Nevada 89106
7 (702) 932-2740

8 This individual is expected to testify as a treating physician and as an expert regarding
9 the injuries sustained, past present and future medical treatment and impairment, prognosis,
10 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
11 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
12 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
13 also a treating physician and thereby not retained or specially employed to provide expert
14 testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree,
15 let us know immediately or your failure to object will be deemed a stipulation that said
16 documents are not required under the rule. Further, this expert is expected to testify consistent
17 with the medical records related to the treatment of the Plaintiff for the subject incident, and
18 other incidents having relevance to this action. The facts and opinions to which the expert is
19 expected to testify include any and all facts and opinions in the said medical records, and that the
20 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
21 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
22 any party in this action that contradict the same.

23 Plaintiff reserves the right to call any witness designated by any other party to this
24 proceeding.

25 Discovery is continuing and Plaintiff reserves the right to supplement this list as
26 additional information becomes available.

27 **II. DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS**

28 *Pursuant to NRCP 161 (a)(1)(B), a copy of or a description by category and location of
all documents, data compilations, and tangible things that are in the possession, custody, or
control of the party and which are discoverable under Rule 26(b):*

1. Medical Records and Billing Statement
Jon Sorelle, M.D.
The Minimally Invasive Hand Institute
8960 W. Tropicana Ave.
Las Vegas, NV 89147
Bate numbered PLTF000001 through PLTF000018 and attached hereto.

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

(702) 434-8282 / (702) 434-1488 (fax)

2. Diagnostic Records and Billing Statement
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV
Bate numbered PLTF000019 through PLTF000033 and attached hereto.
3. Medical Records and Billing Statement
UMC Quickcare
1800 West Charleston Blvd.
Las Vegas, NV 89102
Bate numbered PLTF000034 through PLTF000289 and attached hereto.
4. Physical Therapy Records and Billing Statement
Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Bate numbered PLTF000290 through PLTF000374 and attached hereto.
5. Medical Records and Billing Statement
Timothy Trainor, M.D.
Advanced Orthopedic & Sports Medicine
8420 W. Warm Springs Rd.
Las Vegas, NV
Bate numbered PLTF000375 through PLTF000396 and attached hereto.
6. Medical Records and Billing Statement
John A. Thompson, M.D.
Desert Oasis Clinic
6316 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Bate numbered PLTF000397 through PLTF000407 and attached hereto.
7. Medical Records and Billing Statement
Christopher Milford, M.D., P.C.
Silver State Neurology
9811 W. Charleston Blvd., Ste. 2-357
Las Vegas, NV 89117
Bate numbered PLTF000408 through PLTF000431 and attached hereto.
8. Physical Therapy and Billing Statement
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Bate numbered PLTF000432 through PLTF000443 and attached hereto.
9. Medical Records and Billing Statement
Edson Erkulvrawatr, M.D.

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1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550
Bate numbered PLTF000444 through PLTF000526 and attached hereto.

10. Medical Records and Billing Statement
Leo Germin, M.D.
Clinical Neurology Specialists
1691 W. Horizon Ridge Pkwy., Ste. 100
Henderson, NV 89012
Bate numbered PLTF000527 through PLTF000535 and attached hereto.

11. Medical Records and Billing Statement
Andrew Cash, M.D.
Nevada Institute of Spine Care
9339 W. Sunset Road, Ste. 100
Las Vegas, NV 89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

12. Medical Records and Billing Statement
Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710 W. Tropicana Ave., Ste. 115
Las Vegas, NV 89147
Bate numbered PLTF000585 through PLTF000598 and attached hereto.

13. Medical Records and Billing Statement
Suresh Prahbu, M.D.
Ascent Primary Care
653 N. Town Center Dr., Ste. 217
Las Vegas, NV 89144
Bate numbered PLTF000594 through PLTF000598 and attached hereto.

14. Medical Records
Thomas Dunn, M.D. and/or
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Bate numbered PLTF000599 through PLTF000627 and attached hereto.

15. Medical Records and Billing Statement
Yakov Shaposhnikov, M.D. and/or
Gastrointestinal and Liver Diseases
2020 Goldring Avenue
Las Vegas, NV 89106
Bate numbered PLTF000628 through PLTF000649 and attached hereto.

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16. Medical Records and Billing Statement
 Enrique Lacayo, M.D.
 2020 Goldring Avenue
 Las Vegas, NV 89106
 Bate numbered PLTF000650 through PLTF000677 and attached hereto.
17. Medical Records and Billing Statement
 Nanjunda Subramanyam, M.D.
 Nevada Heart and Vascular Center
 1820 Desert Inn Rd., Suite A
 Las Vegas, NV 89169
 Bate numbered PLTF000678 through PLTF000683 and attached hereto.
19. Medical Records and Billing Statement
 Scott Manthei, M.D.
 Nevada Eye and Ear
 2598 Windmill Pkwy.
 Henderson, NV 89074
 Bate numbered PLTF000684 through PLTF000699 and attached hereto.
20. Medical Records and Billing Statement
 Tyree Carr, M.D.
 Nevada Institute of Ophthalmology
 2800 N. Tenaya Way, #102
 Las Vegas, NV 89128
 Bate numbered PLTF000700 through PLTF000716 and attached hereto.
21. Photograph of Plaintiff and friend dancing pre-accident
 Bate numbered PLTF000717 and attached hereto.
22. Photographs of Plaintiff and her brother, Troy Valdez, her sister-in-law, Holly Valdez and her niece pre-accident
 Bate numbered PLTF000718 and attached hereto.
23. Photograph of Plaintiff and her cousins, Allen and Helen Stroub pre-accident
 Bate numbered PLTF000719 and attached hereto.
24. Photographs of Plaintiff's injury area and bruising
 Bate numbered PLTF 000720 and PLTF 721
25. Authorization for the Release of Protected Health Information executed by Plaintiff for benefit of Defendant
26. Medical Records and Billing Statement
 Las Vegas Radiology
 8530 W. Sunset Road

Las Vegas, Nevada 89113

(702) 254-5004

Bate numbered PLTF000722 through PLTF000728 are attached hereto.

27. Medical Billing Statement

Thomas Dunn, M.D.

Desert Orthopedic Center

2930 W. Horizon Ridge Pkwy, #100

Henderson, Nevada 89052

(702) 731-1616

Bate numbered PLTF000729 through PLTF000748 are attached hereto.

28. Medical Records and Billing Statement

Open Sided MRI

630 South Rancho, Suite G

Las Vegas, Nevada 89106

(702) 932-2740

Bate numbered PLTF000749 through PLTF000752 are attached hereto.

Plaintiff reserves the right to offer any document(s) produced during this litigation including, but not limited to, documents produced by other parties and document attached as exhibits to pleadings and depositions.

Discovery is continuing and Plaintiff reserves the right to supplement this list as additional information becomes available.

III. COMPUTATION OF DAMAGES

Pursuant to NRC P 16 1(a)(1)(C), a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary matter, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered;

...

...

A. MEDICAL DAMAGES:

PROVIDER	AMOUNT
Jon Sorelle, M.D. The Minimally Invasive Hand Institute	\$ 2,625.00
Steinberg Diagnostics	\$ 2,605.00
UMC -- Quick Care	\$ 7,783.56
Matt Smith Physical Therapy	\$ 3,235.00
Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine	\$ 181.00
John A. Thompson, M.D. Desert Oasis Clinic	\$ 250.00
Christopher Milford, M.D., P.C. Silver State Neurology	\$ 1,580.00
Edwin Suarez Physical Therapy	\$ 670.00
Southern Nevada Pain Center	\$ 680.00
Leo Germin, M.D. Clinical Neurology Specialists	\$ 2,510.00
Andrew Cash, M.D. Desert Institute of Spine Care	\$ 3,034.42
Lee Wittenberg, DPM Apache Foot & Ankle	\$ 310.00
Suresh Prahbu, M.D. Ascent Primary Care	\$ 270.00
Thomas Dunn, M.D. Desert Orthopaedic Center	\$ 1,640.00
Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases	\$ 828.00
Enrique Lacayo, M.D.	\$ 175.00

Nanjunda Subramanyam, M.D. Nevada Heart and Vascular Center	\$ 1,440.00
Scott Manthel, M.D. Nevada Eye and Ear	\$ 750.00
Tyree Carr, M.D. Nevada Institute of Ophthalmology	\$ 790.00
Las Vegas Radiology	\$ 3,300.00
Open Sided MRI of Las Vegas	\$ 3,290.00
TOTAL	\$ 37,946.98

B. ADDITIONAL DAMAGES:

Plaintiff has also suffered loss of enjoyment of life due to ongoing pain, in an amount to be proved at trial.

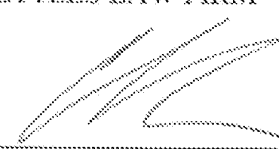
IV. INSURANCE POLICY

Pursuant to NRCP 161(a) (1) (D), for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment and any disclaimer or limitation of coverage or reservation of rights under any such insurance agreement:

Plaintiff is unaware of any insurance agreement(s).

DATED this 26th day of August, 2015.

NETTLES LAW FIRM

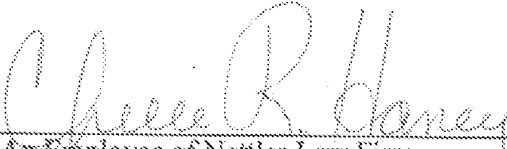

 BRIAN D. NETTLES, ESQ.
 Nevada Bar No. 7462
 CHRISTIAN M. MORRIS, ESQ.
 Nevada Bar No. 11218
 1389 Galleria Drive, Suite 200
 Henderson, Nevada 89014
 Attorneys for Plaintiff

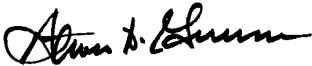
NETTLES LAW FIRM
1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 27th day of August, 2015, I served the foregoing *Plaintiff's Amended Fourth Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

Lawrence J. Semenza, III, Esq.
Christopher D. Kircher, Esq.
Lawrence J. Semenza, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 835-6803
Fax: (702) 920-8669
Attorneys for Defendant
Wynn Las Vegas, LLC dba
Wynn Las Vegas


An Employee of Nettles Law Firm



CLERK OF THE COURT

1 **OPP**
2 BRIAN D. NETTLES, ESQ.
3 Nevada Bar No. 7462
4 CHRISTIAN M. MORRIS, ESQ.
5 Nevada Bar No. 11218
6 NETTLES LAW FIRM
7 1389 Galleria Drive, Suite 200
8 Henderson, Nevada 89014
9 Telephone: (702) 434-8282
10 Facsimile: (702) 434-1488
11 brian@nettlslawfirm.com
12 christian@nettlslawfirm.com
13 Attorneys for Plaintiff

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

13 YVONNE O'CONNELL, an individual,
14
15 Plaintiff,

16 vs.

17 WYNN LAS VEGAS, LLC, a Nevada
18 Limited Liability Company, doing business
19 as WYNN LAS VEGAS; DOES I through
20 X; and ROE CORPORATIONS I through X,
21 inclusive,

21 Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S OPPOSITION TO
WYNN'S MOTION IN LIMINE [#1] TO
EXCLUDE PURPORTED EXPERT
WITNESS GARY PRESSWOOD

22
23 Plaintiff, Yvonne O'Connell, by and through her counsel, Brian D. Nettles, Esq. and
24 Christian M. Morris, Esq. of the Nettles Law Firm, submits the following *Opposition to*
25 *Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood.*

26

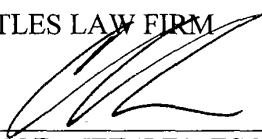
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1 This Opposition is made and based upon the attached memorandum of points and
2 authorities, all papers and pleadings on file herein and such oral argument as the court may allow
3 at hearing on this matter.

4 DATED this 24th day of August, 2015.

5 NETTLES LAW FIRM

6 
7
8 BRIAN D. NETTLES, ESQ.
9 Nevada Bar No. 7462
10 CHRISTIAN M. MORRIS, ESQ.
11 Nevada Bar No. 11218
12 1389 Galleria Drive, Suite 200
13 Henderson, Nevada 89014
14 Attorneys for Plaintiffs

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I.**

17 **STATEMENT OF FACTS**

18 The present case arises out of an incident on or about February 8, 2010, where Plaintiff
19 Yvonne O'Connell was a customer and invited guest of Defendant Wynn Las Vegas at their
20 hotel and casino located at 3131 Las Vegas Boulevard South, Las Vegas, Nevada. Plaintiff was
21 at the location on this day for purposes of dining and gambling. When Plaintiff was walking near
22 the south entrance of the casino through the Atrium Walkway, on the shadowed, multi-colored
23 floor, she suddenly and unexpectedly slipped and fell in a large pool of liquid substance present
24 on the floor. As a result of the fall the Plaintiff sustained injuries.

25 The pool of liquid which caused the fall had been present on the floor for such a long
26 period of time that it had footprints in it and had begun to dry in areas. All evidence presented
27 shows the pool of liquid substance was approximately seven (7) feet long. The substance on the
28 floor was recorded as being witnessed by multiple employees of Wynn as well as the Plaintiff.

....

....

II.

ARGUMENT

A. Contrary to Defendant's Argument, Presswood Correctly Tested the Floor Area Where Plaintiff Slipped and Fell

Defendant misstates the findings discussed in the expert report filed by Gary Presswood. Further, Defendant misstates the location where Plaintiff actually fell.

In his report, Presswood clearly states that he tested for slip-resistance or traction qualities in two areas of the walkway, within close proximity to each other: along the decorative mosaic tiled surface and along the smooth marbled surface. *See, Gary Presswood's Incident File Full Report, pg. 2, attached herein as Exhibit 1.* This is appropriate considering the presented evidence shows that the pool of spilled liquid substance was approximately seven (7) feet long. *See, June 9, 2015, deposition transcript of Plaintiff Yvonne O'Connell, at pg. 275, ll. 9-25, pg. 276 ll. 1-21, attached herein as Exhibit 2.* Additionally, Mr. Presswood clearly states in his report that "tests for the mosaic tile are available" and were tested, but the small tiles affect the outcome. *See, Exhibit 1 at pg 2.*

Moreover, Plaintiff indicated very clearly in her deposition the location of her fall. She states specifically that she began her slip in one location, and then landed in another location. During the deposition of Plaintiff, she was specifically asked to indicate the location of her fall. She was asked during her deposition where she ended up. To which, Plaintiff responded that the area where she landed was not quite in the picture. She then was asked make a circle in the general area, to which Plaintiff complied. *See, Exhibit 1 to Plaintiff's deposition transcript attached herein as "Exhibit 3," and see March 19, 2015, deposition transcript of Plaintiff Yvonne O'Connell, at pages 53-54, attached herein as "Exhibit 4."* This clearly indicates that Plaintiff landed on the smooth tile, in front of the mosaic tile.

Thus, Gary Presswood has produced valid test results from the area where Plaintiff indicated she fell. His expert opinion remains highly relevant and probative, and should not be excluded.

....

1 **B. The Accuracy of Presswood's Test Results Reflect the Weight of the**
2 **Evidence, Not Its Admissibility**

3 In its Motion, Defendant questions the accuracy of Presswood's test results and urges this
4 Court to preclude him based on such dubious impressions. However, the accuracy of an expert's
5 testimony is not the determining factor for its validity. Rather, the accuracy of an expert's
6 testimony is a matter for the trier of fact to decide on. In fact, Defendant has disclosed their own
7 rebuttal expert witness, Neil Opher, who purports to attack the validity of Mr. Presswood's
8 finding. This alone shows that there are triable issues which need to be presented to the jury
9 which are probative to the issues to be determined by the jury at trial. Thus, Presswood should
10 not be precluded from testifying at trial.

11 **C. Presswood's Opinions Are Relevant and Admissible Because His Report**
12 **Provided Many Relied-Upon Standards.**

13 Gary Presswood has been a licensed engineer in Nevada since 1987 and has been
14 qualified as an expert in numerous bench and jury trials. He is a member of the National Safety
15 Council, the American Society for Testing and Materials and the National Society of
16 Professional Engineers; to name a few.

17 Despite Defendant's attempt through its motion in limine to exclude Gary Presswood's
18 expert report on grounds of being irrelevant, Mr. Presswood followed acceptable standards to
19 determine the traction or slip-resistance on the area where Plaintiff slipped and fell. *See, Data*
20 *Relied Upon/Basis of Opinions by Dr. Gary A. Presswood, ScD, PE, attached hereto as Exhibit*
21 *"5."* Furthermore, the absence of a mandatory standard for wet floors does not disqualify Gary
22 Presswood's report and its findings. After discussing the absence of an acceptable standard of
23 slip-resistance for a wet surface, Mr. Presswood analogized the condition of a wet walkway to a
24 rain-surfaced roadway, where most everyone would recognize an increased degree of
25 slipperiness and hazard. *See, Exhibit 1 at pg. 3.* This shows that a wet floor standard is not
26 required because the concept of a wet floor being slippery and hazardous is universally
27 understood. By using the appropriate standards for determining the slip-resistance or traction
28 qualities of the floor, Presswood found the floor where Plaintiff slipped and fell to be excessively
smooth, which provided only minimum traction and a hazard to pedestrians when wet.

1 Moreover, Mr. Presswood used the federally designated leather (Federal standard KK-L-165C)
2 and neolite as the proper materials referenced in the current F609 standard. There is nothing to
3 indicate that Mr. Presswood's testing is unreliable or inaccurate and this will further be shown
4 after he is designated and qualified as an expert at trial.

5 Additionally, Mr. Presswood clearly states in his disclosure that he uses the actual precise
6 referenced 0.5 value for slip-resistance as is contained in the ASTM Standard D2047. Thus,
7 Gary Presswood's expert opinions are relevant and admissible.

8 **D. Presswood's Testing and Methodology as an Expert Witness is a Matter For**
9 **Trial, Not For a Pretrial Motion in Limine.**

10 In its Motion, Defendant preemptively relied upon the factors enumerated in *Hallmark v.*
11 *Eldridge* to determine whether an expert's opinion is based upon reliable methodology. 124 Nev.
12 492, 500 (2008). The purpose of this legal test is for assisting the triers of facts, a jury, in
13 understanding a fact in issue. *Id.* at 502. Here, the Defendant's attempt to exclude Presswood's
14 testing and methodology is premature. Thus, this Court should not exclude Gary Presswood from
15 testifying before a trier of fact.

16 **III.**
17 **CONCLUSION**

18 Based on the foregoing law, facts, and analysis, Plaintiff respectfully requests this Court
19 to DENY Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary
20 Presswood.

21 DATED this 20th day of August, 2015.

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NETTLES LAW FIRM


BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
1389 Galleria Drive, Suite 110
Henderson, Nevada 89014
Attorneys for Plaintiffs

NETTLES LAW FIRM

1389 Galleria Dr. Suite 200
Henderson, NV 89014
702-434-8282 / 702-434-1488 (fax)

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 27th day of August, 2015, I served the foregoing *Plaintiff's Opposition to Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood* to the following party by electronic transmission through the Wiznet system:

Lawrence J. Semenza, III, Esq.
Christopher D. Kircher, Esq.
Lawrence J. Semenza, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 835-6803
Fax: (702) 920-8669
Attorneys for Defendant
Wynn Las Vegas, LLC dba
Wynn Las Vegas

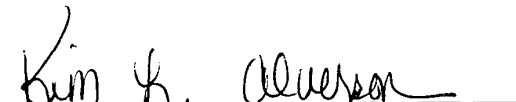

An Employee of the
NETTLES LAW FIRM

EXHIBIT 1



THE ACCIDENT EXPERT™
8635 W. SAHARA AVE., #435
LAS VEGAS, NEVADA 89117



April 10, 2015

Ms. Christian M. Morris, Esq.
Nettles Law Firm
1389 Galleria Drive, Ste 200
Henderson, NV 89104

Re: YVONNE O'CONNEL vs. WYNN LAS VEGAS, LLC
Case No. A-12-655992-C

Dear Ms. Morris:

At your request, I analyzed the site of an incident wherein your client, Yvonne O'Connell, slipped, fell, and sustained significant injuries. Pursuant to this assignment, I reviewed data provided by your office in addition to technical publications contained within my professional library. I also inspected the site of this event wherein I tested for the traction on the walkway where this incident occurred. This letter shall serve as my report.

INCIDENT

On February 8, 2010, Yvonne O'Connell was a patron at WYNN LAS VEGAS (hotel and casino) located at 3131 Las Vegas Boulevard South, Las Vegas, (Clark County), Nevada. At approximately 2:30 in the afternoon she slipped and fell into a landscape display within the foyer adjacent to the south valet. Ms. O'Connell reported a "large liquid substance on the floor" which, according to the Incident Data (Incident File #IN20100002152), was verified by "Manager (Yanet) Elias who, according to Security Officer Corey Prowell, "stated upon her arrival, she noticed the liquid substance on the floor; she immediately assigned an attendant to clean up the area in order to prevent further incidents. . . ."¹

Reportedly, security video cameras failed to capture this event.

ANALYSIS

I inspected the site of Ms. O'Connell's slip and fall on April 1, 2015, at which time I photographed and measured critical site elements. I also measured for the walkway's slip-resistance in the area of her fall.

I tested for the slip-resistance or traction qualities in two areas of the walkway, within close proximity to each other. Both areas tested were within the building, near the south valet entrance, and close to a curbed landscaped feature. One area tested was along a decorative mosaic tiled surface. The second area tested was along a smooth marble surfaced section of walkway. Both walkways were found to be clean and were located slightly beyond and to the west of a carpeted oval along the walkway entrance.

¹

Incident File Full Report, Page 1 of 3, Bates: WYNN-O'CONNELL00511-00513.

Inspection/Slip-resistance.

I tested the floor surface for the static coefficient of friction (SCOF) which is a determination of the relative slipperiness or quality of traction along a walkway. A Horizontal Pull Slipmeter (HPS) was used in accordance with strict test protocol as established by the American Society of Testing and Materials (ASTM) in accordance with ASTM Stnd. F609 which requires the use of neolite as a test specimen. I also tested with ASTM mandated leather for specification testing as established by ASTM Stnd. D-2047.

The minimum permissible SCOF value for a *slip-resistant* walkway as defined by ASTM Stnd. D-2047 is 0.5 (read, "zero, point five"). Greater values indicate higher degrees of slip-resistance while values lower than 0.5 indicate slippery surfaces, the lower the value, the less traction. Note, while other sources may reference the requirement of a "slip-resistant" walkway without definition or minimum acceptable value, ASTM Stnd. D2047 is the only credible source where the 0.5 standard for slip-resistance can be found.

I tested in an "in situ" or "as found" condition for both neolite and leather. Following the initial utilization of neolite as a test material, I tested both areas with the Federally designated leather (Federal standard KK-L-165C). Neolite was used because that material is referenced in the current F609 standard and is also used by some other testing devices; however, there is no credible standard of slip-resistance for neolite or any test material other than the Federally designated leather. There is, however, an acceptable standard for leather (Federal standard KK-L-165C) as described in ASTM Stnd. D2047.

Note the tests for the mosaic tile are available but unreliable due to the small tile sizes (3/4" square +/-) which results in higher than realistic readings due to the tile edges "catching" the test feet thus yielding inconsistent readings. The following indicates the results of my tests on the smooth marble section of walkway.

SCOF_{dry}

	Neolite/in situ	Leather/in situ
Max.	0.38	0.26
Min.	0.33	0.25
Avg.	0.36	0.26-

The low test values obtained on the clean dry surface (i.e., less than 0.50), indicate a slippery surface in the best of conditions (i.e., clean and dry). As a result of my tests and technical evaluation, the subject floor should be considered potentially hazardous to pedestrians.

In the event a floor is wet as reported, I have found the SCOF of a walkway wetted with distilled water is typically about 70% that of the tested dry value; however, I did not test for a wet surface at the site of this event since (1) the referenced ASTM test standards do not permit testing on any debris covered or wetted surface for specification determination (2), the quantity and quality of the contaminant and other unknown variables are often unknown and (3), there is no acceptable standard of slip-resistance for a wet surface. Tests for any wet or contaminated surface would be speculative at best and not expected to provide

scientifically credible and reliable results except, by analogy, to relate a wet walkway to roadway surface conditions following a Las Vegas area rain. I suggest most everyone would recognize the increased degree of slipperiness and hazard on a rain-surfaced local street as should also exist for a wet walkway.

To reiterate, the actual precise referenced 0.5 value for slip-resistance is contained in only one credible source as a standard for a "slip-resistant" walkway surface. In ASTM Standard D2047 which contains the test protocol for a "James Machine," sections 3, 4, & 5 contain detailed reference to 0.5 as an acceptable value of "slip-resistance" and defines "leather, conforming to Federal Specification KK-L-165C" as the only material to be used for "specification testing" (such as the 0.5 specification).

I am critical of test devices with support the use of neolite as a test specimen particularly since there is no reliable standard for neolite. One of these devices, still in use by some, was withdrawn by the ASTM in 2006 as an approved test protocol. Within the ASTM D2047 standard there is also found the following critical caution:

Note 3—The static coefficient of friction measured with elastomeric compositions are frequently as much as 0.3 to 0.5 higher than leather.

Elastomeric compositions include neolite and rubber and are not suited for specification testing.

Although the purpose of ASTM Standard D 2047 is for the James Machine (a laboratory device), it is critical to emphasize that this standard is the only credible standard which dictates a minimum acceptable value for the determination of the static coefficient of friction. Furthermore, this standard mandates a single test material (i.e., Federal standard KK-L-165C leather) for determination of a value of "specification." Any other test material (such as neolite) is not supported by any recognized and credible entity for "specification" testing.

The excessively smooth floor found in the area of Ms. O'Connell's slip, fall, and injuries, provides only minimal traction and is hazardous to pedestrians especially when wet. It has also been my experience that most slips and falls occur on relatively smooth walkway surfaces as found at the site of this event although additives which are virtually undetected can be added to a potentially slippery floor surface and significantly increase the safety of a smooth walkway.

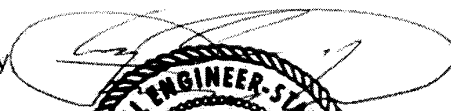
OPINION

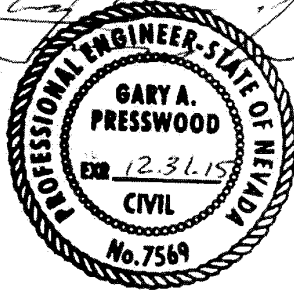
It is therefore my opinion, as a licensed professional engineer in the State of Nevada and other states, and as one proficient in the analysis and evaluation of safe pedestrian walkways, that the marble walkway where Yvonne O'Connell slipped, fell, and sustained significant injuries should be considered hazardous to pedestrians especially when wet as evidenced and verified by Wynn employees. Finally, the evidence does not indicate that Ms. O'Connell contributed to this event in any way except to have walked in an area she expected to be free of unexpected hazards..

This concludes my report; however, you are encouraged to contact me if you require additional information or clarification. During the course of this litigation, I reserve the right to augment this report especially if additional information becomes available. I assure you, the opinions expressed herein are rendered with a high degree of engineering and

Page 4

scientific certainty. Finally, thank you for selecting us for this task.

Sincerely 
4.10.15



Dr. Gary A. Presswood, ScD, PE

attach: Exhibits 1 - 6

EXHIBIT 2

In The Matter Of:

O'CONNELL v.

WYNN

YVONNE O'CONNELL

June 9, 2015

*Lawyer Solutions Group
900 S. Fourth Street, Suite 100
Las Vegas, Nevada 89101*



Min-U-Script® with Word Index

Lawyer
Solutions Group

1 mop cleaning it up or was Terry doing anything that you
2 could see?

3 A. At that time, I just saw the woman with the
4 mop cleaning it, and I just saw Terry standing there
5 with his machine.

6 Q. With -- the woman with the mop, did she have
7 a bucket with her?

8 A. Not sure.

9 Q. The area that you were standing, you said you
10 were still standing in the liquid while they were
11 cleaning the other end of the liquid; is that correct?

12 A. Yes.

13 Q. And how could you tell that you were still
14 standing in the liquid?

15 A. Well, it -- the liquid covered a large area,
16 at least 7 feet. And the part that I slipped on in the
17 walkway towards the back of me was still really
18 slippery. And the part -- once the people picked me
19 up, the part over here in the open, two different
20 pathways because it was -- it was like a diagonal. So
21 that part in the open under the lights, it had like --
22 at least a 3-foot part of it had almost dried already.
23 And so I was standing on the part, it wasn't slippery
24 anymore. Little bit sticky and some footprints around
25 it.

1 Q. Was it around the liquid or actually in the
2 liquid?

3 A. I'm sorry. The footprints?

4 Q. Yeah.

5 A. Well, I was standing in -- it wasn't liquid.
6 It was almost dry.

7 Q. So that area was dry?

8 A. So I was standing on it, and that part wasn't
9 slippery. And the people who picked me up, they left
10 their footprints.

11 Q. Okay. Do you know that those were the
12 footprints of the people that picked you up or could
13 they have been footprints from other people?

14 A. There weren't that many footprints. So I
15 believe, because I was standing and I looked down, and
16 I saw the kind of footprints I was making. And -- and
17 the footprints that were in that 3-foot part,
18 approximately, they looked about the same. So I
19 believe that they were just made at the time that they
20 picked me up and, you know, at the time that I was
21 standing in them.

22 Q. Okay.

23 MS. MORRIS: All right. I don't have any
24 other questions.

25 MR. KIRCHER: Nothing.

EXHIBIT 3



Title:

Original Filename:

#2152-8.jpg

Date Attached:

02/08/2010 04:15:04PM

Attached Size:

643,197

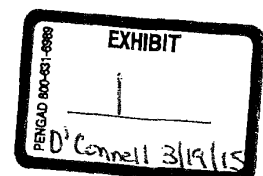


EXHIBIT 4

In The Matter Of:
O'CONNELL v.
WYNN LAS VEGAS, LLC

YVONNE O'CONNELL
March 19, 2015

Lawyer Solutions Group
900 S. Fourth Street, Suite 100
Las Vegas, Nevada 89101



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Solutions Group

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1 Q. So you were traveling in this direction
2 (indicating). Go ahead and put a larger arrow where
3 you were going.
4 A. (Writing.)
5 Q. Okay. Perfect. And that was page 471 where
6 you've identified the direction you were coming from
7 and the direction you were traveling. And then you
8 would have walked from that direction out into, I
9 guess, the mall area to Las Vegas Boulevard?
10 A. Yes.
11 Q. Okay. Let me have you turn to the next
12 page, which is Bates No. 472. Does this picture --
13 what does this picture depict?
14 A. The area, the same area, type of area.
15 Q. Okay. Could I have you put an X on the
16 location where you believe you slipped and fell, if
17 it's depicted in this photograph.
18 A. I started my slip and fall around here
19 (indicating). You wanted an X?
20 Q. Yes.
21 A. I started my slip and fall around here.
22 (Writing.)
23 Q. Where did you end up?
24 A. It's not quite in this picture.
25 Q. Just put a circle in the general area --

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1 although it's not in the picture -- of where it would
2 have been in relation to the picture, if that makes
3 sense.
4 A. Well, it's not in the picture, so you want
5 me to --
6 Q. You would have landed about --
7 A. Well, it would have been past this point I
8 would have landed (indicating).
9 Q. Go ahead and put a circle on that general
10 area.
11 A. (Writing.)
12 Q. Let me have you turn to the next page, which
13 is 473. What does this photo depict?
14 A. This is where my right buttocks hit, and
15 here's the drain, and this is where they left me
16 standing (indicating).
17 Q. So put a square where you think your
18 buttocks hit, if you don't mind.
19 A. A square?
20 Q. Yes.
21 A. Where I hit?
22 Q. As dark as you can get it since it's a dark
23 picture.
24 A. (Writing.)
25 Q. And then where was your head? Where did

Page 55

1 your head land?
2 A. Part of me was in this area. And I don't
3 know if it hit the drain or what, but part of me was
4 in this area (indicating).
5 Q. Okay. And where were your feet?
6 A. You mean when I was on the ground?
7 Q. Yeah. In relation -- in this photograph
8 we've identified where your -- this is where your --
9 in the square where your buttocks was.
10 A. Right.
11 Q. Was this the right side of your buttocks,
12 the left, or just both?
13 A. Well, what I know is the bruise that I was
14 aware of was on my right buttocks.
15 Q. Okay. So you believe that that square
16 depicts the location where your right buttocks was?
17 A. Yes.
18 Q. Now, in that picture, was your head in the
19 bushes? Was your head in that direction of the
20 plants?
21 A. I'm not sure if it was over here, but it
22 was -- or here (indicating). I'm not exactly sure
23 where my head landed.
24 Q. You don't know whether it was in the plants
25 or somewhere else?

Page 56

1 A. I just know that part of me was in the
2 plants. Well, I think part of my shoulder was in the
3 plants, so my head must have been.
4 Q. Okay. So your head would have fallen --
5 your head would have been closer to the plants than
6 the walkway; is that fair to say?
7 A. Probably -- well, probably.
8 Q. Okay. If I asked you to draw generally a
9 circle on where you think your head may have basically
10 landed, could you do that?
11 A. I'm not really sure.
12 Q. Okay.
13 A. I'm not really sure if it was closer to this
14 drain here or closer to the divider (indicating).
15 Q. Okay. The only thing you're certain of is
16 that -- by virtue of the square that you put on where
17 your buttocks landed?
18 A. Yes.
19 Q. You don't know where your feet were in
20 relation to this photograph, do you?
21 A. I know where my feet were once they picked
22 me up.
23 Q. Okay. But not immediately after the fall?
24 A. Not immediately after the fall.
25 Q. Okay. Does this picture depict where your

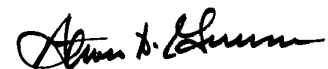
EXHIBIT 5

EXHIBIT 1

**Data Relied Upon/Basis of Opinions
by Dr. Gary A. Presswood, ScD, PE**

Data Relied Upon/Basis of Opinions
Dr. Gary A. Presswood, ScD, PE

- Exhibits: Bates: WYNN-O'CONNELL00474, 00479, 00481, 001511 - 00515.
- Kohr, Robert L., CSP, CPP, Accident Prevention for Hotels, Motels, and Restaurants, Van Nostrand Reinhold, NY, NY 1991.
- American Society of Testing and Materials Std. D2047-04, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F609, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F1637, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F1679, ASTM International, West Conshohocken, PA.
- Rosen, Stephen I., JD, PhD, The Slip and Fall Handbook, Hanrow Press, Del Mar, CA.
- English, William, CSP, PE, Slips, Trips and Falls—Safety Engineering Guidelines for the Prevention of Slip, Trip and Fall Occurrences, Hanrow Press, Del Mar, CA.


CLERK OF THE COURT

RPLY

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Attorneys for Defendant Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

Plaintiff,

v.

WYNN LAS VEGAS, LLC, a Nevada
Limited Liability Company, doing business as
WYNN LAS VEGAS; DOES I through X;
and ROE CORPORATIONS I through X;
inclusive;

Defendants.

Case No. A-12-655992-C
Dept. No. V

**REPLY IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Date of Hearing: September 17, 2015
Time of Hearing: 9:00 a.m.

I. INTRODUCTION

One thing is clear from Plaintiff Yvonne O'Connell's ("Plaintiff") Opposition brief: she has no evidence that Defendant Wynn Las Vegas, LLC ("Wynn") had actual or constructive notice of the alleged foreign substance and failed to warn her. Under well-settled Nevada law, liability against Wynn therefore cannot stand.

Because she lacks credible evidence to support her claims, in desperation Plaintiff has resorted to speculation, misrepresenting facts, distorting deposition testimony and making legal assertions contrary to Nevada law. Accordingly, the Court should enter summary judgment in Wynn's favor. Simply put, this case does not merit trial.

1 **II. ARGUMENT**

2 **A. Plaintiff Concedes Wynn Did Not Cause or Had Actual Notice of the Foreign**
3 **Substance**

4 Plaintiff's argument in her Opposition solely relates to constructive notice. As such,
5 Plaintiff concedes that there is no evidence that Wynn created the foreign substance or had actual
6 notice of the foreign substance. Therefore, at the very minimum, partial summary judgment
7 should be entered because there is no genuine issue of material fact that Wynn did not cause the
8 foreign substance to be on the floor or had actual notice of the foreign substance on the floor
9 before the Incident and failed to warn Plaintiff.

10 **B. Plaintiff Has No Evidence that Wynn Had Constructive Notice of the Foreign**
11 **Substance**

12 Because there is no evidence that Wynn created the foreign substance or had actual notice
13 of it, Plaintiff is required to offer evidence that Wynn had constructive notice of the purportedly
14 hazardous condition. She cannot. As set forth in Wynn's Motion, there is no evidence to
15 remotely suggest that Wynn should have known about the foreign substance.¹ Indeed, Plaintiff
16 conceded this fact during her deposition that she has no evidence that Wynn had constructive
17 notice of the foreign substance before she slipped and fell. As set forth below, Plaintiff's
18 constructive notice arguments are unsupported by the law and facts of this case.

19 First, Plaintiff misrepresents to the Court the frequency and extent of Wynn's inspection
20 of the atrium, stating Wynn "simply allow the employees to walk through 'every hour or two' . . .
21 ." This is false. To support her incorrect assertion, Plaintiff solely relies upon the deposition
22 testimony from a Wynn employee who was not identified as the person most knowledgeable on
23 this topic and had difficulties understanding Plaintiff's questions during her deposition apparently
24 due to English being her second language. (Deposition of Yanet Elias, 12:1-14:21, cited portions
25 attached hereto as **Exhibit 1**.)

26
27
28 ¹ In her Opposition, Plaintiff misrepresents "Wynn's definition" of constructive notice under Nevada law.
(See Opp., 9:28-10:19.) This must be a drafting error by Plaintiff.

1 In reality, Wynn frequently inspects and meticulously maintains the atrium. Not only
2 does Wynn have employee(s) specifically assigned to certain areas to ensure the areas are free
3 from debris, every employee at Wynn is trained to not permit liquid spills.² Therefore, Plaintiff
4 is entirely speculating on the frequency of inspections and has provided no credible evidence to
5 support her erroneous assertions.

6 Second, Plaintiff also does not know how long the foreign substance was present before
7 she allegedly fell. Because she lacks any evidence in this regard, Plaintiff relies upon purported
8 footprints she allegedly noticed in the foreign substance to claim that it must have been there for
9 some time. Speculation based on dirty footprints, however, is not enough to prove constructive
10 notice or establish how long the foreign substance was present on the floor. Indeed, the alleged
11 dirty footprints could have been from Plaintiff herself or the individuals that assisted her after the
12 Incident, which is consistent with Plaintiff's own deposition testimony. (*See Opp.*, 5:5-17.) If
13 dirty footprints constitute a basis for constructive notice, the jury will be asked to speculate as to
14 the length of time the substance was on the floor prior to Plaintiff falling, which even Plaintiff
15 cannot answer. The Nevada Pattern Jury Instructions admonish jurors that, even though they
16 may draw inferences based on common experience, the jurors' inferences "should not be based
17 on speculation or guess." *See Nev. J.I. 1.05.* Yet, speculation is all Plaintiff has.

18 Furthermore, Plaintiff does not have expert testimony that would establish the standard of
19 care for how often the area should have been inspected and/or what precautions should have been
20 in place to identify potential hazards. Again, Plaintiff failed to depose during discovery the
21 individuals that Wynn identified were working in that area at that time, which may have
22 provided her with more information regarding the frequency of the inspections.³

23 Third, there is no evidence that any Wynn employee saw the foreign substance before
24 Plaintiff did. In addition, the fact that there is not a "sweep log" is irrelevant and does not change
25 the burden on Plaintiff to show that Wynn had constructive notice of the hazard. Tellingly,

26 ² Plaintiff failed to depose the individual assigned to that area on the day of the Incident.

27 ³ Plaintiff claims that Wynn did not identify these individuals. This is untrue. Wynn identified the two
28 individuals over a year before discovery closed in this case in response to certain of Plaintiff's written
discovery.

1 Plaintiff cites to no authority that would support such a preposterous proposition that "sweep
2 logs" are mandated, because there is none.

3 Fourth, the argument that Wynn's flooring masks liquid or debris is likewise absurd. In
4 yet another stretch, Plaintiff asserts the "walkway was dark and the trees cast shadows on the
5 slippery, multi-colored tile." This is false and there is no evidence to support either assertion.
6 Plaintiff points to the photographs of the atrium, which when viewed contradict Plaintiff's claim.
7 As it relates to this case, Plaintiff testified that the foreign substance was large, green and sticky,
8 meaning that the flooring did not "mask" it all. Further, Wynn's atrium was extremely well lit.
9 There is simply no evidence that Wynn's flooring masks spills and this further evidences
10 Plaintiff's desperation.

11 Clearly, Plaintiff has not produced any evidence to show Wynn had constructive notice of
12 the foreign substance despite her assertions otherwise. (*See Opp.*, 9:19-22.) In reality, the
13 depositions, affidavits and Plaintiff's retained expert (whose opinions should be excluded by the
14 Court) do not provide any evidence of constructive notice by Wynn. Therefore, summary
15 judgment is appropriate at this time.

16 **C. Plaintiff Misrepresents the Nature of Wynn's Atrium and There Is No**
17 **Evidence that Wynn's Atrium Is a "Recurrent Risk" Area**

18 Further demonstrating Plaintiff's desperation, Plaintiff attempts to satisfy the constructive
19 notice requirement utilizing the "mode of operation" approach recognized by the Nevada
20 Supreme Court in hopes of manufacturing an issue of fact, relying heavily on *Sprague v. Lucky*
21 *Stores, Inc.*, 109 Nev. 247, 250, 849 P.2d 320, 322 (1993). Plaintiff's reliance is completely
22 misplaced.

23 Under the mode of operation approach, "the plaintiffs [sic] burden to prove notice is not
24 eliminated. Instead, the plaintiff satisfies the notice requirement if he establishes that an injury
25 was attributable to a reasonably foreseeable dangerous condition on the owner's premises that is
26 related to the owner's self-service mode of operation." *FGA, Inc. v. Giglio*, 128 Nev. Adv. Rep.
27 26, 278 P.3d 490, 496 (2012). The mode of operation approach "focuses on the nature of the
28 business at issue" . . . where the "customers perform tasks traditionally performed by employees"

1 such as self-service establishments (e.g. grocery stores, buffets, etc.) *Id.* (citation omitted). "If
2 a customer who is performing such a task negligently creates a hazardous condition, the owner is
3 'charged with the creation of this condition just as he would be charged with the responsibility
4 for negligent acts of his employees' because it was the owner's choice of mode of operation that
5 created the risk." *Id.* (quoting *Ciminski v. Finn Corporation, Inc.*, 13 Wn. App. 815, 537 P.2d
6 850, 853 (Wash. Ct. App. 1975)).

7 Here, Plaintiff erroneously compares the walkway in Wynn's atrium to a produce section
8 in a grocery store that constantly has debris on the floor. Plaintiff jumps to the conclusion that
9 there is a continuous or recurrent risk of a liquid spill on the ground simply because the atrium
10 area is attractive and leads to bars, the casino and a shopping area. Plaintiff apparently believes
11 that any area "which attracts guests" leads to the likelihood of "recurrent hazardous conditions"
12 [see Opp., 11:23-28] but fails to explain how she comes to this erroneous conclusion, which also
13 contradicts *Giglio*.

14 Plaintiff's comparison is not only absurd on its face, but she provides **no** evidence to
15 support her argument – because there is none. Quite simply, Plaintiff has not provided any
16 evidence that Wynn's atrium has "virtually continual debris" on the ground that would place
17 Wynn on constructive notice that a hazardous condition exists.⁴

18 Indeed, there is no evidence that other similar incidents have occurred on the walkway in
19 Wynn's atrium despite Plaintiff's assertions otherwise. Tellingly, Plaintiff fails to point to any
20 evidence to support her claim. Under Nevada law, simply asserting there have been other slip
21 and falls, without more, is not sufficient to demonstrate constructive notice and survive summary
22 judgment. *Sprague*, 109 Nev. at 250, 849 P.2d at 322 (in opposing summary judgment the non-
23 moving party must provide admissible evidence and she "is not entitled to build a case on the
24 gossamer threads of whimsy, speculation and conjecture") (citation omitted).

25
26
27
28 ⁴ Throughout her Opposition Plaintiff refers to the atrium as a "special use walkway" without providing a
definition or how that is relevant to this matter.

LAWRENCE J. SEMENZA, III, P.C.
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Las Vegas, Nevada 89145
Telephone: (702) 835-6803

1 Unlike *Sprague* where the plaintiff actually presented evidence to support the assertion
2 that the defendant had constructive notice of the hazardous condition, here Plaintiff has not.⁵
3 Plaintiff seeks to create a strict liability standard which is contrary to Nevada law. Therefore,
4 Plaintiff's argument fails because there is no evidence of other incidents in Wynn's atrium and
5 she has failed to satisfy her burden in opposing summary judgment. Without any evidence
6 remotely suggesting that Wynn was on constructive notice of the alleged hazard, Plaintiff's
7 negligence fails as a matter of law and summary judgment is appropriate at this time.

8 **III. CONCLUSION**

9 Based on the foregoing, the Court should enter summary judgment in favor of Wynn and
10 against Plaintiff. Alternatively, the Court should enter partial summary judgment at the very
11 minimum on the issues of whether Wynn created the foreign substance or had actual notice of
12 the foreign substance and failed to warn Plaintiff.

13 DATED this 10th day of September, 2015.

14 LAWRENCE J. SEMENZA, III, P.C.

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Lawrence J. Semenza, III, Esq., Bar No. 7174
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Attorneys for Defendant Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas

⁵ The plaintiff in *Sprague* presented deposition testimony in opposition to plaintiff's motion for summary judgment that the defendant's "produce section is a virtually continual hazard" and commonly had debris on the floor. *Id.* at 249. Based on the deposition testimony, the *Sprague* Court held that summary judgment was improper because a "jury could have determined that the virtually continual debris on the produce department floor put Lucky on constructive notice that, at any time, a hazardous condition might exist which would result in an injury to Lucky customers." *Id.* There is no such evidence here.

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 10th day of September, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **REPLY IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** to the following registered e-mail addresses:

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Attorneys for Plaintiff

/s/ Olivia A. Kelly
An Employee of Lawrence J. Semenza, III, P.C.

EXHIBIT 1

EXHIBIT 1

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DISTRICT COURT
CLARK COUNTY, NEVADA
YVONNE O'CONNELL, an individual,
Plaintiff,
vs. CASE NO. A655992
DEPT. NO. V
WYNN LAS VEGAS, LLC, a Nevada
Limited Liability Company, doing
business as WYNN LAS VEGAS; DOES
I through X, and ROE CORPORATIONS
I through X, inclusive,
Defendants.

~~~~~

DEPOSITION OF  
YANET ELIAS

March 24, 2015  
10:30 a.m.

Resort Management Conference Room  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada

Gary F. Decoster, CCR No. 790

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Also Present: CHRISTINA ESPINOSA

INDEX OF EXAMINATION

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Deposition of Yanet Elias

March 24, 2015

(Prior to the commencement of the deposition, all of the parties present agreed to waive statements by the court reporter, pursuant to Rule 30(b)(4) of NRCP.)

YANET ELIAS, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. MORRIS:

Q. All right, can you please state your full name?

A. Yanet Elias.

Q. And can you spell it as well?

A. Y-A-N-E-T E-L-I-A-S.

Q. All right. We're here for your deposition today. I introduced myself before the deposition, but my name is Christian Morris, and I represent the plaintiff in a matter. Her name is Yvonne O'Connell. We're here today at the Wynn for your deposition, and I want to know if you've ever had your deposition taken before.

A. No.

Q. Okay. So the oath that you took is the same



1 Q. All right, Yanet, are you comfortable doing  
2 this deposition without an interpreter?

3 A. Yes.

4 Q. Okay. I just notice that you had difficulty  
5 understanding some of my questions, which might be my  
6 fault, because I ask --

7 A. Maybe it's mine.

8 Q. How long have you been speaking English?

9 A. Well, the time when I working in here, ten  
10 years.

11 Q. And what's your first language?

12 A. Spanish.

13 Q. How did you learn English?

14 A. In the house with my kids.

15 Q. Yeah. Are you comfortable going through this  
16 deposition without an interpreter? Do you have  
17 concerns that you might not understand my questions?

18 A. Some words, yes, I don't understand, but if  
19 you comfort with me.

20 Q. Say it again?

21 A. If you comfort with my English. If not, I  
22 can --

23 Q. I'm only concerned that because it's your  
24 testimony under oath, I don't want you to not  
25 understand a question --

1 A. Okay.

2 Q. -- and still be answering it; does that make  
3 sense?

4 A. Yes.

5 Q. So I want -- we're going to go slow, okay?

6 A. Okay.

7 Q. So make sure that if you don't understand a  
8 question --

9 A. Yes.

10 Q. -- I need you to let me know.

11 A. Okay.

12 Q. I don't want you to try and answer it. I  
13 want you to say, I don't understand that question.

14 A. Okay.

15 Q. Does that make sense?

16 A. Yes.

17 Q. Okay.

18 A. But if it's better for both parties if I can  
19 for an interpreter, if you guys okay with that.

20 Q. Well, let's try, if everyone's okay, let's  
21 move forward a little bit. If it becomes a little bit  
22 difficult, we might need to just do this with an  
23 interpreter.

24 MR. KIRCHER: Just try to go slow, and then  
25 if, you know, you don't understand something she's

1 saying --

2 THE DEPONENT: Ask the question again.

3 MR. KIRCHER: -- ask her a question.

4 THE DEPONENT: Okay.

5 MR. KIRCHER: And if you don't understand a  
6 word, ask her what that word means.

7 THE DEPONENT: Okay.

8 MR. KIRCHER: And she'll be able to explain  
9 it to you. And, you know, if there is a problem  
10 later, we can -- you know, we'll work on that.

11 THE DEPONENT: Okay.

12 MS. MORRIS: Okay.

13 MR. KIRCHER: Since we're all here, let's try  
14 to --

15 THE DEPONENT: Yes.

16 MS. MORRIS: I want to be fair to you.

17 THE DEPONENT: Oh, that's fine.

18 MS. MORRIS: I don't want you testifying  
19 about something that you didn't understand.

20 THE DEPONENT: Okay.

21 MS. MORRIS: Okay.

22 BY MS. MORRIS:

23 Q. You said in your written statement --

24 A. Yes.

25 Q. -- that it was like a syrup, not a liquid; is

CERTIFICATE OF REPORTER

STATE OF NEVADA       )  
                                  )       ss:  
COUNTY OF CLARK       )

I, Gary F. Decoster, a Certified Court Reporter licensed by the State of Nevada, do hereby certify: That I reported the deposition of YANET ELIAS, on Tuesday, March 24, 2015, commencing at 10:30 a.m.

That prior to being deposed, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said stenographic notes via computer-aided transcription into written form, and that the typewritten transcript is a complete, true and accurate transcription of my said stenographic notes. That review of the transcript was requested.

I further certify that I am not a relative, employee or independent contractor of counsel or of any of the parties involved in the proceeding, nor a person financially interested in the proceeding, nor do I have any other relationship that may reasonably cause my impartiality to be questioned.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 3rd day of April, 2015.

  
GARY F. DECOSTER, CCR NO. 790

DEPOSITION ERRATA SHEET

Our Assignment No. 300733

Case Caption: O'CONNELL vs. WYNN LAS VEGAS, LLC

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

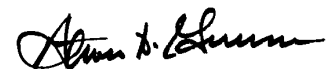
Signed on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_.

YANET ELIAS



800.211.DEPO (3376)  
EsquireSolutions.com

  
CLERK OF THE COURT

**RPLY**

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Attorneys for Defendant Wynn Las Vegas, LLC  
d/b/a Wynn Las Vegas

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, individually,  
  
Plaintiff,  
  
v.

WYNN LAS VEGAS, LLC, a Nevada  
Limited Liability Company, doing business as  
WYNN LAS VEGAS; DOES I through X;  
and ROE CORPORATIONS I through X;  
inclusive;

Defendants.

Case No. A-12-655992-C  
Dept. No. V

**REPLY IN SUPPORT OF  
DEFENDANT'S MOTION IN LIMINE  
[#1] TO EXCLUDE PURPORTED  
EXPERT WITNESS GARY  
PRESSWOOD**

**Date of Hearing: September 17, 2015  
Time of Hearing: 9:00 a.m.**

**I. INTRODUCTION**

In Plaintiff Yvonne O'Connell's ("Plaintiff") Opposition to Defendant Wynn Las Vegas, LLC's ("Wynn") Motion in Limine [#1] to Exclude Purported Expert Gary Presswood ("Presswood"), she concedes: 1) he failed to include the testing and results for the area that Plaintiff indisputably claims she slipped; 2) Presswood's test results are unreliable; and 3) his conclusions will not assist the jury. As a result, the Court should preclude Presswood from testifying at trial because Wynn's Motion is ripe for adjudication and Presswood cannot meet the requirements to testify as an expert witness under Nevada law.

LAWRENCE J. SEMENZA, III, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
Telephone: (702) 835-6803

1 **II. ARGUMENT**

2 **A. Plaintiff Clearly Testified that She Slipped on the Flower Mosaic**

3 It is undisputed that Plaintiff testified on the flower mosaic tile in the atrium of Wynn's  
4 property. Despite this, as Plaintiff concedes in her Opposition, Presswood failed to include in his  
5 expert report the testing and results for the flower mosaic tile. Because he failed to include his  
6 results for the flower mosaic tile area in his expert report, Presswood cannot testify at trial on this  
7 issue.

8 Furthermore, Plaintiff apparently believes where she purportedly "landed" is as important  
9 as where she actually slipped. This is absurd. The purported slip resistance of where Plaintiff  
10 allegedly landed will not assist the jury in any manner, making Presswood's opinion on this matter  
11 irrelevant. *Hallmark v. Eldridge*, 124 Nev. 492, 189 P.3d 646, 650 (2008) (expert testimony must  
12 be relevant to assist the jury). As such, the Court should preclude Presswood from testifying at  
13 trial.

14 **B. Presswood's Testimony Must be Excluded Because Plaintiff Concedes that**  
15 **His Test Results Are Inaccurate**

16 Plaintiff has no response to Wynn's argument that Presswood's test results are completely  
17 unreliable because he failed to properly prepare and calibrate the device that he utilized to  
18 conduct his slip-resistance testing at Wynn's property. (Opp., 4:1-10.) Because Plaintiff concedes  
19 that Presswood's results are unreliable and erroneous, they must be excluded.

20 Nonetheless, Plaintiff argues states that it goes to the weight and not admissibility. (*Id.*)  
21 This contradicts well-settled Nevada law because the Nevada Supreme Court has stated unreliable  
22 methodology will not assist the jury. *Hallmark*, 124 Nev. at 498, 189 P.3d at 650 ("[a]n expert's  
23 testimony will assist the trier of fact only when it is relevant *and the product of reliable*  
24 *methodology*") (emphasis added). As such, Presswood conclusion that the "marble walkway  
25 where [Plaintiff] slipped . . . should be considered hazardous to pedestrians especially when wet"  
26 is highly speculative, not based on specialized, technical or scientific knowledge and will not  
27 assist the jury in understanding the evidence or in determining a fact issue. *Hallmark*, 124 Nev. at  
28

1 502, 189 P.3d at 652. For these reasons, Presswood's testimony will not assist the jury because it  
2 is clearly not the product of reliable methodology.

3 **C. Plaintiff Admits that Presswood Will Not Assist the Jury**

4 For an individual to testify as an expert witness, Nevada law clearly requires that the  
5 witness have, among other things, "specialized knowledge [that] will assist the trier of fact to  
6 understand the evidence or to determine a fact in issue . . . ." NRS 50.275; *see also Hallmark*,  
7 124 Nev. at 498, 189 P.3d at 650.

8 Here, Plaintiff admits that Presswood lacks any specialized knowledge that will assist the  
9 trier of fact. In her Opposition, Plaintiff states "that a wet floor standard is not required because  
10 the concept of a wet floor being slippery and hazardous is universally understood." (Opp., 4:25-  
11 27.<sup>1</sup>) If "the concept of a wet floor being slippery and hazardous is universally understood" and a  
12 wet floor standard is not required, Presswood's testimony will not assist the trier of fact.  
13 Therefore, Presswood should be precluded from testifying at trial.

14 **D. It Is Not Premature to Exclude Presswood as Plaintiff Incorrectly Claims**

15 Plaintiff's argument that this matter should be decided at trial, by a jury, and not in a  
16 pretrial motion in limine is simply absurd. The purpose of a motion in limine is to preclude  
17 prejudicial or objectionable evidence *before* it is presented to the jury. E.D.C.R. 2.47; *see also*  
18 *Stein-Brief Group, Inc. v. Home Indem. Co.*, 65 Cal. App. 4th 364, 369 (Cal. Ct. App. 1998) (a  
19 "motion in limine is prophylactic in nature, made to exclude evidence before it is offered . . .");  
20 *McConnell v. Wal-Mart Stores, Inc.*, 995 F. Supp. 2d 1164, 1169 (D. Nev. 2014) (before trial, the

21 ///

22 ///

23 ///

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25 ///

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26  
27  
28 <sup>1</sup> Presswood concedes there is no acceptable standard of slip-resistance for a wet surface, making his  
testing entirely speculative.

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1 court granting defendant's motion in limine striking plaintiff's purported expert because the person  
2 was not qualified and the testimony would be more confusing than helpful to the jury).

3 **III. CONCLUSION**

4 The Court should grant Wynn's Motion in Limine [#1] and preclude Presswood from  
5 testifying at trial in this case.

6 DATED this 10th day of September, 2015.

7 LAWRENCE J. SEMENZA, III, P.C.

8  
9 /s/ Christopher D. Kircher

10 Lawrence J. Semenza, III, Esq., Bar No. 7174

11 Christopher D. Kircher, Esq., Bar No. 11176

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13 Las Vegas, Nevada 89145

14 Attorneys for Defendant Wynn Las Vegas, LLC

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**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 10th day of September, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **REPLY IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE [#1] TO EXCLUDE PURPORTED EXPERT WITNESS GARY PRESSWOOD** to the following registered e-mail addresses:

NETTLES LAW FIRM  
christianmorris@nettlslawfirm.com  
kim@nettlslawfirm.com

*Attorneys for Plaintiff*

/s/ Olivia A. Kelly  
An Employee of Lawrence J. Semenza, III, P.C.

In the  
**Supreme Court**  
for the  
**State of Nevada**

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Electronically Filed  
May 01 2017 12:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

WYNN LAS VEGAS, LLC d/b/a WYNN LAS VEGAS,  
*Appellant and Cross-Respondent,*

v.

YVONNE O'CONNELL,

*Respondent and Cross-Appellant.*

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*Appeal from Judgment on Jury Verdict,  
Eighth Judicial District Court, State of Nevada in and for the County of Clark  
District Court Case No. A-12-671221-C · Honorable Jennifer P. Togliatti*

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**APPELLANT'S APPENDIX**  
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*Attorneys for Appellant and Cross-Respondent,  
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# EXHIBIT 4

# EXHIBIT 4

**NETTLES LAW FIRM**  
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12 Attorneys for Plaintiff

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, an individual,  
Plaintiff,

vs.

WYNN LAS VEGAS, LLC, a Nevada Limited  
Liability Company, doing business as WYNN  
LAS VEGAS; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,  
Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S INITIAL EXPERT  
DISCLOSURES

TO: WYNN LAS VEGAS, LLC; Defendant; and

TO: LAWRENCE J. SEMENA, III, ESQ. and CHRISTOPHER D. KIRCHER, ESQ.,  
Attorneys for Defendant.

Pursuant to NRCP 16.1(a)(2), Plaintiff Yvonne O'Connell, by and through her counsel,  
Brian D. Nettles, Esq. and Christian M. Morris, Esq., of the Nettles Law Firm, hereby discloses  
the following experts:

....

....

1. Gary A. Presswood, ScD, PE  
The Accident Expert  
8635 W. Sahara Avenue, #435  
Las Vegas, NV 89117  
Telephone Number: (702) 233-8516

Mr. Presswood is expected to testify regarding his opinions regarding causation for the claimed injuries, his findings obtained in a review of records as set forth more fully in his expert report attached hereto, and/or any and all other professional sources he utilized and reviewed. Mr. Presswood's report dated April 10, 2015, is attached hereto as Exhibit "1". A copy of Mr. Presswood's Curriculum Vitae, fee schedule and record of court testimony are attached as exhibits to his report.

The expert identified above has agreed to testify at the trial of this matter and is sufficiently familiar with the pending action to submit a meaningful oral deposition concerning the expert's specific testimony, including an opinion and its basis, regarding the testimony the expert is expected to give at trial.

Plaintiff reserves the right to add to, amend or delete any of the above based upon ongoing discovery. Also Plaintiff reserves the right to call any witnesses identified and elected under the provisions of N.R.C.P. 26 (b)(4-5) by any other party to this action whether or not such party remains a party at the time of trial.

Plaintiff reserves the right to name and call such additional experts as deemed appropriate in accordance with the provisions of N.R.C.P. 26 (b)(4-5).

Plaintiff also reserves the right to call at the time of trial, if necessary, the custodian of records of the parties to this lawsuit and any witnesses named by any other party to this lawsuit on the respective witness lists.

....

....

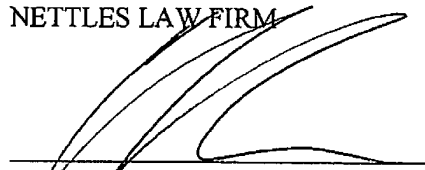
....

NETTLES LAW FIRM  
1389 Galleria Drive Suite 200  
Henderson, NV 89014  
(702) 434-8282 / (702) 434-1488 (fax)

1 If any of the witnesses discussed or listed herein above are not available at trial, Plaintiff  
2 advises all parties it will seek the introduction of competent former testimony, including  
3 depositions of such witnesses in lieu of their live testimony.

4 DATED this 13<sup>th</sup> day of April, 2015.

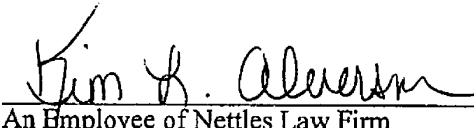
5 NETTLES LAW FIRM

6  
7  
8   
9 BRIAN D. NETTLES, ESQ.  
Nevada Bar No. 7462  
10 CHRISTIAN M. MORRIS, ESQ.  
Nevada Bar No. 11218  
11 1389 Galleria Drive, Suite 200  
12 Henderson, Nevada 89014  
13 Attorneys for Plaintiff

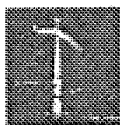
14 CERTIFICATE OF SERVICE

15 Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 13<sup>th</sup> day of  
16 April, 2015, I served the foregoing *Plaintiff's Initial Expert Disclosures* to the following parties  
17 by electronic transmission through the Wiznet system:

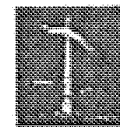
18 Lawrence J. Semenza, III, Esq.  
19 Christopher D. Kircher, Esq.  
20 Lawrence J. Semenza, III, P.C.  
21 10161 Park Run Drive, Suite 150  
22 Las Vegas, Nevada 89145  
23 (702) 835-6803  
24 Fax: (702) 920-8669  
25 *Attorneys for Defendant*  
26 *Wynn Las Vegas, LLC dba*  
27 *Wynn Las Vegas*

28   
An Employee of Nettles Law Firm

# EXHIBIT 1



THE ACCIDENT EXPERT™  
8635 W. SAHARA AVE., #435  
LAS VEGAS, NEVADA 89117



April 10, 2015

Ms. Christian M. Morris, Esq.  
**Nettles Law Firm**  
1389 Galleria Drive, Ste 200  
Henderson, NV 89104

Re: YVONNE O'CONNEL vs. WYNN LAS VEGAS, LLC  
Case No. A-12-655992-C

Dear Ms. Morris:

At your request, I analyzed the site of an incident wherein your client, Yvonne O'Connell, slipped, fell, and sustained significant injuries. Pursuant to this assignment, I reviewed data provided by your office in addition to technical publications contained within my professional library. I also inspected the site of this event wherein I tested for the traction on the walkway where this incident occurred. This letter shall serve as my report.

#### INCIDENT

On February 8, 2010, Yvonne O'Connell was a patron at WYNN LAS VEGAS (hotel and casino) located at 3131 Las Vegas Boulevard South, Las Vegas, (Clark County), Nevada. At approximately 2:30 in the afternoon she slipped and fell into a landscape display within the foyer adjacent to the south valet. Ms. O'Connell reported a "large liquid substance on the floor" which, according to the Incident Data (Incident File #IN20100002152), was verified by "Manager (Yanet) Elias who, according to Security Officer Corey Prowell," stated upon her arrival, she noticed the liquid substance on the floor; she immediately assigned an attendant to clean up the area in order to prevent further incidents. . . .<sup>1</sup>

Reportedly, security video cameras failed to capture this event.

#### ANALYSIS

I inspected the site of Ms. O'Connell's slip and fall on April 1, 2015, at which time I photographed and measured critical site elements. I also measured for the walkway's slip-resistance in the area of her fall.

I tested for the slip-resistance or traction qualities in two areas of the walkway, within close proximity to each other. Both areas tested were within the building, near the south valet entrance, and close to a curbed landscaped feature. One area tested was along a decorative mosaic tiled surface. The second area tested was along a smooth marble surfaced section of walkway. Both walkways were found to be clean and were located slightly beyond and to the west of a carpeted oval along the walkway entrance.

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<sup>1</sup> Incident File Full Report, Page 1 of 3, Bates: WYNN-O'CONNELL00511-00513.

### Inspection/Slip-resistance.

I tested the floor surface for the static coefficient of friction (SCOF) which is a determination of the relative slipperiness or quality of traction along a walkway. A Horizontal Pull Slipmeter (HPS) was used in accordance with strict test protocol as established by the American Society of Testing and Materials (ASTM) in accordance with ASTM Stnd. F609 which requires the use of neolite as a test specimen. I also tested with ASTM mandated leather for specification testing as established by ASTM Stnd. D-2047.

The minimum permissible SCOF value for a *slip-resistant* walkway as defined by ASTM Stnd. D-2047 is 0.5 (read, "zero, point five"). Greater values indicate higher degrees of slip-resistance while values lower than 0.5 indicate slippery surfaces, the lower the value, the less traction. Note, while other sources may reference the requirement of a "slip-resistant" walkway without definition or minimum acceptable value, ASTM Stnd. D2047 is the only credible source where the 0.5 standard for slip-resistance can be found.

I tested in an "in situ" or "as found" condition for both neolite and leather. Following the initial utilization of neolite as a test material, I tested both areas with the Federally designated leather (Federal standard KK-L-165C). Neolite was used because that material is referenced in the current F609 standard and is also used by some other testing devices; however, there is no credible standard of slip-resistance for neolite or any test material other than the Federally designated leather. There is, however, an acceptable standard for leather (Federal standard KK-L-165C) as described in ASTM Stnd. D2047.

Note the tests for the mosaic tile are available but unreliable due to the small tile sizes (3/4" square +/-) which results in higher than realistic readings due to the tile edges "catching" the test feet thus yielding inconsistent readings. The following indicates the results of my tests on the smooth marble section of walkway.

#### SCOF<sub>dry</sub>

|      | Neolite/in situ | Leather/in situ |
|------|-----------------|-----------------|
| Max. | 0.38            | 0.26            |
| Min. | 0.33            | 0.25            |
| Avg. | 0.36            | 0.26-           |

The low test values obtained on the clean dry surface (i.e., less than 0.50), indicate a slippery surface in the best of conditions (i.e., clean and dry). As a result of my tests and technical evaluation, the subject floor should be considered potentially hazardous to pedestrians.

In the event a floor is wet as reported, I have found the SCOF of a walkway wetted with distilled water is typically about 70% that of the tested dry value; however, I did not test for a wet surface at the site of this event since (1) the referenced ASTM test standards do not permit testing on any debris covered or wetted surface for specification determination (2), the quantity and quality of the contaminant and other unknown variables are often unknown and (3), there is no acceptable standard of slip-resistance for a wet surface. Tests for any wet or contaminated surface would be speculative at best and not expected to provide

scientifically credible and reliable results except, by analogy, to relate a wet walkway to roadway surface conditions following a Las Vegas area rain. I suggest most everyone would recognize the increased degree of slipperiness and hazard on a rain-surfaced local street as should also exist for a wet walkway.

To reiterate, the actual precise referenced 0.5 value for slip-resistance is contained in only one credible source as a standard for a "slip-resistant" walkway surface. In ASTM Standard D2047 which contains the test protocol for a "James Machine," sections 3, 4, & 5 contain detailed reference to 0.5 as an acceptable value of "slip-resistance" and defines "leather, conforming to Federal Specification KK-L-165C" as the only material to be used for "specification testing" (such as the 0.5 specification).

I am critical of test devices with support the use of neolite as a test specimen particularly since there is no reliable standard for neolite. One of these devices, still in use by some, was withdrawn by the ASTM in 2006 as an approved test protocol. Within the ASTM D2047 standard there is also found the following critical caution:

Note 3—The static coefficient of friction measured with elastomeric compositions are frequently as much as 0.3 to 0.5 higher than leather.

Elastomeric compositions include neolite and rubber and are not suited for specification testing.

Although the purpose of ASTM Standard D 2047 is for the James Machine (a laboratory device), it is critical to emphasize that this standard is the only credible standard which dictates a minimum acceptable value for the determination of the static coefficient of friction. Furthermore, this standard mandates a single test material (i.e., Federal standard KK-L-165C leather) for determination of a value of "specification." Any other test material (such as neolite) is not supported by any recognized and credible entity for "specification" testing.

The excessively smooth floor found in the area of Ms. O'Connell's slip, fall, and injuries, provides only minimal traction and is hazardous to pedestrians especially when wet. It has also been my experience that most slips and falls occur on relatively smooth walkway surfaces as found at the site of this event although additives which are virtually undetected can be added to a potentially slippery floor surface and significantly increase the safety of a smooth walkway.

## **OPINION**

It is therefore my opinion, as a licensed professional engineer in the State of Nevada and other states, and as one proficient in the analysis and evaluation of safe pedestrian walkways, that the marble walkway where Yvonne O'Connell slipped, fell, and sustained significant injuries should be considered hazardous to pedestrians especially when wet as evidenced and verified by Wynn employees. Finally, the evidence does not indicate that Ms. O'Connell contributed to this event in any way except to have walked in an area she expected to be free of unexpected hazards..

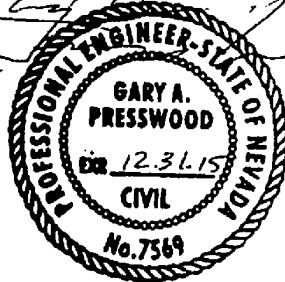
This concludes my report; however, you are encouraged to contact me if you require additional information or clarification. During the course of this litigation, I reserve the right to augment this report especially if additional information becomes available. I assure you, the opinions expressed herein are rendered with a high degree of engineering and

Page 4

scientific certainty. Finally, thank you for selecting us for this task.

Sincerely,

4.10.15



Dr. Gary A. Presswood, ScD, PE

attach: Exhibits 1 - 6

**EXHIBIT 1**  
**PHOTOGRAPHIC EXHIBIT**

## PHOTOGRAPHIC EXHIBIT

Case: MORRIS:O'Connell

Source: G A Presswood

Date: 4-1-15

Location: WYNN-S' Valet Foyer, LV, NV



Photo1



Photo 2



Photo 3

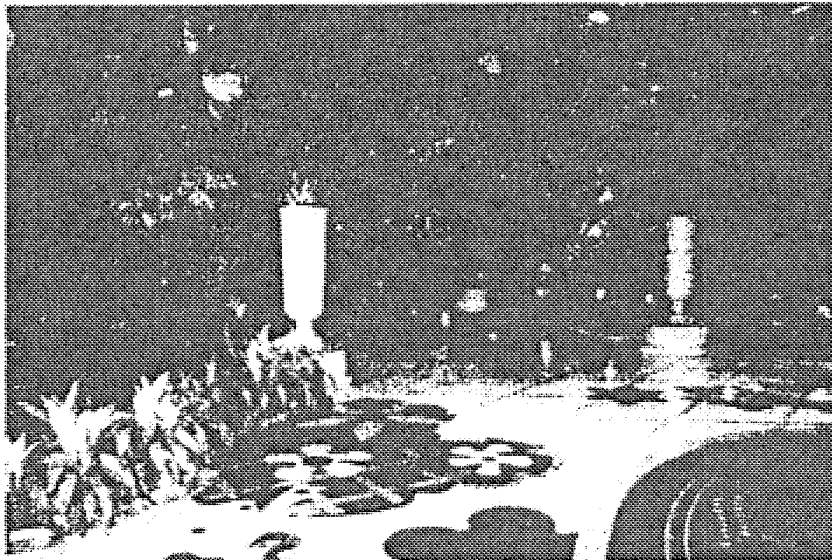


Photo 4

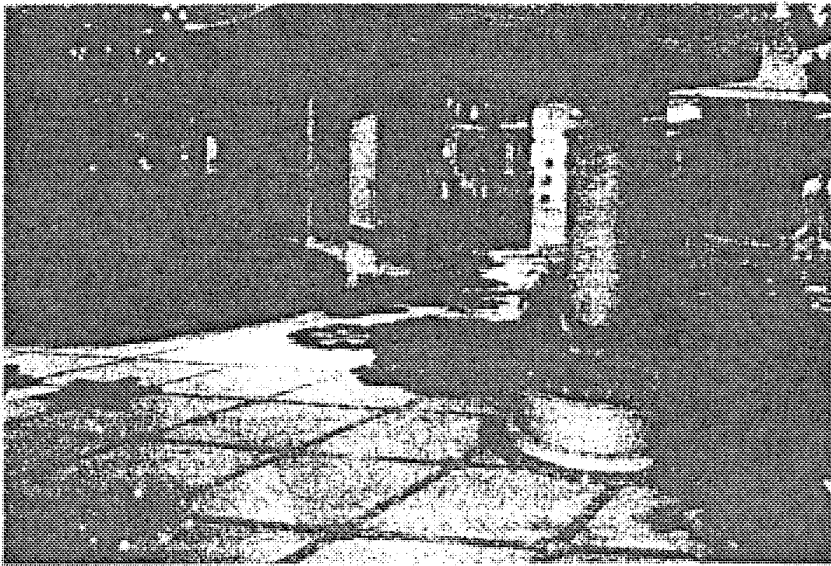


Photo 5



Photo 6



Photo 7

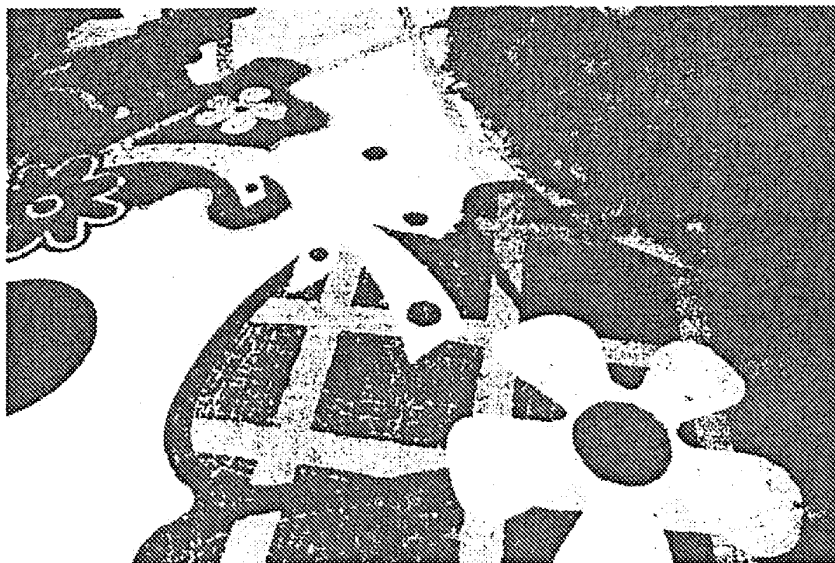


Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14

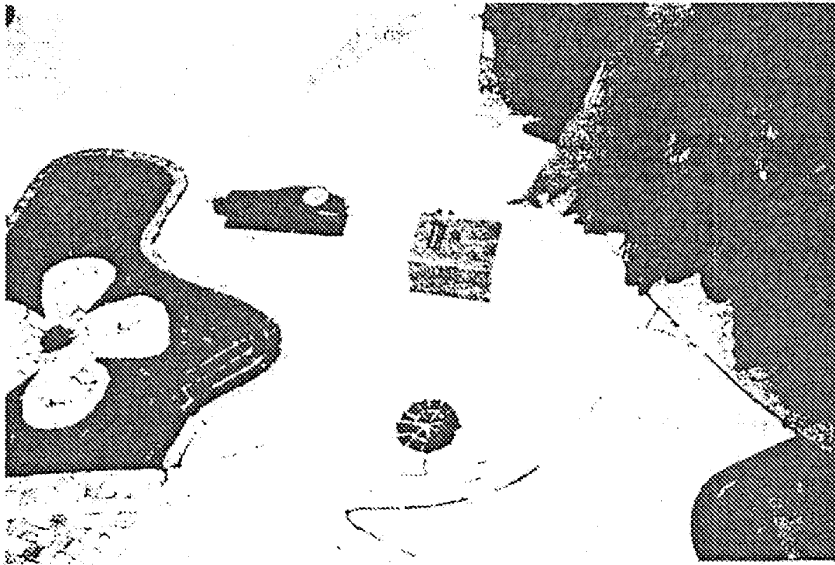


Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21

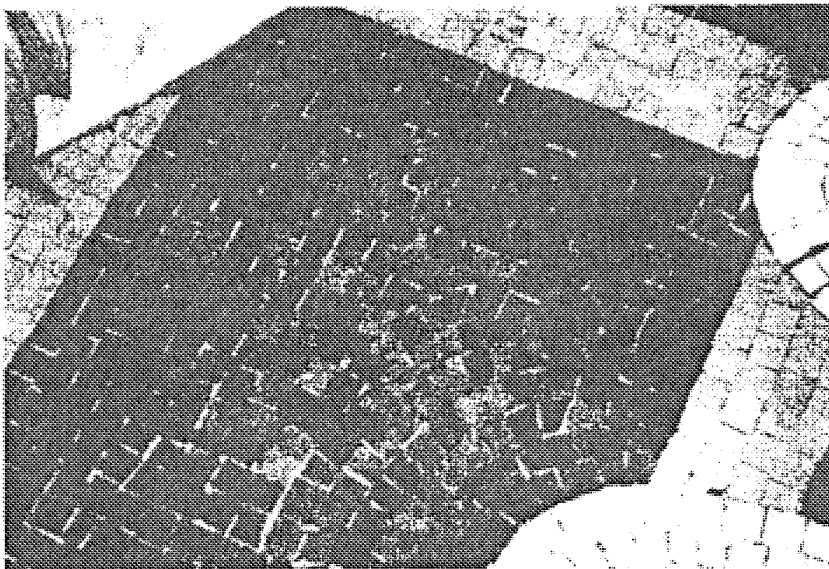


Photo 22



Photo 23



Photo 24

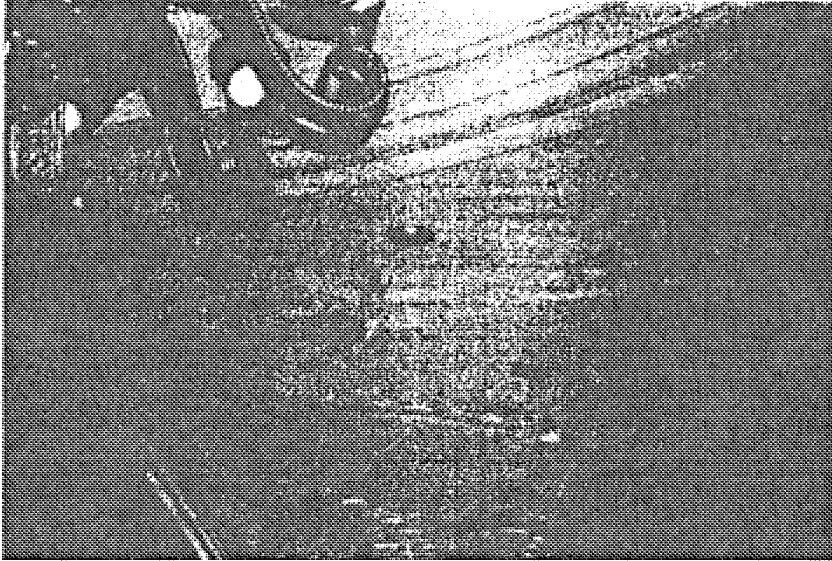


Photo 25

**EXHIBIT 1**

**Data Relied Upon/Basis of Opinions  
by Dr. Gary A. Presswood, ScD, PE**

**Data Relied Upon/Basis of Opinions**  
**Dr. Gary A. Presswood, ScD, PE**

- Exhibits: Bates: WYNN-O'CONNELL00474, 00479, 00481, 001511 - 00515.
- Kohr, Robert L., CSP, CPP, Accident Prevention for Hotels, Motels, and Restaurants, Van Nostrand Reinhold, NY, NY 1991.
- American Society of Testing and Materials Std. D2047-04, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F609, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F1637, ASTM International, West Conshohocken, PA.
- American Society of Testing and Materials Std. F1679, ASTM International, West Conshohocken, PA.
- Rosen, Stephen I., JD, PhD, The Slip and Fall Handbook, Hanrow Press, Del Mar, CA.
- English, William, CSP, PE, Slips, Trips and Falls—Safety Engineering Guidelines for the Prevention of Slip, Trip and Fall Occurrences, Hanrow Press, Del Mar, CA.

**EXHIBIT 2**

**Curriculum Vitae, Dr. Gary A. Presswood, ScD, PE**



## **CURRICULUM VITAE**

Gary A. Presswood, ScD, PE

### **EDUCATION:**

BS, Southern Illinois University, 1970  
MPA, University of Nevada, Las Vegas, 1992  
ScD, So. California University for Professional Studies, 2002

### **PROFESSIONAL ENGINEERING REGISTRATION:**

|                               |              |
|-------------------------------|--------------|
| Nevada (Civil), 1987          | #7569        |
| Arizona (Civil), 2010         | #50954       |
| Florida, 1984 (Inactive)      | #35215       |
| Indiana, 1975 (Inactive)      | #16032       |
| Illinois, 1975                | #62-33079    |
| Pennsylvania, 1986 (Inactive) | #PE-035007-E |

### **PROFESSIONAL SOCIETY MEMBERSHIP:**

American Society of Civil Engineers  
National Academy of Forensic Engineers (Board Certified Forensic Engineer)  
National Society of Professional Engineers  
National Safety Council  
American Society for Testing and Materials (Past F-13 Committee  
Member - "Safety and Traction for Footwear")  
International Conf. of Building Officials (Past Professional Member)  
Human Factors and Ergonomics Society (Past Member)

### **PROFESSIONAL EMPLOYMENT:**

1968-1972                    **Phelps, Dodge Cable & Wire Co., DuQuoin, Illinois**  
Quality Control Supervisor in responsible charge of production testing of low and high-voltage electrical transmission cable.

1972-1974                    **Noblewood Construction, Mt. Vernon, Illinois**  
President & Chief Engineer for residential/commercial construction firm. Designed & built subdivisions and residential structures.

1974-1975                    **Indiana State Board of Health, Indianapolis, Indiana**  
Industrial Waste Disposal Engineer for State of Indiana. Responsible for enforcement and compliance of industrial waste disposal throughout State of Indiana.

1975-1984                    **City of Mt. Vernon, Mt. Vernon, Illinois**  
City Engineer in charge of all public works design and construction for the City. Duties included plan review and approval of all residential subdivisions and commercial construction, facility design and approval for roadways, street lighting, traffic control, water supply system, wastewater treatment & disposal, landfill, stormwater drainage plus road construction & maintenance. Assisted Police Dept. in vehicle accident reconstructions.

8635 W. SAHARA AVE., BOX 435, LAS VEGAS, NEVADA 89117-6868, 702.233.8516 FAX 702.233.8519  
WEBSITE: ACCIDENTEXPERT.COM EMAIL: CRASH@ACCIDENTEXPERT.COM  
LAS VEGAS, PHOENIX, SAN DIEGO, ST LOUIS

1980-1984            **Presswood Engineering**, Mt. Vernon, Illinois  
President and Chief Engineer. Performed surveying services and site design for commercial sites, residential subdivisions, school playgrounds, and public parking facilities. Provided expert witness testimony and opinion for state EPA, and local attorneys.

1984-1987            **Reynolds, Smith & Hills**, Jacksonville, Florida  
Site Development Department Head. Directed engineering and surveying for public and private clients including NASA, Depts. of Army, Navy, & Air Force. Performed complex engineering functions for international clients on various projects located in the Bahamas, China, Saudi Arabia, & Spain. Managed design of major highways and streets, airfields, boat harbors, shopping centers, industrial complexes, and land development projects generally from 100 to 10,000 acres in size. Served as firm's expert in matters concerning site development, construction failures, and environmental permitting.

1987-1992            **City of Las Vegas**, Las Vegas, Nevada  
City Engineer directly responsible for all engineering design and construction of public facilities including streets, storm drainage facilities, sanitary sewer collection and distribution, and traffic control. Also responsible for code compliance and plan review/approval of all private "on-site" construction projects as dictated by NRS and local ordinances. Served as City Project Officer in charge of coordination, development and approval of major projects including Summerlin, Del Webb Sun City, and CitiBank expansion.

1991-Present        **Gary Presswood Inc., dba The Accident Expert™**, Las Vegas, Nevada  
Multi-state licensed, professional engineer serving attorneys, insurance companies, and land developers. Provide technical analysis and evaluation of vehicle accidents, slip/trip & fall, construction accidents & construction related issues. Extensive experience in issues of code compliance/interpretation, including UBC, IBC, ADA, OSHA, etc.

#### **PUBLICATIONS/PRESENTATIONS:**

*Vehicle Tire Failure and Sport Utility Vehicle Performance in a Consumer Society*,  
Doctoral Treatise, 2001

*The Skid to Stop Formula-Its Use and Misuse*, Advocate (Journal of the Nevada Trial Lawyers Association), February, 1995.

*Slips, Trips and Falls: A Primer*, Nevada Lawyer, April, 1995.

*MYTHS OF LOW-SPEED IMPACTS REVEALED!* (Proposed for Publication), National Academy of Forensic Engineers.

*A CURRENT EVALUATION OF SLIP AND TRIP/FALL ACCIDENTS*, Peer-reviewed

Presentation to Investigative Engineers Association Seminar, Golden Nugget Hotel/Casino, Las Vegas, Nevada, Nov. 13, 2009.

*VEHICLE ACCIDENT RECONSTRUCTION TECHNIQUES*, Peer-reviewed Presentation to Investigative Engineers Association Seminar, Golden Nugget Hotel/Casino, Las Vegas, Nevada, Nov. 13, 2009.

*FORENSIC ENGINEERING EVALUATION OF STATISTICAL VALIDITY IN LOW-SPEED VEHICLE IMPACT CASES*, Peer-reviewed Presentation to the National Academy of Forensic Engineers, Hollywood, Florida, Jan. 10, 2015.

**PROFESSIONAL EXPERIENCE (SUMMARY):**

|                                  |                                 |
|----------------------------------|---------------------------------|
| Site Design                      | Forensic Investigations         |
| Slip/Trip Fall Analysis          | Vehicle Accident Reconstruction |
| Construction/ADA Code Compliance | Roadway Design/Construction     |

## **DETAILED ROADWAY EXPERIENCE**

Gary A. Presswood, ScD, PE

A licensed Civil Engineer (in 6 states), Dr. Presswood designed and directed the design, construction, and maintenance of numerous roadways in many states and some foreign countries.

### **1975-1984 City Engineer, City of Mt. Vernon, Illinois**

As City Engineer for Mt. Vernon, Illinois, Dr. Presswood had ultimate technical authority over the design approval for new municipal streets. He also directed all street maintenance and was a principal participant in Mt. Vernon's award of a \$6.43 million Urban Development Action Grant (UDAG) which included development of major access roads and utilities for industrial development.

### **1984-1987 Site Development Department Head, Reynolds, Smith and Hills, Jacksonville, Florida**

Site Development Department Head for the international architectural, engineering and planning firm of Reynolds, Smith, and Hills, Dr. Presswood designed numerous local roads and street, collector routes, arterial roadways and interstate highways. The majority of roadway design was for Southeast U.S. locations and clients including U.S. Departments of the Army and Navy and NASA (Shuttle Rocket Booster Rehab. Facility). Dr. Presswood also designed roadways for projects located in the Bahamas, Spain and Saudi Arabia.

### **1987-1992 City Engineer, City of Las Vegas, Nevada**

Las Vegas City Engineer, Gary Presswood, had ultimate authority for the design, construction and maintenance for all roadways within the City, including the widening of West Sahara Avenue and the design and construction of the Summerlin Parkway and related streets, intersections, and traffic control devices. Summerlin is a major master-planned community (30,000 +/-) for which Dr. Presswood was the City's designated authority for all development and approval. The Summerlin roadway system included innovative "roundabouts", typically a European roadway development.

### **1992-Present President, Gary Presswood Inc. dba The Accident Expert™, Las Vegas, Nevada**

Dr. Presswood is the principal in the forensic and design firm of Gary Presswood Inc. He has served as a forensic engineer and expert witness in over 1,000 cases, approximately 40% of which relate to vehicle accident reconstruction and/or roadway design and maintenance. Dr. Presswood also serves as a design and construction consultant for land development projects which include roadway design and construction and traffic control (i.e., signage, striping, lighting, etc.)

**EXHIBIT 3**

**Fee Schedule, Gary A. Presswood & Associates**



## FEE SCHEDULE

### RATES

|                                                                                |           |
|--------------------------------------------------------------------------------|-----------|
| PROFESSIONAL ENGINEER<br>Engineering Services                                  | \$300/hr. |
| Testimony (Arbitration, Deposition & Trial-2 hr min. chg. from scheduled time) | \$400/hr. |
| LICENSED CONTRACTOR                                                            | \$150/hr  |
| TECHNICIAN I<br>Technical analysis & research                                  | \$ 75/hr. |
| TECHNICIAN II<br>Research, computations, document retrieval                    | \$ 50/hr. |
| COMPUTER ILLUSTRATION & ANIMATION                                              | Quoted    |
| TRAVEL & MISCELLANEOUS EXPENSES                                                | At cost.  |

### CONDITIONS

1. All time is measured portal to portal. Travel time, expenses and costs for overnight or elongated stay (as required) will be billed at applicable rates (indicated above).
2. A Non-refundable retainer of \$2,500.00 is required prior to inception of work or designation as expert.
3. "Client" is hereby defined as the person and firm to whom the cover letter is addressed.
4. Client is responsible for payment of all fees and expenses of forensic services as related to this engagement. No work will be performed for adverse or opposing parties (i.e., research, reproduction, review/response to discovery, etc.) without direction and/or concurrence from the client.
5. Fees and expenses may be billed monthly or as time and expenses accrue unless other arrangements are made with the firm of Gary Presswood Inc.
6. Rates are valid for one year from the date of this agreement and are subject to change without notice.
7. **Payment is due upon receipt of invoice.** Payments not received within **60 days** are subject to interest charges at the rate of 1 1/2% per month (18% annual rate) on any unpaid balance. Client (attorney) agrees to reimburse engineer for invoiced charges **regardless** of case outcome. Checks must be made payable to **Gary Presswood Inc.**
8. Work by this firm will cease until all fees are paid if unpaid fees exceed \$3,000.

Gary A. Presswood, PE  
Effective date: Sept., 2011, Rev. 2.1 15

### BUSINESS STATEMENT

To provide the most expeditious, convenient and highest quality service to our clients, **The Accident Expert™** (Gary A. Presswood Inc.) operates with the latest information and telecommunications technology. We encourage you to use email or our central toll-free numbers for phone and FAX. This will assure your case will be processed quickly, and immediately directed to the appropriate office location. (888.XPRT123 Office &

888.XPRT456 FAX)

When you are ready to retain our services, we ask you to provide relevant data such as complaint documentation, deposition transcripts, statements, photos, and other items you may determine to be critical to your needs.

Our goal is to treat each assignment with the expertise it deserves, without compromising quality. In addition to meeting your technical requirements, we will provide you with timely financial statements, on a monthly basis, detailing financial obligations under our contract. Please note that our work may cease, or be suspended temporarily, on any assignment with an outstanding balance due in excess of \$3,000. In addition, all our fees must be paid in full prior to attendance for Depositions, Hearings, Trial, or other court appearances. Under ethical obligations and standards mandated by the engineering profession, at no time will our charges be reduced as a result of the outcome of a case.

Thank you for choosing **The Accident Expert™** (Gary Presswood Inc.) and accepting the terms of this BUSINESS STATEMENT as part of our contract.

**Please Note:** It has come to our attention that recently, reference to this firm and/or the name " Gary Presswood", has occasionally been made to opposing attorneys as having been retained as a technical consultant or expert regarding a particular case without our knowledge or retention. In addition and although rarely, refund of retainers have occasionally been requested wherein a case may settle prior to any significant technical input by this firm although our firm may have been referenced in a professional capacity. Obviously we appreciate your trust in our experience and expertise however; we cannot allow our firm to be used in such a manner. Accordingly, while we believe these to be rare occurrences, retainers will not be returned based on outcome of a case or our minimal involvement.

As in the past, retainers serve to primarily secure exclusive representation as your agent regarding a particular case and to initiate case review and research as needed. We trust you understand our position and thank you for your interest in our firm. Finally, we offer best wishes for the success of your respective businesses.

Effective date: Jan. 1, 2013  
Rev. 2.1.15

**EXHIBIT 4**

**Deposition Experience of Dr. Gary A. Presswood, ScD, PE  
(preceding five years +)**

## DEPOSITIONS

The following is a compilation of cases wherein depositions were given by Gary A. Presswood, ScD, PE during the preceding five+ years. All cases are within the jurisdiction of the Eighth Judicial District Court, Las Vegas, Nevada unless otherwise noted.

| DATE     | CASE NAME                                            | CASE NO.                                     |
|----------|------------------------------------------------------|----------------------------------------------|
| 4/19/09  | Hansen v. Wynn Resorts Holdings, LLC                 | A545910                                      |
| 6/26/09  | Dreibholz v. Parball Corp.                           | A543251                                      |
| 9/11/09  | D'Agostino-Short v. Wal-Mart Stores, Inc             | U.S.D.C..No.<br>2:09-cv-00238-<br>LDG-PAL    |
| 9/13/09  | Asato v. Cox Communications                          | A554665                                      |
| 9/29/09  | Stone v. Wal-Mart Stores, Inc.                       | A561637                                      |
| 10/12/09 | Hurt v. Ahern Rentals et al.                         | A536648                                      |
| 10/21/09 | Parkinson v. Bernstein                               | A528576                                      |
| 11/16/09 | Sanders v. Central Pony Express                      | 08A555712                                    |
| 1/27/10  | Oshins v. Marriott International, Inc.               | A551408                                      |
| 2/9/10   | Andrews v. Fiesta Palms                              | A539430                                      |
| 2/12/10  | Wise v. Cordoso, City of Tucson, AZ, et al.          | Pima County,<br>Arizona<br>C20090130         |
| 2/24/10  | Ware v. City of Peoria, AZ                           | Maricopa Cnty,<br>Arizona<br>CV 2008022165   |
| 5/18/10  | Marks v. Dakdduk                                     | A597965                                      |
| 6/11/10  | Harris v. City of Tucson                             | Pima county,<br>Arizona<br>C20092922         |
| 7/13/10  | Wise v. City of Tucson                               | Pima County,<br>Arizona<br>C20090130         |
| 10/27/10 | Pelletier v. City of Chandler                        | Maricopa<br>County, Arizona<br>CV2008-013965 |
| 12/21/10 | Ochoa v. Metroflag & Metroflag v. Schindler Elevator | A558646                                      |
| 4/14/11  | Sponcey v. Carpenter                                 | CV09-3434<br>Reno, Nevada                    |
| 4/25/11  | Cadieux-Major v. The Mirage                          | A-10-613939C                                 |
| 7/27/11  | Rupkin v. Discount Firearms                          | A602099                                      |
| 11/7/11  | Reichardt v. Blue Martini, LLC                       | A-10-608169-C                                |
| 11/27/11 | Painter v. Circus Circus Casinos, Inc., et al.       | A-09-592282-C                                |
| 1/8/12   | Boots v. M & H Enterprises, Inc.                     | A584358                                      |

|          |                                                              |                                                                                                           |
|----------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 2/28/12  | Lebitski vs. Drai's After Hours, LLC                         | A621418                                                                                                   |
| 6/6/12   | Cantu vs. Simon/Chelsea Las Vegas Development                | A-11-635193-C                                                                                             |
| 6/26/12  | Hinds-Greenwood v. McDermott                                 | Sangamon<br>County, Illinois<br>2010-L-201                                                                |
| 4/15/13  | Becker v. Desert palace                                      | A-11649220-C                                                                                              |
| 4/17/13  | Pikulinski v. Wal-Mart Stores                                | 2:12-cv-00823-<br>GMN-GWF                                                                                 |
| 6/13/13  | Carrasquillo vs. Wells Cargo Inc.                            | A-12-654508-C                                                                                             |
| 10/18/13 | McCafferty vs. Paris Las Vegas Operating Company, LLC        | A644985                                                                                                   |
| 10/22/13 | Harmon vs. Toll Bros.                                        | A-12-664793-C                                                                                             |
| 10/28/13 | Pederson vs. ROMACORP, Inc.                                  | A-10-622286-C                                                                                             |
| 10/31/13 | Bruce et al. vs. Kingman Unified Scholl dist #20             | CV 2012-924                                                                                               |
| 11/4/13  | Garcia vs. Circus Circus Casinos, Inc.                       | A-11-656270-C                                                                                             |
| 12/9/13  | Aronson et al. vs. Kruskie, et al.                           | 12 096823<br>Charlevoix<br>County, MI                                                                     |
| 12/16/13 | Bingham v. YoCup Yogurt, et al.                              | CGC 12-<br>6526476<br>Superior Court<br>of Calif.<br>County of San<br>Francisco                           |
| 12/17/13 | Tzarchei vs. Venetian Casino Resort, LLC                     | A 616069                                                                                                  |
| 1/23/14  | Passante vs. The Vons Companies, Inc.                        | A-13-676040-C                                                                                             |
| 4/8/14   | Bonnie Lee Horsley vs. Versacold Logistics Services US, LCC  | A-12-668007-C                                                                                             |
| 4/11/14  | Sheree Conlon v. Aria Resort & Casino Holding, LLC, et al.   | A-12-662718-C                                                                                             |
| 4/21/14  | Karen S. & Eban Milmeister vs. Coast Hotels and Casino, Inc. | A-12-672331                                                                                               |
| 4/23/14  | Caroline Hacker vs. Hilton Grand Vacations Management, LLC   | A-12-659583-C                                                                                             |
| 4/24/14  | Schaffer v. Bill Howe Plumbing                               | 37-2013-<br>000474660CU-<br>PA-CTL<br>San Diego<br>County<br>Superior,<br>Central, State of<br>California |
| 6/18/14  | Rushing vs. City of Phoenix                                  | CV2011-009110<br>Superior Court,<br>County of<br>Maricopa, State<br>of Arizona                            |

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|          |                                                              |                                                                       |
|----------|--------------------------------------------------------------|-----------------------------------------------------------------------|
| 7/15/14  | Debra Stebbins v. Tropicana Express, LLC                     | A-12-656252-C                                                         |
| 8/7/14   | Baccellieri v. Estate of Roman Sicho                         | A-12-665105-C                                                         |
| 10/16/14 | Smythe v. The Bunkerville Irrigation company                 | A-12-661680-C                                                         |
| 10/29/14 | Rolfe vs. The Salvation Army                                 | A-14-698146-C                                                         |
| 10/30/14 | Hill v. CP Las Vegas, d/b/a/ The Westin                      | A-13-680804-C                                                         |
| 12/10/14 | Ly vs. Costco Wholesale Corp.                                | 2:14-cv-004540LDG                                                     |
| 1/29/15  | Downs vs Dollar Tree Stores, Inc. et al.                     | 2:14-cv-00831-APG-CWH                                                 |
| 2/9/15   | Margaret Marksberry v. Amigo, LLC d/b/a Desert Sands RV Park | A-13-691206-C                                                         |
| 2/26/15  | Brown vs. PK Hall Construction, Ltd, et al.                  | 82395<br>Lamar County,<br>Texas<br>67 <sup>th</sup> Judicial<br>Dist. |
| 2/13/15  | LaVerda Patterson vs. Alexis Heights Unit Owners Assoc.      | A-13-676248                                                           |
| 4/9/15   | Deborah Tourtillott, et al. vs. Yuma County (Arizona)        | S1400-CV-2014-00497                                                   |

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**EXHIBIT 5**

**Trial/Testimony Experience of Dr. Gary A. Presswood, ScD, PE  
(preceding five years +)**

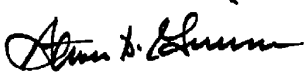
## TRIALS/Testimony

The following is a compilation of cases wherein trial, arbitration, or mediation testimony was given by Gary A. Presswood, ScD, PE for the past five+ years. All cases within the jurisdiction of the Eighth Judicial District Court, Las Vegas, Nevada unless otherwise noted.

| DATE     | CASE NAME                                                                   | CASE NO.                                                                    |
|----------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1/11/08  | Parker v. New York-New York, et al.                                         | A496321                                                                     |
| 2/25/09  | Preston v. City of Tucson, Arizona, Pima County Superior Court              | C 2004 2292                                                                 |
| 8/17/09  | Buehler v. Palms Hotel & Casino                                             | A521243                                                                     |
| 8/25/09  | Sansom v. Stone Ridge Condominium Assoc.                                    | A529257                                                                     |
| 2/11/10  | Ashenfelter-Tisdale v. Gardner & Assoc.                                     | A508247                                                                     |
| 6/15/11  | Sponcey v. Carpenter, 2 <sup>nd</sup> District Court, Washoe County, Nevada | CV09-3434                                                                   |
| 8/18/11  | Parkinson v. Bernstein, et al.                                              | A528576                                                                     |
| 9/24/12  | Rios v. Quechan Paradise Casino                                             | Claim No.<br>2009094766<br>Yuma, AZ                                         |
| 12/11/12 | Hurlburt v. The Mirage Hotel, et al.                                        | A-10-617-994-C                                                              |
| 8/22/13  | Farber vs. Excellent Adult Care                                             | A-11-639065-C                                                               |
| 6/19/14  | Schaffer v. Bill Howe Plumbing                                              | 37-2013-<br>000474660CU-PA-<br>CTL<br>San Diego County<br>Superior, Central |
| 8/28/14  | Vicki Nihart v. National Park Service                                       | 2:12-cv-291-MMD-<br>GWF                                                     |
| 9/9/14   | Bullard v. Bellagio                                                         | A-11-640310-C                                                               |
| 3/6/15   | Toya Keyes vs. Edgewater Gaming, LLC                                        | A-12-12666916-C                                                             |
| 3/19/15  | Sheree Conlon v. Aria Resort & Casino Holding, LLC, et al.<br>(Arbitration) | A-12-682718-C                                                               |

# EXHIBIT 5

# EXHIBIT 5

  
CLERK OF THE COURT

1 **DOE**

2 Lawrence J. Semenza, III, Esq., Bar No. 7174

3 Email: ljs@semenzalaw.com

4 Christopher D. Kircher, Esq., Bar No. 11176

5 Email: cdk@semenzalaw.com

6 LAWRENCE J. SEMENZA, III, P.C.

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9 Telephone: (702) 835-6803

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11 Attorneys for Defendant Wynn Las Vegas, LLC

12 d/b/a Wynn Las Vegas

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 YVONNE O'CONNELL, individually,

16 Plaintiff,

17 v.

18 WYNN LAS VEGAS, LLC, a Nevada  
19 Limited Liability Company, doing business as  
20 WYNN LAS VEGAS; DOES I through X;  
21 and ROE CORPORATIONS I through X;  
22 inclusive;

23 Defendants.

Case No. A-12-655992-C

Dept. No. V

**DEFENDANT'S DISCLOSURE OF  
REBUTTAL EXPERT WITNESS AND  
REPORT PURSUANT TO NRCP 26(e)**

24 Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Defendant") hereby submits  
25 its Rebuttal Expert Witness Disclosure and Report pursuant to NRCP 26(e) as follows:

26 **EXPERT WITNESSES**

- 27 1. NEIL D. OPFER  
28 1920 Placid Ravine  
Las Vegas, Nevada 89117  
(702) 341-5828

As set forth more fully in the Rebuttal Expert Report attached hereto as Exhibit 1, Dr. Opfer is expected to testify regarding his review and analysis of the April 10, 2015 report submitted by Plaintiff's purported expert, Gary Presswood, the results and testing methods

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1 utilized by Mr. Presswood at the site inspection in this matter, as well as any all professional  
2 sources he utilized and reviewed in preparing his Rebuttal Expert Report.

3 Defendant reserves the right to add to, amend or delete any of the above based upon  
4 ongoing discovery in this case. Plaintiff further reserves the right to name and call such  
5 additional experts as deemed appropriate, as well as call any witness identified by Plaintiff.  
6

7 **DOCUMENTS**

- 8 1. Exhibit "1", Neil Opfer's Report;
- 9 2. Exhibit "2", Neil Opfer's Curriculum Vitae;
- 10 3. Exhibit "3", Neil Opfer's Fee Schedule; and
- 11 4. Exhibit "4", Neil Opfer's List of Cases.

12 DATED this 13th day of May, 2015.

13 LAWRENCE J. SEMENZA, III, P.C.

14  
15   
16

17  
18  
19 Lawrence J. Semenza, III, Esq., Bar No. 7174  
20 Christopher D. Kircher, Esq., Bar No. 11176  
21 10161 Park Run Drive, Suite 150  
22 Las Vegas, Nevada 89145

23 Attorneys for Defendant Wynn Las Vegas, LLC  
24 d/b/a Wynn Las Vegas  
25  
26  
27  
28

LAWRENCE J. SEMENZA, III, P.C.  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 13th day of May, 2015, I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT'S DISCLOSURE OF REBUTTAL EXPERT WITNESS AND REPORT PURSUANT TO NRCP 26(e)** to the following registered e-mail addresses:

Brian D. Nettles, Esq.  
Christian M. Morris, Esq.  
NETTLES LAW FIRM  
christianmorris@nettlawfirm.com  
kim@nettlawfirm.com

*Attorneys for Plaintiff*

/s/ Olivia A. Rodriguez

An Employee of Lawrence J. Semenza, III, P.C.

# **EXHIBIT 1**

# **EXHIBIT 1**

**Neil D. Opfer**

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NV B-2 License #0048965  
1920 Placid Ravine  
Las Vegas, Nevada 89117

(702) 341-5828 (office)  
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May 11, 2015

**REBUTTAL REPORT**

Mr. Christopher Kircher  
Attorney-At-Law  
LAWRENCE J. SEMENZA, P.C.  
10161 Park Run Drive - Suite 150  
Las Vegas, Nevada 89145

**RE: O'Connell v. Wynn Las Vegas**  
**Wynn Las Vegas Hotel & Casino, 3131 Las Vegas Boulevard South**  
**Las Vegas, Nevada 89109**  
**Fall Incident: February 8, 2010**

Dear Mr. Kircher:

**ASSIGNMENT**

A guest at the at the Wynn Las Vegas Hotel & Casino, 3131 Las Vegas Boulevard South, Las Vegas, Nevada 89109 fell on the floor near the South Valet Entrance. This writer was requested to observe slip-fall testing work by the plaintiff's expert, Dr. Gary Presswood, performed on April 1, 2015. Subsequent to this, Dr. Presswood produced an Expert Report, dated April 10, 2015. This writer was asked to review the subject Expert Report and comment on it, if necessary. What follows is this writer's Rebuttal Report to the subject Expert Report. In addition, in the future, this writer reserves the right to supplement this Rebuttal Report with additional work including performing slip meter testing on the subject floor.

My opinions along with the bases and reasons therefore regarding this issue are set forth below. As a supplement to this Rebuttal Report, I have attached my resume, curriculum vitae containing my qualifications including a list of all publications I have authored during the past ten years, and my best attempt at listing other cases in which I have

testified as an expert at trial in the past ten years-plus or by deposition during the past ten years-plus. It is my understanding that there may be other experts in the subject litigation that are preparing their own reports or that may be deposed in this case. I plan to supplement this Rebuttal Report as necessary based on my review of such reports or depositions, and am available to consider and evaluate additional issues as necessary and requested by your office.

### **ISSUES & DISCUSSION:**

On April 1, 2015, this writer conducted a site visit at the Wynn Las Vegas Hotel & Casino, 3131 Las Vegas Boulevard South, Las Vegas, Nevada 89109 at the interior hallway area West of the South Valet Entrance. A hotel guest fell on the floor at this hallway area that is bordered on the North and South sides by landscaping with borders. This writer was there to observe slip-fall testing work being performed by Dr. Gary Presswood. Subsequent to this, Dr. Presswood has produced an Expert Report (hereinafter "Presswood Report") dated April 10, 2015. In addition, this writer has been provided with the Incident Report and March 19, 2015 Deposition of Ms. O'Connell.

A liquid of unknown type/composition had been spilled at the interior hallway area, apparently by another guest. Based on this writer's information, the plaintiff, Ms. O'Connell, had allegedly fallen on this liquid on this interior floor area. This writer observed plaintiff's expert, Dr. Gary Presswood, as he conducted coefficient of friction floor testing at this flooring area consisting of mosaic tile and a separate marble flooring area. This writer took a series of photographs of this testing which are attached as a Photo CD (85 Photographs) to this Rebuttal Report. This writer has not, as of yet, conducted his own floor testing measurements as to coefficient of friction/slip index readings but may do so in the future along with other work.

#### **1.) Presswood Report Floor Testing:**

This writer observed the floor testing by plaintiff's expert done on both the mosaic tile as well as the marble flooring. Two photos of the testing results are seen in Exhibit 1 to this

Rebuttal Report (8" x 10" Photographs 1 and 2). In addition, Photograph 3 contains a close-up view of the out-of-date calibration label on plaintiff's expert's Chatillon gage.

**1a.) Out-Of Date Calibration Label – Presswood HPS Testing Unit:**

Photograph 3 shows a label with a calibration date of 8-1-95 and a due date of 8-1-96 for re-calibration of Dr. Presswood's Chatillon gage (also Photo CD Index Prints #28, #30, #33, and #34). This is well over 18 years beyond the recommended re-calibration date which is obviously problematic. The standard procedure is to send units in to the factory/service center on a yearly basis for re-calibration. After re-calibration, a current label is then affixed to the unit by the factory/service center.

**1b.) Test Foot Sanding:**

The Presswood Report (Page 2, Paragraph 1) notes that ASTM F-609 (Exhibit 2) was the test procedure followed in the subject floor testing work. However, ASTM F-609 requires in Section 10 Procedure Item 10.3 that:

".....The sanding procedure should consist of five strokes of 5 to 6 in. in length, parallel to the friction measurement direction, followed by five strokes of 5 to 6 in. in length, perpendicular to the friction measurement direction."

This writer's observations did not find that this second set of the sanding procedure for the perpendicular direction was followed in this case which would place Dr. Presswood's procedure at variance with ASTM F-609 (Photo CD Index Print #50). It is important to have a correctly-sanded test foot in order to have valid results.

**1c.) Test Results – Mosaic Floor Tile:**

A review of Ms. O'Connell's Deposition (Pages 57-64 and Exhibits) finds that she fell at the area of the mosaic floor tile. The Presswood Report does not include the HPS testing unit measurements with neolite test feet for the mosaic tile. Instead, for some reason, only the measurements for the marble flooring with neolite test feet and leather test feet are included in the Presswood Report. The Presswood Report states that the ¾-inch +/- size of the mosaic tile precluded accurate testing of this surface. However, in Exhibit 2 is the ASTM F-609 Standard with a diagram on Page 2 Figure 1 of the HPS testing unit. This shows (Item C, hidden dashed lines) the arrangement of these three test feet which are each ½-inch in diameter. (See also Photo CD Index Prints #49 and #84.) The procedure as seen in ASTM F-609 is to achieve a slight movement and then record the results (Exhibit 2, Section 10 Procedure Item 10.12). Therefore, with careful placement

of the HPS unit, accurate results can then be obtained on the mosaic tile since the tile are larger at ¾-inch square than the ½-inch round test foot.

Dr. Presswood's results as seen in Photographs 1 and 2 (Exhibit 1) for the mosaic tile were in each direction North, East, South, West: 0.58, 0.67, 0.54, and 0.45 for a total of 2.24. Per ASTM F-609 Section 11 Report Item 11.1.17 (Exhibit 2), these results of the four readings are then averaged which in this case would yield a value of 0.56 for the coefficient of friction/slip index ( $2.24 / 4 \text{ directions} = 0.56$ ). Under ASTM/UL Standards, they indicate that a floor with readings at or above 0.50 coefficient of friction/slip index is safe. Therefore the results from the neolite test feet with the HPS unit on the mosaic tile found this flooring surface to be safe in the dry condition. This 0.50 number is the result of taking the number of 0.25 found to be the point at which individuals slipped on a floor and doubling this value to 0.50 by adding a substantial safety factor.

#### **1c.) Test Results – Marble Flooring:**

The Presswood Report details testing on the marble flooring surface but these results are completely irrelevant since Ms. O'Connell indicates that she fell on the mosaic floor tile. The Presswood Report and these writer's observations of his testing work with neolite on this marble flooring found it to be below the above noted 0.50 value. This writer's own floor testing experience and observing other experts over the past 30 years with a variety of floor-testing equipment (HPS-type units, Ceramic Tile Test Units, Brungraber Mark I and II, and the English XL) shows uniformly that dry floors are not slippery. These low values can indicate a contaminated test foot (feet). In any case, as noted above, the Presswood procedures as to test feet sanding are problematic and there are calibration issues with his Chatillon gage.

#### **1d.) Test Results: Leather Test Feet:**

Dr. Presswood as aforementioned was utilizing both a leather test foot and a neolite test foot. This writer would disagree with the use of leather test feet since neolite has become the standard test foot material regarding pedestrian tribometry test work.

As William English notes in his book, *Pedestrian Slip Resistance*, 2<sup>nd</sup> Edition © 2003 Chapter 15 Slider Pads pages 158-159 (Exhibit 3),

"Leather is not homogenous. It has different properties at different levels of its thickness. After you sand a certain amount off of a leather pad, you in effect come to a different material having different frictional

properties. Leather is not a uniform material. You get different friction properties, even among pieces cut from the same hide."

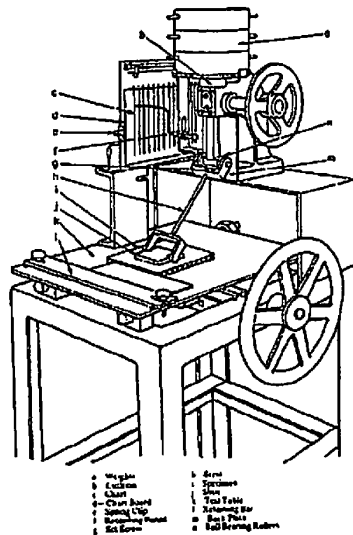
"Leather is highly absorbent and its frictional properties are very sensitive to humidity. When used on contaminated surfaces, it quickly begins to absorb the lubricant, so that its properties change until it becomes completely saturated. Then once it has become wet, its properties are permanently altered, so that it never goes back to what it was before it was wet, even if you dry it out."

"And finally, leather is not a representative heel material. Heels are typically molded from some synthetic compound. Leather heels are rare, because they are dangerously slippery on smooth hard surfaces, even in a dry state."

"So it can be readily seen that leather is the poorest possible slider pad material and should not be used on state-of-the-art slipmeters for investigation of traction properties of floors."

Therefore, Dr. Presswood should have been utilizing neolite test feet only instead of leather test feet for his work. In addition, one should be utilizing the correct grade of neolite. Given Dr. Presswood's abnormally low readings from his HPS Unit even with neolite on a dry floor (marble), this would indicate that he may be utilizing an improper grade of neolite and, as above-noted, his HPS Unit Chatillon force meter is out of date on the inspection/calibration label along with test-feet sanding issues.

The Presswood Report cites ASTM D2047 as a standard for the use of leather test feet.



**Figure 1 from ASTM D-2047 Standard**

However, ASTM D-2047 refers to a completely different type of test equipment, the James Machine, which utilizes a 3-inch by 3-inch test pad. This ASTM D-2047 Standard

is included as Exhibit 4 in its entirety and notably it states that in Section 4 Significance and Use Item 4.3 that the criterion applies only to

".....polish-coated surfaces tested in accordance with this machine and test method."

The peer-reviewed article journal article (Exhibit 5) in the American Society of Safety Engineer's June 2002 Issue of Professional Safety entitled *State of the Art in Slip-Resistant Measurement* by Steve Di Pilla and Keith Vidal also notes the problems with leather test feet (Pages 39-40) and the HPS unit itself (Pages 38-39).

**1e.) Test Results: 70% Of Dry Test Result Equates To Wet Test Result:**

The Presswood Report states (Page 2, last paragraph) that:

"I have found the SCOF of a walkway wetted with distilled water is typically about 70% that of the tested dry value."

However, as can be seen by a review of ASTM F-609 which spells out procedures for the use of the HPS slip-meter utilized by Dr. Presswood, the HPS unit should not be utilized for wet testing. The question here is how can you derive a 70% value of a wet floor versus a dry floor when your unit that you utilize for testing is not approved for wet testing work? The Presswood Report fails to explain this.

**2.) Plaintiff's Allegations As To Landscape Watering:**

Ms. O'Connell indicated in her deposition that her belief was that the green liquid substance on the floor was not a spilled drink from another guest but instead landscape watering perhaps mixed with fertilizer (O'Connell Deposition Pages 63-64). However, this fall incident took place at approximately 2:30PM in the afternoon. It is this writer's understanding that landscape watering takes place in the morning hours. With a low-humidity air conditioned/heated environment, any incidental watering from landscaping would have had more than adequate time to dry out. In addition, a landscape irrigation issue such as a leak or spray/drip system issue would be a continuing problem with water that would indicate a repair/work order. This writer has seen no records or other information that there was a landscape irrigation problem. Moreover, it was indicated that the substance had a sticky quality to it which would indicate a sugary substance in a drink. There is no bar near this area nor is this area a pathway for servers bringing drinks to players at tables or machines. This would then indicate that the spilled substance was most likely from another guest with their drink.

**3.) Mosaic Tile Floors And Marble Floors An Industry Standard:**

Mosaic tile floors are common in many commercial and residential venues since the small size of the tile allows a variety of custom designs such as here at Wynn Las Vegas. This small-format size tile also has numerous grout joints which makes it a sound choice including athletic locker rooms for slip resistance. The particular stone flooring (marble) utilized at Wynn Las Vegas is common as well throughout the hotel, retail and other commercial-use market and similar venues in all fifty states. Manufacturers from quarries widely produce this marble product and other stone products. Both the mosaic tile and marble product are approved for finished construction by building code authorities (under the Uniform Building Code and successor International Building Code) in the City of Las Vegas, Clark County and other governmental units in Nevada as well as across the country. Based on the above considerations, the subject flooring products are standard in the industry.

**4.) Floor Maintenance / Floor Condition:**

No other problems such as protrusions or depressions which could catch a toe or heel were noted at these interior flooring surface areas. Both the mosaic tile and the marble stone flooring surfaces meet industry standards and are in sound condition. There were no maintenance issues noted with these flooring surfaces.

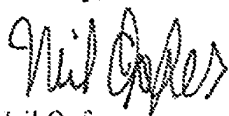
**SUMMARY:**

In summary, the mosaic tile and marble flooring products utilized by Wynn Las Vegas are an industry standard product. In addition, the mosaic and marble products are approved in finished construction by building code authorities under the Uniform Building Code and successor International Building Code here in Nevada as well as throughout the fifty states. There are no issues related to lighting in this instance. This writer rejects the testing methods of Dr. Presswood with leather test feet on his HPS unit as inappropriate for dry-floor testing based on the ASTM F-609 Standard and other literature. In addition, Dr. Presswood's equipment based on its lack of current calibration is problematic along

with his variance in test-feet sanding procedure per ASTM F-609. Notably, Dr. Presswood finds the mosaic tile flooring where the plaintiff fell to be above the ASTM/UL 0.50 COF/SI Standard at a 0.56 average per the neolite test feet in the ASTM F-609 Standard. His testing results on the marble flooring surface are irrelevant since the plaintiff indicated that she actually fell on the mosaic tile flooring surface. The most probable reason for the wet floor condition is that another guest spilled a drink at this area. There is nothing on the record that there was a landscape watering issue.

The above information in this Report is a summary of my opinions, developed as to a reasonable degree of scientific and engineering certainty, regarding this subject incident. If there are any questions regarding this matter or if there is any new information, please contact myself. This writer reserves the right in the future to perform other work including floor testing. Thank you for contacting us on this case.

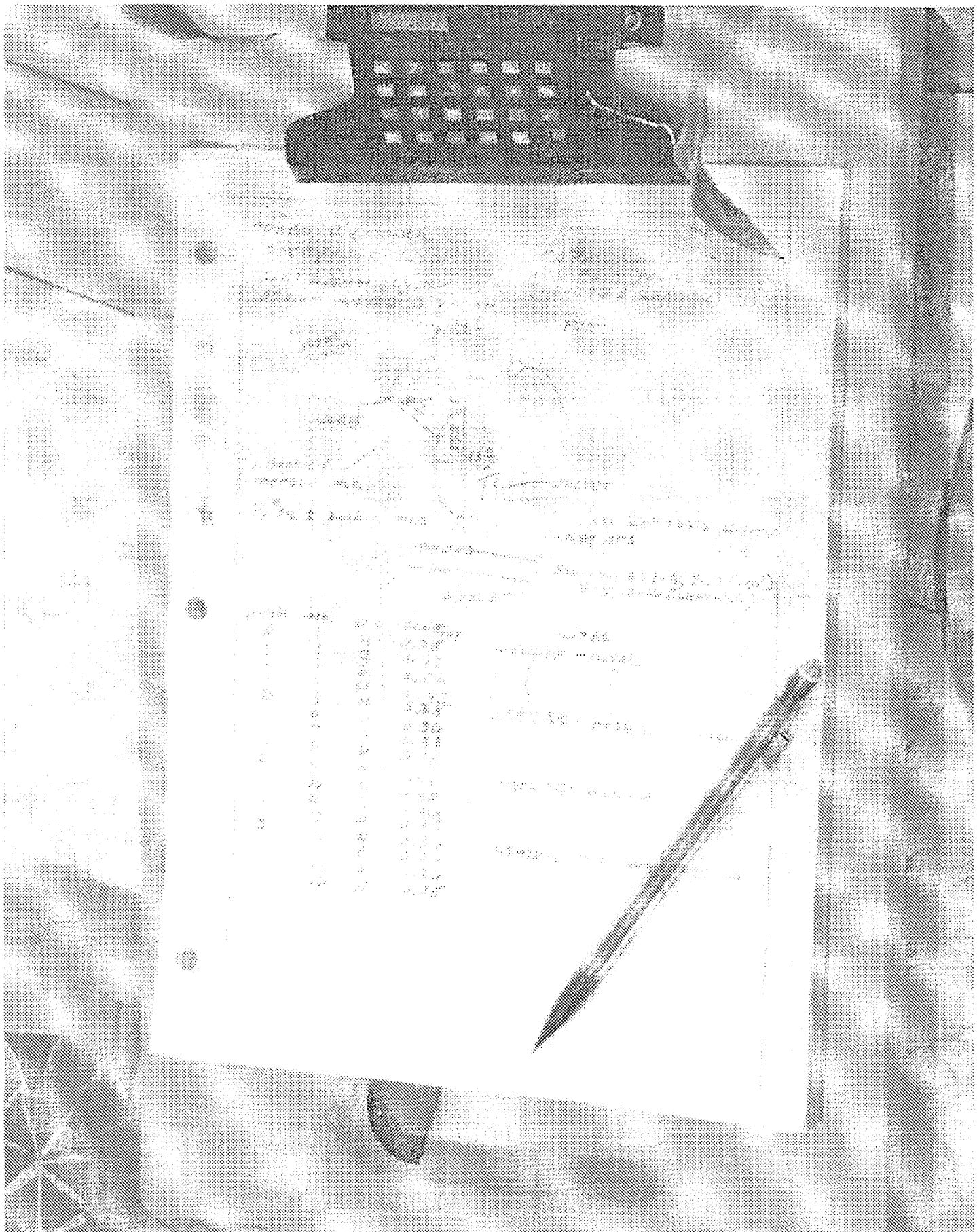
Sincerely,



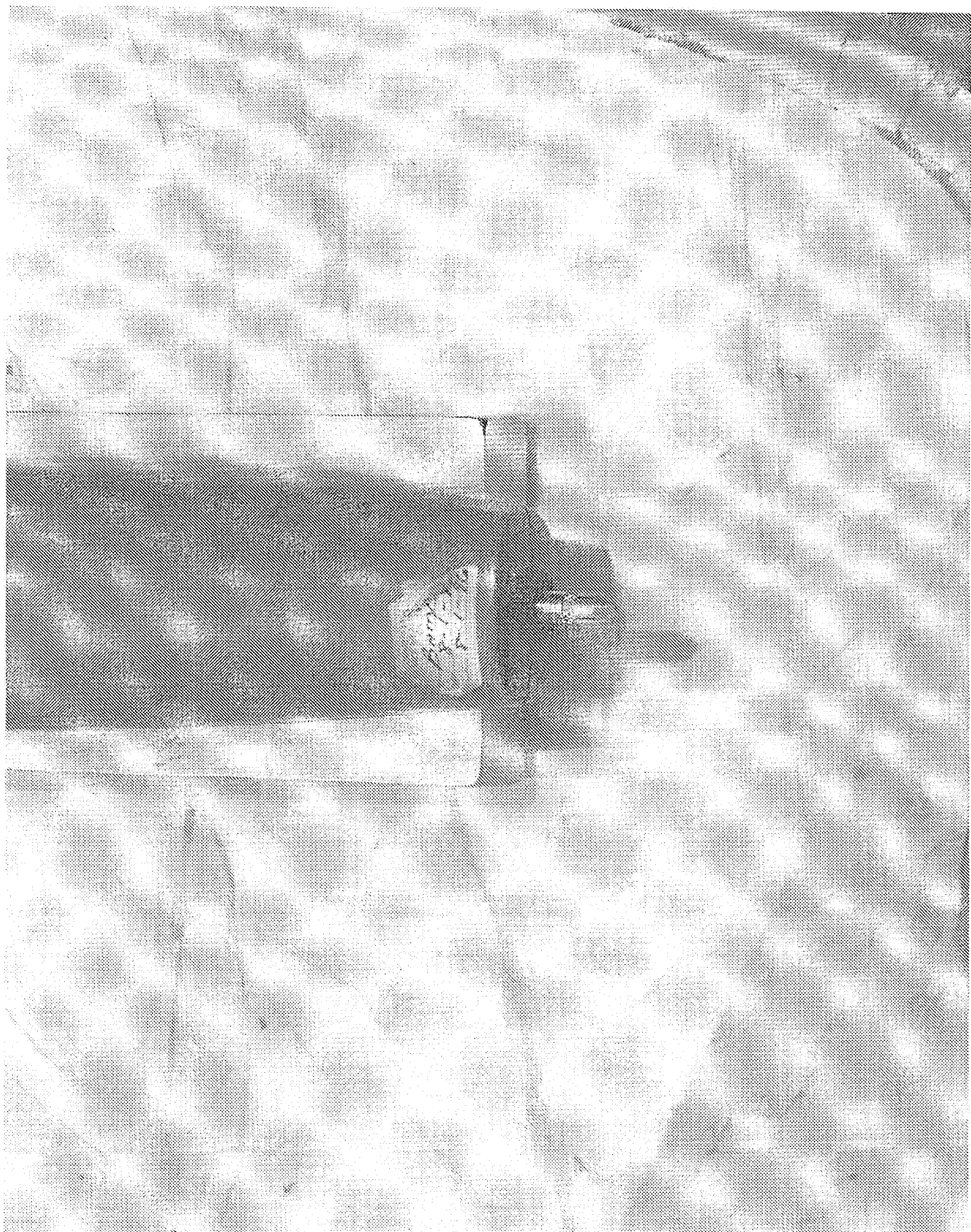
Neil Opfer  
Construction Expert

CC: Exhibit 1 -- Photosheets 1-3 (from Opfer Photo CD)  
Exhibit 2 -- ASTM F609 Standard  
Exhibit 3 -- Pedestrian Slip Resistance, 2<sup>nd</sup> Edition © 2003 by William English  
Chapter 15 Slider Pads (Pages 158-159)  
Exhibit 4 -- ASTM D2047 Standard  
Exhibit 5 -- "*State of the Art in Slip-Resistance Measurement*" by Steven DiPilla  
and Keith Vidal -- Professional Safety, June, 2002,  
Photo CD w/ Index Prints (85 Photographs Total)

**Exhibit 1**  
**Photosheets 1-3 (from Opfer Photo CD)**



*[Faint handwritten notes and illegible markings are visible across the page.]*



**Exhibit 2**  
**ASTM F609 Standard**



## Standard Test Method for Using a Horizontal Pull Slipmeter (HPS)<sup>1</sup>

This standard is issued under the fixed designation F 609; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last approval. A superscript epsilon ( $\epsilon$ ) indicates an editorial change since the last revision or approval.

### 1. Scope

1.1 This test method covers measurement of the slip index of footwear sole, heel, or related materials on dry walkway surfaces in the laboratory and in the field.

1.2 The dimensional values used in the test method are given in units of inches, pounds, or degrees Fahrenheit. Alternative equivalent values are in parentheses and are for informational purposes only.

1.3 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

### 2. Referenced Documents

#### 2.1 ASTM Standards:<sup>2</sup>

- E 691 Practice for Conducting an Interlaboratory Study to Determine the Precision of a Test Method
- F 1646 Terminology Relating to Safety and Traction for Footwear

### 3. Terminology

- 3.1 For definitions of terms, refer to Terminology F 1646.

### 4. Significance and Use

4.1 The Horizontal Pull Slipmeter<sup>3</sup> is a laboratory and field instrument designed to provide information about the slip index characteristics between walkway surfaces and a test foot material under dry conditions only. The HPS can not be used on wet surfaces. Slip index can be affected by surface roughness, presence of water, contaminants such as grease and other foreign materials, and floor surface wear over time. Slip index, as determined by the HPS, most likely will not give useful information for evaluating liquid contaminated surfaces, and

therefore, will not provide an effective assessment of a potential slipping hazard on a walkway surface under these conditions.

4.2 The value reported by the Horizontal Pull Slipmeter is called the slip index. Slip index is ten times the static coefficient of friction. For example, a static coefficient of friction of 0.4 is displayed by a slip index of 4.0 when measured by the Horizontal Pull Slipmeter.

4.3 The HPS can be used on inclined surfaces. No adjustment for slope is needed for measurements in the direction perpendicular to the slope and when averaging four measurements at one location taken according to step 10.14.

### 5. Apparatus<sup>4</sup>

- 5.1 *Horizontal Pull Slipmeter*—See Fig. 1.

### 6. Reagents and Materials

- 6.1 *Silicon carbide abrasive paper*, No. 400 grit.
- 6.2 *Camel hair brush or other non-static bristle material*.

### 7. Test Foot

7.1 The test foot shall be Trademark Neolite<sup>5</sup> Test Liner that measure 0.5 in. (12.7 mm) in diameter and 0.25 in. (6.35 mm) to 0.2 in. (5.08 mm), but not less than 0.2 in. (5.08 mm) in thickness. When testing actual shoe materials, Neolite<sup>5</sup> should be replaced with the desired test materials.

7.2 A set of three test feet of the same material are required for performance of the test.

### 8. Calibration

8.1 Place the switch button, which is located just below the dial, in the center position. No switch is found on later model

<sup>1</sup> This test method is under the jurisdiction of ASTM Committee F13 on Pedestrian/Walkway Safety and Footwear and is the direct responsibility of Subcommittee F13.10 on Traction.

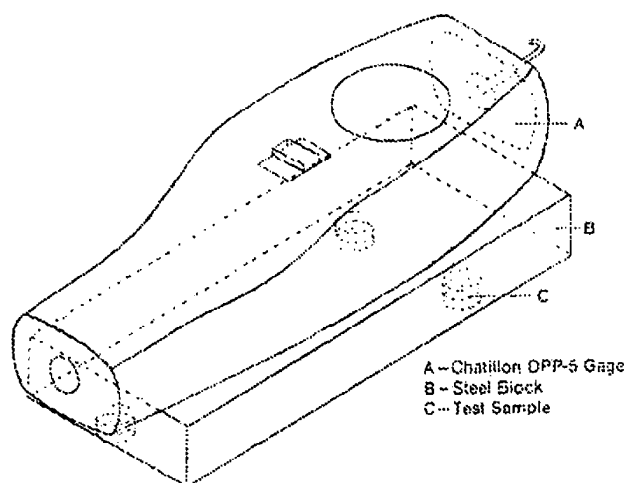
Current edition approved Dec. 1, 2005. Published December 2005. Originally approved in 1979. Last previous edition approved in 1996 as F 609 – 96<sup>1</sup>.

<sup>2</sup> For referenced ASTM standards, visit the ASTM website, [www.astm.org](http://www.astm.org), or contact ASTM Customer Service at [service@astm.org](mailto:service@astm.org). For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website.

<sup>3</sup> The Horizontal Pull Slipmeter was developed by C. H. Irvin of Liberty Mutual Insurance Co., Houghton, MA.

<sup>4</sup> The sole source of supply of the apparatus known to the committee at this time is C.S.C. Force Measurement Inc., 84 Ramoth Circle North, Agawam, MA 01001. If you are aware of alternative suppliers, please provide this information to ASTM International Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. Plus for the instrument may be obtained at a nominal cost from ASTM International Headquarters. Order ASTM F609-05-47.

<sup>5</sup> Neolite is a registered trademark with Goodyear Tire and Rubber Company. The sole source of supply of the apparatus known to the committee at this time is Smathers Scientific Services, Inc., 425 West Market Street, Akron, OH 44303, with an average specific gravity of 1.27  $\pm$  0.02 and an average Shore A hardness of 93.96. If you are aware of alternative suppliers, please provide this information to ASTM International Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend.



Note: 1.—Total weight of slipmeter less power unit is  $5.95 \pm 0.07$  lb (2700  $\pm$  34 g). Speed of power unit is  $3.5 \pm 0.5$  in./min. Later model Chatillon DPP-5 gages do not have a switch. Peak hold feature is found in the gage dial.

FIG. 1 Horizontal Pull Slipmeter

Chatillon DPP-5 gages. Later model gages have replaced the switch button with a peak hold mode feature.

8.2 Grasp the slipmeter and hold in vertical position.

8.3 Set the gage on zero by moving the rim on the gage.

8.4 Use a separate hook to suspend the slipmeter by the hook located on one end of the slipmeter. The slipmeter should hang freely.

8.5 The needle on the dial of the gage should be within calibration range as indicated on the dial. If it is not within the calibration range, the HPS should be sent to the manufacturer<sup>5</sup> for calibration.

## 9. Conditioning

9.1 For testing in laboratories, condition test feet for at least 18 to 24 h in atmosphere maintained at  $73 \pm 3.6^\circ\text{F}$  ( $22.8 \pm 2^\circ\text{C}$ ) and  $50 \pm 5\%$  relative humidity.

9.2 When testing feet in the field or on fixed floor surfaces, conditioning of test feet in accordance with 9.1 may not be possible. The results obtained during the ruggedness test indicated that temperature could have a significant effect on the measured slip index when tested at  $50^\circ$  and  $85^\circ\text{F}$ . Interpolation has not been established to make proper adjustments for different temperature and humidity. However, it is recommended that the temperature and humidity be recorded, since these records could help explain potential inconsistencies.

## 10. Procedure

10.1 Insert a set of three test feet in the slipmeter recesses. Test feet can be held in place using all purpose glue.

10.2 Mount the abrasive paper on a flat 3 by 7-in. (76.2 by 177.8-mm) piece of 0.5-in. (12.7-mm) plywood.

10.3 Sand the test feet with No. 400 abrasive paper. The sanding procedure should consist of five strokes of 5 to 6 in. in length, parallel to the friction measurement direction, followed by five strokes of 5 to 6 in. in length, perpendicular to the friction measurement direction.

10.4 Lightly brush the test feet using the non-static brush to remove loose surface particles.

10.5 Place the slipmeter on its feet on the test walkway surface. The hook end shall face the power unit. Be sure all three test feet rest on the level walkway surface and not on a grout joint or other uneven surface.

10.6 Place the slipmeter power unit on the walkway surface in front of the slipmeter.

10.7 Put the switch that permits retention of maximum slip index indication in the center position. For later model Chatillon DPP-5 gages with no switch, ignore this step.

10.8 Set the slip index meter on zero by rotating the bezel until pointer meets zero on dial. For later model gages with no switch, use black knob on dial to set red needle on zero with black peak hold needle immediately to right.

10.9 Push the switch on top of the gage toward the hookless end of the slipmeter to record the maximum. For later model gages with no switch, ignore this step.

10.10 Connect the string of the power unit pulley to the hook of the slipmeter. The string should be parallel with the test surface and in line with the pulley on the power unit. Align the pulley on the power unit with the hook on the slipmeter. Be sure to keep the string alignment from the pulley straight (0 to  $5^\circ$ ) with the hook on the slip meter. The string length between the pulley and the hook of the slipmeter should not be too short, that is, no less than 4 in. or no more than two loops around the pulley.

10.11 Hold down the power unit with one or both hands to prevent it from moving; then depress the switch.

Note: 1.— Do not exceed 10 min dwell time between placing the test feet in contact with the walkway surface and slip index measurement. This dwell time is the time needed from 10.5 to and including 10.11. Slip index should be measured within 30 min after sanding and brushing, detailed in 10.3 and 10.11.

10.12 Switch off the power unit when the slipmeter begins to move.

10.13 Record the peak slip index reading shown on the slip index gage (position of black needle). Record slip index readings in excess of 8 as >8.

10.14 Repeat 10.5 through 10.13 for a total of four times for each location. Rotate the slipmeter 90° in the same direction (clockwise or counterclockwise) after each time.

## 11. Report

11.1 The recording of the following items is recommended.

11.1.1 Client/customer.

11.1.2 Location/address.

11.1.3 Date and time of test(s).

11.1.4 Cite ASTM Test Method F 609 was used.

11.1.5 Name of HPS slipmeter operator.

11.1.6 Address and telephone number of operator.

11.1.7 Brand, model, and serial number of HPS slipmeter used.

11.1.8 Test foot preparation protocol.

11.1.9 Specific floor location and orientation of HPS slipmeter where test was performed.

11.1.10 Type of test foot material.

11.1.11 Slope of surface tested.

11.1.12 Floor material and texture. Provide details of grout joints and floor texture for tile and brick floors, and so forth.

11.1.13 *Floor Finish*—Indicate type of finish (for example, wax, polish, or paint) applied, if any, and condition of the finish.

11.1.14 *Floor Conditions*—Indicate surface condition.

11.1.15 Indicate dry testing.

11.1.16 Temperature and relative humidity (if relevant).

11.1.17 Record each slip index reading, and record the average of four readings under dry conditions.

11.1.18 Provide any comments relative to testing.

## 12. Precision and Bias <sup>6</sup>

12.1 Six laboratories participated in the precision and bias testing using Trademark Neolite<sup>5</sup> Test Liner under dry conditions with six floor materials which represented typical floor materials used. There were 16 determinations, four in each direction, for each floor material. The values displayed below are slip index that are ten times static friction coefficient. The values of *Sr* and *SR* are the standard deviations for the repeatability and reproducibility, respectively, determined in accordance with Practice E 691. The values of *r* and *R* specify the 95 % repeatability and reproducibility limits, respectively, for each material.

| Material                           | Average | <i>Sr</i> | <i>SR</i> | <i>r</i> | <i>R</i> |
|------------------------------------|---------|-----------|-----------|----------|----------|
| Gleazed ceramic                    | 9.3344  | 0.3781    | 0.9670    | 1.0565   | 2.7077   |
| OVC <sup>†</sup>                   | 8.7917  | 0.6587    | 1.1251    | 1.8472   | 3.1592   |
| Gleazed porcelain                  | 8.3396  | 0.3753    | 0.7738    | 1.0507   | 2.1665   |
| Red quarry                         | 8.1667  | 0.2861    | 0.5416    | 0.8012   | 1.5164   |
| Ungleazed porcelain <sup>‡</sup>   | 8.1427  | 0.2400    | 0.5233    | 0.6721   | 1.4653   |
| Gleazed ceramic rough <sup>‡</sup> | 8.5169  | 0.2688    | 0.6892    | 0.8087   | 1.6738   |

<sup>†</sup> Random texture pattern

12.2 *Bias*—The bias for the HPS is yet to be determined.

## 13. Keywords

13.1 shoe heel; shoe soiling; slip index; static coefficient of friction

<sup>6</sup> Supporting data are available from ASTM Headquarters. Request RR P-13:001.

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**Exhibit 3**  
**Pedestrian Slip Resistance, 2<sup>nd</sup> Edition © 2003**  
**by William English**  
**Chapter 15 Slider Pads (Pages 158-159)**

# Pedestrian Slip Resistance

How to Measure It and How to Improve It

Second Edition

By

William English, CSP, P.E. (California)

*Neil,  
Congratulations on your good work and best wishes  
for continued professional success.*

*Bill English  
6/18/07*

Published 2003

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## Chapter 15

### Slider Pads

The friction material applied to the bottom of the slider shoe has been called by various terms, some being more descriptive than others, but the only one that bothers me is *sensor*. That designation suggests some sort of transduction, as it is widely used in engineering literature, and the slider pad on a slipmeter doesn't transduce anything. It is entirely passive. So for this discussion, it will be **slider pad** or **friction pad**, but not *sensor*.

*In order to meter the traction properties of a floor, it is necessary to standardize every variable except the one we are metering for:* the slipperiness of the floor. This is beside the fact that building owners seldom can control the footwear of their invitees. We therefore need a slider material having the following properties:

- Relatively homogeneous (has the same physical properties throughout)
- Uniform (consistent in physical properties from one batch to the next)
- Nonabsorbent (relatively unaffected by changes in humidity or contact with surface contaminants)
- Representative of a range of materials actually used for shoe bottoms

For general investigation of pedestrian safety, the slider material should also be representative of heel materials rather than sole materials, because most slip/falls arise during initial heel contact, usually before the sole has contacted the floor at all.

#### Leather

Notwithstanding the fact that it has none of the requisite properties cited above, and that it is primarily a soling material, the early investigators (who began their studies before ambulation dynamics were taken into consideration) used leather slider pads. This was unfortunate, because it led to questionable observations concerning the physics of slipperiness, and many of the early testing standards are based on this worst possible choice of materials.

Leather is not homogeneous. It has different properties at different levels of its thickness. After you sand a certain amount off of a leather pad, you in effect come to a different

material having different frictional properties. Leather is not a uniform material. You get different friction properties, even among pieces cut from the same hide.

Leather is highly absorbent, and its frictional properties are very sensitive to humidity. When used on contaminated surfaces, it quickly begins to absorb the lubricant, so that its properties change until it becomes completely saturated. Then once it has become wet, its properties are permanently altered, so that it never goes back to what it was before it was wet, even if you dry it out.

And finally, leather is not a representative heel material. Heels are typically molded from some synthetic compound. Leather heels are rare, because they are dangerously slippery on smooth hard surfaces, even in a dry state.

So it can be readily seen that leather is the poorest possible slider pad material and should not be used on state-of-the-art slipmeters for investigation of traction properties of floors.

#### **Neolite**

In the '40s Neolite was patented and registered as a trademark for a synthetic shoe soling material by Goodyear Tire and Rubber Co. It was widely used as an actual shoe bottom material for many years, but at the time of this writing the material being sold under that trademark for shoe production is something else entirely. There are black rubberoid compounds in use as soling and heel materials bearing the Neolite trademark, but these are of a much different composition from the test grade of Neolite available from laboratory supply houses for slipmeter friction pads.

Because it meets all of our criteria for a satisfactory slider material, Neolite has become the standard pad material for pedestrian tribometry. In this special scientific grade, it is made to a specific recipe and is tested for consistency of certain physical properties according to an old Rubber Manufacturers' Association specification. Every slipmeter that has had an ASTM standard for wet testing has had a Neolite friction pad. As a bonus to the floor tester, Neolite is also quite abrasion resistant, and one slider pad lasts a long time indeed, despite regular sanding during preparation. Some proponents of leather will allege that Neolite gives excessively high readings on dry surfaces. It is true that they tend to be higher, but it is not true that they are excessive. The Neolite pad on the English XL tester will give indications of .60 and higher on smooth hard surfaces, such as plate glass, but that is in the ball park with what you get with typical rubber heels.

On wet plate glass you get something about as slippery as ice, and that is what the leather proponents are really upset about. Leather can't be used reliably on wet surfaces, but if you put a dry leather pad down onto a wet surface, it is not unusual to get readings higher on the wet than on the dry. It would be enough to make one suspect the motives of the leather proponents, if they weren't such nice people.

**Exhibit 4**  
**ASTM D2047 Standard**



## Standard Test Method for Static Coefficient of Friction of Polish-Coated Flooring Surfaces as Measured by the James Machine<sup>1</sup>

This standard is issued under the fixed designation D2047; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon ( $\epsilon$ ) indicates an editorial change since the last revision or reapproval.

### 1. Scope

1.1 This laboratory test method covers the use of the James Machine for the measurement of the static coefficient of friction of polish-coated flooring surfaces with respect to human locomotion safety. Further, this test method also establishes a compliance criterion to meet the requirement for a nonhazardous polished walkway surface. The test method is not intended for use on "wet" surfaces or on surfaces wherein the texture, projections, profile or clearance between the sculptured pattern of the surface does not permit adequate contact between the machine foot and the test surface.

1.2 This test method is the only method appropriate for testing polishes for specification compliance with the floor polish static coefficient of friction criterion.

1.3 The values stated in inch-pound units are to be regarded as standard. The values given in parentheses are mathematical conversions to SI units that are provided for information only and are not considered standard.

1.4 *This standard does not purport to address all of the safety problems, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

### 2. Referenced Documents

#### 2.1 ASTM Standards:<sup>2</sup>

- D1028 Test Method for Determining the Static Coefficient of Friction of Ceramic Tile and Other Like Surfaces by the Horizontal Dynamometer Pull-Meter Method
- D1436 Test Methods for Application of Emulsion Floor Polishes to Substrates for Testing Purposes
- D1639 Test Method for Rubber Property—Abrasion Resistance (Footwear Abrader)

2825 Terminology Relating to Polishes and Related Materials

D4103 Practice for Preparation of Substrate Surfaces for Coefficient of Friction Testing

D6205 Practice for Calibration of the James Static Coefficient of Friction Machine

E29 Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications

E456 Terminology Relating to Quality and Statistics

#### 2.2 Federal Specification:

KK-L-165C Leather, Cattlehide, Vegetable Tanned and Chrome Retanned, Impregnated, and Soles,<sup>3</sup> Type 1—Factory (for Shoe Making), Class 6—Strips

### 3. Terminology

3.1 **Definitions**—See also Terminologies D1436 and D2825.

3.1.1 **friction,  $n$** —the resistance to relative motion developed between two solid contacting bodies at, and parallel to, the sliding plane.

3.1.2 **coefficient of friction,  $n$** —the ratio of the horizontal (shear) component of force required to overcome friction, to the vertical (normal) component of force applied.

3.1.3 **static coefficient of friction,  $n$** —the ratio of the horizontal component of force applied to a body that just overcomes the friction or resistance to sliding, to the vertical component of force applied.

3.1.4 **dynamic coefficient of friction,  $n$** —the ratio of the horizontal component of force required to cause a body to continue to slide at a constant velocity, to the vertical component of force applied.

3.1.5 **slip resistance,  $n$** —the frictional force opposing movement of an object across its surface, usually with reference to the sole or heel of a shoe on a floor. A surface having a static coefficient of friction of 0.5 or greater as measured by this test method is considered to have adequate slip resistance. That is, it will provide the required traction for preventing or markedly reducing the probability of slipping while walking.

<sup>1</sup> This test method is under the jurisdiction of ASTM Committee D21 on Polishes and is the direct responsibility of Subcommittee D21.06 on Slip Resistance.

Current edition approved Oct. 1, 2011. Published November 2011. Originally approved in 1964 as D2047-64T. Last previous edition approved in 2004 as D2047-04. DOI: 10.1520/D2047-11

<sup>2</sup> For referenced ASTM standards, visit the ASTM website, [www.astm.org](http://www.astm.org), or contact ASTM Customer Service at [service@astm.org](mailto:service@astm.org). For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website.

<sup>3</sup> Available from Standardization Documents Order Dept., Bldg. 4 Section D, 700 Robbins Ave., Philadelphia, PA 19111-5094, Attn: NP018.

#### 4. Significance and Use

4.1 Test Method D2047 establishes a compliance criterion relating static coefficient of friction measurements of flooring surfaces with human locomotion safety. The compliance criterion is based on extensive experiential data from residential, commercial, industrial and institutional walkway surfaces since 1942.

4.2 Polishes and other floor maintenance coatings having a static coefficient of friction of not less than 0.5, as measured by this test method, have been recognized as providing nonhazardous walkways.

Note 1.—The value of 0.5 meets the requirements for compliance with Rule 5 on "The use of terms slip retardant, slip resistant, or terms of similar import," of the Proposed Trade Practice Rules for the Floor Wax and Floor Polish Industry as issued by the Federal Trade Commission on March 17, 1953.

4.3 The 0.5 static coefficient of friction compliance criterion of this test method is only appropriate for polish-coated surfaces tested in accordance with this machine and test method. The use of this compliance criterion with other test methods, other test instruments, and other surfaces is improper, because they are not a part of the body of experiential data upon which the conformance criterion is based.

Note 2.—The conformance criteria of this test method may be valid for other surfaces and surface coatings tested by this test method, but this has not been substantiated by correlation with experiential data.

#### 5. Apparatus

5.1 *Jamex Machine*<sup>4</sup>—See Fig. 1.

5.2 *Shoe Material*<sup>5</sup>—For interlaboratory and specification testing the shoe material shall be leather, conforming to Federal Specification KK-L-165C. Other materials commonly employed as footwear sole or heel material may be used. However, it should be understood that the 0.5 static coefficient of friction compliance criterion value is not relevant when such materials are substituted for the specification leather (Notes 2 and 3). To date, compliance criterion values for polish interfaces with other shoe materials have not been determined with respect to establishing minimum requirements for nonhazardous walkways. If a standard rubber shoe material is required, the test rubber should be in accordance with Test Method D1630.

Note 3.—The static coefficient of friction measured with elastomeric compositions are frequently as much as 0.3 to 0.5 higher than leather.

5.3 *Substrate*—For interlaboratory and specification testing, OVCT<sup>6</sup>, wood panels<sup>7</sup>, or standard ceramic tiles<sup>8</sup> shall be used.

5.3.1 If substrates other than the above standards are to be used, they should be of uniform porosity and free of surface

irregularities which would interlock the shoe material with the surface or otherwise impede smooth sliding of the shoe over the film surface.

#### 6. Test Surface

6.1 For interlaboratory and specification testing of floor polishes, films on OVCT, wood panels, or ceramic tiles shall be prepared in accordance with Practice D4103 or Test Method C1028, respectively.

#### 7. Test Shoe Material

7.1 The size of the shoe material used by the apparatus is 3 by 3 in. square by 0.25 in. thick (76.2 by 76.2 by 6.4 mm).

7.2 For interlaboratory and specification testing, the shoe material shall be leather manufactured in accordance with Federal Specification KK-L-165C. Cut the 3 by 3-in. (76.2 by 76.2 mm) specimen from the center portion of the hide by any suitable method. Mark the direction of the grain fibers for later reference. The alignment of the sides of the test specimen shall be along the length and width of the hide. Do not compress the leather during cutting. Dress the edges square.<sup>9</sup>

7.3 Before use, the specification leather should be equilibrated at 50% (±5%) relative humidity for one week. Between uses, the leather shoe material should be stored under these same constant humidity conditions.

7.4 Other shoe materials may be used for individual and specific testing purposes. If rubber is used, a standard rubber compound conforming to Test Method D1630, Section 7.1, is recommended. It is further recommended that the thickness of the shoe material not be greater than 0.25 in. (6.4 mm) or less than 0.20 in. (5.1 mm).

7.5 Gently sand the inside (flesh) surface of the leather to produce a uniform thickness. The final sanding in this process should be done by using 400 grit waterproof silicon carbide paper<sup>10</sup> affixed to a flat surface to produce a uniform surface for mating with the shoe holder. The inside (flesh) and outside (grain) faces of the leather should be parallel to within 0.01 in. (0.25 mm). The inside surface should be free of loose shreds of leather, grit, and dust.

7.6 Cement the flesh side of the leather to the metal shoe (3-in. square flat steel plate) using any suitable adhesive or double-sided tape. Orient the leather on the shoe so that the original grain of the leather is parallel to the direction of shoe travel.

7.7 To prepare the face of the leather-shoe for interlaboratory and specification testing, sand the grain face of the leather with 400 grit paper using four passes, two parallel to the direction of shoe travel followed by two perpendicular to the

<sup>4</sup> Assembled, motorized machines are available from Michelman, Inc., 9080 Shell Road, Cincinnati, OH 45236-1229. Assembled, non-motorized machines are available from Quanta, Inc., 1833 Oakdale Ave., Racine, WI 53405. Engineering/machinist drawings are available from Consumer Specialty Products Association, 900 17th Street NW, Washington, DC 20006.

<sup>5</sup> Present specification leather material is available from Consumer Specialty Products Association, 900 17th Street NW, Washington DC 20006.

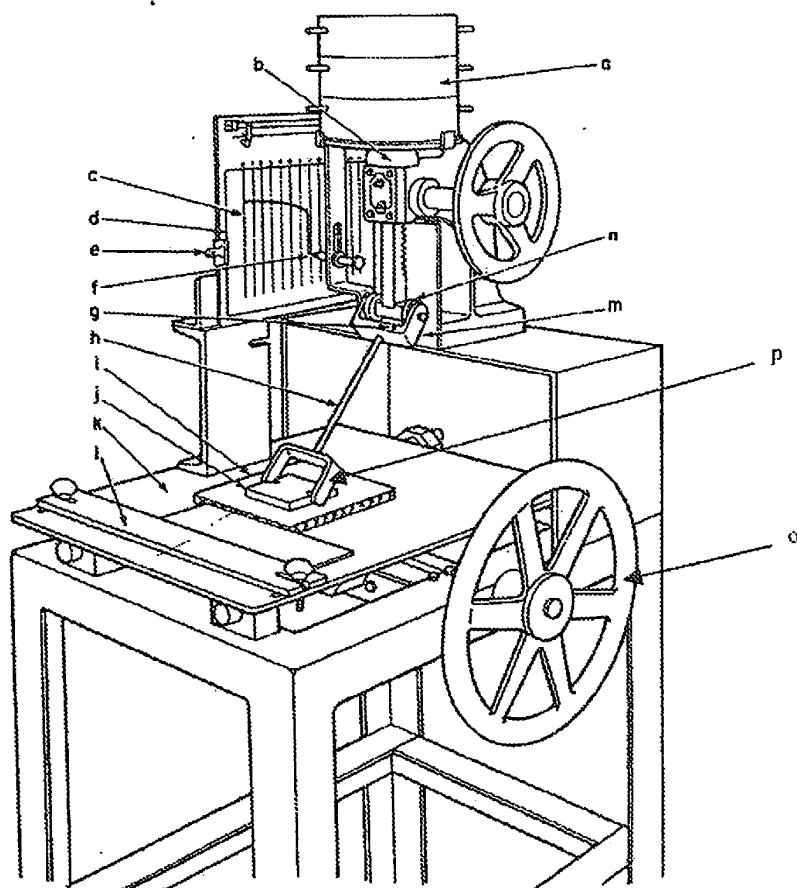
<sup>6</sup> OVCT, (Gilex) Vinyl Composition Tile, is available from Consumer Specialty Products Association, 900 17th Street NW, Washington, DC 20006.

<sup>7</sup> Wood panels may be constructed from assembled Red, Maple shorts (Second Grade, or better), available from Robbins, Inc., 4777 Eastern Ave., Cincinnati, OH 45226, or from local distributors for Bruce Hardwood Floors, or Harris-Turkey Floors. Alternatively, panels may be cut from 3/4 in. (19.1 mm) furniture grade maple veneer plywood, available from local lumberyards or millworks.

<sup>8</sup> Available from the Tile Council of America, P.O. Box 1787, Clemson, SC 29633. The tiles should be prepared for coating in accordance with the procedure in Test Method C4028.

<sup>9</sup> 3M-413Q, available from 3M Co., St. Paul, MN; C414W, available from Carborundum Abrasives Co., Niagara Falls, NY; 1421, available from Norton Co., Stephentown, TX.

**Note**—The schematic is of a hand driven model. Motorized models do not have a table transport hand wheel (o). For clarity, this depiction of the James Machine does not show guards in place; pinch points should be guarded in accordance with recognized safety engineering standards.



- |                    |                         |
|--------------------|-------------------------|
| a—Weights          | i—Specimen              |
| b—Cushion          | j—Shoe                  |
| c—Chart            | k—Test Table            |
| d—Chart Board      | l—Retaining Bar         |
| e—Spring Clip      | m—Back Plate            |
| f—Recording Pencil | n—Ball Bearing Rollers  |
| g—Set Screw        | o—Table Transport wheel |
| h—Strut            | p—Shoe holder           |

FIG. 1 James Machine

direction of shoe travel. Remove all dust from the leather surface using a brush, vacuum, blower, or woodworking “tack” cloth. Test the surface to be certain it is free of dust by wiping with green felt cloth and observing the cloth for dust.

7.8 Lightly sand the grain face of the leather shoe with the 400-grit paper before each reading, as described in 7.7.

**Note** 4—Discontinue use of the leather material when sanding has reduced the thickness by 0.05 in. (1.3 mm).

## 8. Procedure (See Fig. 1)

8.1 Thoroughly check the James Machine is level in all directions, and correct any mechanical malfunctions to ensure reliable results (see Practice D6205).

8.2 Attach the chart<sup>10</sup> to the chart board.

8.3 Raise the weights until the strut is perpendicular to the table and attach the prepared test shoe in the shoe holder.

8.4 Before starting the actual test, make a test run in four mutually perpendicular directions using a panel of known coefficient of friction. Follow the procedure in 8.8. The test results shall differ by no more than 5 % from the known coefficient of friction. A greater deviation indicates the necessity to check the alignment of the machine (Practice D6205). Repeat this process until specified results are obtained.

*Note 5—Finishes of known coefficient of friction are those which have undergone repeated evaluation by this test method, including round robin tests, and which have amassed considerable exposure to pedestrian traffic. Most commercial finishes meet these requirements. Samples and corresponding coefficient of friction values are available from many formulating manufacturers, polymer manufacturers, and other floor finish raw material suppliers.*

8.5 Use three tiles or panels for each test, obtaining four readings on each panel. Rotate the panels 90° between each of the four readings so that a fresh surface is tested each time and directional effects, if any, are cancelled. If there is insufficient floor finish to coat three panels, tests on one or two panels may be run, though with the expectation of reduced precision.

8.6 Place the panel on the test table in firm contact with the retaining bar. Lightly dust the test panel to remove any extraneous matter.

8.7 Carefully place the leather-shoe into the strut yoke and gently lower the entire assembly into contact with the test panel. Disengage the small hand wheel.

8.8 Release the recording pen, making sure it is on the zero line of the chart.

8.9 Move the test table forward at a uniform rate of 60 in./min (1524 mm/min),  $\pm 3$  in./min ( $\pm 76$  mm/min), until the shoe slips and the vertical column drops. The table movement should be started within 5 s after the contact in 8.7 has been made.

8.10 After each determination, lift the strut and return the test table to the start position. Rotate the test panel 90°, sand the leather shoe material in accordance with 7.8, vertically offset the recording pen, and repeat steps 8.6 through 8.9.

8.11 Record as the static coefficient of friction the point at which the horizontal curve made on the chart by the recording pen changes to a vertical line. If this point is not sharply defined at the top of the vertical line, it may be necessary to draw a standard curve with the shoe braced to prevent slippage. Overlay the standard curve on the test curve, and record the point at which the test curve first deviates from the standard curve. Estimate the readings to the nearest 0.01.

*Note 6—If panels thicker than 0.5 in. (12.7 mm) are to be tested (for example, concrete or terrazzo slabs), a shim may be required underneath the gear box frame. The shim shall be cut to the contours of the frame and horizontal support and may be of any thickness necessary to accommodate the panel. When in position it shall maintain the strut and weights perpendicular to the test table and shall not impede the free fall of the weighted vertical gear through the gear box. Holes should be cut in the shim to accommodate bolts so that the unit may be bolted down before operation.*

## 9. Report

9.1 The completed CSPA chart shall constitute the report of testing. It shall include the following:

9.1.1 The static coefficient of friction as the arithmetic average of all twelve readings obtained on the three panels. For interlaboratory testing or external reporting, round off the average to one significant digit using the rounding-off method of Practice E29. For intralaboratory data analysis, two significant digits may be retained.

9.1.2 The calculated standard deviation from the mean of the readings, or the range (lowest and highest) readings in the test.

9.1.3 The name or other identifier of the polish, and the date tested.

9.1.4 If other than the standard leather, identify and specifications for the test foot material used.

9.1.5 The temperature and humidity under which the tests were conducted.

9.1.6 If other than two coats of polish were applied, report the number of coats and the application procedure used (see Test Method D1436 and Practice D4103).

9.1.7 The polish substrate, if other than the standard OVCT tile, wood, or ceramic tile.

9.1.8 Name of the operator.

## 10. Precision <sup>11</sup>

10.1 The following criteria should be used for judging the acceptability of results (95 % confidence):

10.1.1 *Repeatability*—Duplicate determinations of the mean static coefficient of friction of a polish film, by the same operator and on the same James machine, should be considered suspect if they differ by more than 0.02.

10.1.2 *Reproducibility*—The mean static coefficient of friction of films from a liquid polish determined by two laboratories should be considered suspect if they differ by more than 0.07.

## 11. Bias

11.1 The procedure in Test Method D2047 for measuring the static coefficient of friction of polish-coated surfaces by the James Machine has no bias because the value of the static coefficient of friction of polish-coated surfaces is defined only in terms of this test method.

## 12. Keywords

12.1 coefficient of friction; finishes; flooring; footwear; heel; James Machine; polishes; sole

<sup>10</sup> Suitable charts are available from the Consumer Specialty Products Association, 900 17th Street, NW, Washington DC 20006. Only use originals of these charts, not copies. Even the best copying machines will not duplicate exactly, and small deviations in the distance between coefficient of friction lines on the chart could lead to inaccurate results.

<sup>11</sup> Supporting data have been filed at ASTM International Headquarters and may be obtained by requesting Research Report RR:D21-1098.



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**Exhibit 5**  
***“State of the Art in Slip-Resistance Measurement”***  
**by Steven DiPilla and Keith Vidal**  
**ASSE Professional Safety, June, 2002**

# State of the Art in Slip-Resistance Measurement

*A review of current standards and continuing developments*

*By Steven Di Pilla and Keith Vidal*

FALLS IN THE WORKPLACE are the number one preventable loss type; in public places falls are far and away the leading cause of injury. More than one million people suffer from slip, trip or fall injuries each year, and more than 16,000 die as a result of falls, second only to automobiles as a cause of death. Falls are estimated to cause at least 17 percent of occupational injuries, and more than 18 percent of public-sector injuries (NSC 9). In addition, it is well known that falls are underreported, since accident rates are normally classified by injury type rather than cause of injury in workers' compensation and NIOSH statistics.

Because one can measure slip resistance in many ways, no universally recognized method of measurement has yet been established. A recent count (1996) identified at least 60 different slipmeters that have been invented since the first known device of this type (the Hunter Machine) was developed in the 1930s (Strandberg 213-214). However, of the most widely used slip-resistance measurement devices for tribometers, only two have sufficient credentials to be used on dry and contaminated surfaces.

Another problem is that the output of these instruments doesn't always agree and no method exists to correlate the results of one class of tribometer with another. Compounding this problem is the misinformation used to market several instruments and the inaccurate literature provided with certain flooring, floor treatments and footwear.

The terms "static coefficient of friction" (SCOF) and "slip resistance" are often used interchangeably.

While SCOF refers more to the theoretical and to laboratory testing, the term slip resistance includes variables found in field testing (such as contamination of the floor or shoe surface). While older standards refer to this measurement as SCOF, emerging standards are using the term slip resistance.

Slip-resistance rating ranges from a minimum of zero to a maximum of one. The closer the rating is to zero, the greater the relative slipperiness of the surface tested. For example, a rating of 0.1 indicates very low slip resistance; while a rating of 0.9 indicates very high slip resistance.

### Testing for Slip Resistance

Many slip-and-fall incidents occur as a result of contact with a spot on the floor surface that is unexpectedly slippery, often due to moisture. Currently, only two devices have an ASTM F-13 standard for wet testing: the portable, inclinable articulated strut tribometer (PIAST, aka Brungaber

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Mark II) and the variable incidence tribometer (VIT, aka English XL). Many independent studies have verified the reliability of these devices for wet testing. From forceplate analysis and roughness measurement to testing in workshops conducted by the American Society for Testing and Materials (ASTM) and others, the PAST and VIT have proven to produce repeatable and reproducible results (Powers 373).

Why can these devices meter wet surfaces more accurately than others? They avoid "sticktion" (also known as "stick-slip"). Sticktion is the result of water being squeezed out of the interface (between the test foot and the walkway surface), creating a temporary bond between these surfaces. Test results of devices subject to sticktion can produce unrealistically high slip-resistance readings on wet surfaces—sometimes producing results indicating greater slip resistance than the same surface when metered dry. Sticktion is a byproduct of residence time, which is any delay between the instant of surface contact and the application of horizontal force (Kulakowski 235). The PAST and VIT avoid sticktion by applying the horizontal and normal forces simultaneously, thus eliminating residence time and sticktion. A similar phenomenon cited in the literature relating to dry conditions is referred to as "adhesion" (Brangraber). While all F-13 ASTM-recognized tribometers can be used for dry testing, remember that dry contaminants can alter test results.

#### ASTM Tribometer Standards

ASTM, a nationally recognized consensus standards-making organization, is active in the development of slip-resistance-related standards. It currently has eight active standards for six different slipmeters, which include the build-it-yourself horizontal dynamometer pullmeter method (also known as the "50-pound monitor"), the no-longer-manufactured horizontal pull slipmeter (HPS), the laboratory-only James Machine, and the proprietary PAST, PAST and VIT devices.

Some methods are approved only for specific uses. For example, the standard for the horizontal dynamometer pullmeter method (C1028) specifies that this device is approved for use only on ceramic tile and like surfaces. Therefore, using it to test walkway surfaces other than ceramic tile is of questionable validity since the device has been evaluated and approved for use only on this specific material.

Readings on the same surface under substantially identical conditions with two different types of instruments can result in different slip-resistance determinations. For example, tests performed with an HPS and a James Machine on the same surface and under the same conditions can produce different results. Currently, there is no known correlation between these devices; this is because test methods have their own set of biases and operator variability issues, and also because friction is, in part, a property of the system used to measure it (Marpet).

#### ASTM F-13 Tribometer Standards

The title of the ASTM F-13 technical committee is

Safety and Traction for Footwear. This name is a bit misleading, since its scope also includes safety and traction for walkway surfaces, as well as practices related to the prevention of slips and falls. Currently, five tribometers have an F-13 standard.

#### James Machine

The James Machine is a laboratory-only device for dry testing in accordance with standard F489, Standard Test Method for Using a James Machine. Sidney James of Underwriters Laboratories developed this early slipmeter in the 1940s. As an articulated strut class of tribometer, the James Machine applies a known constant vertical force to a test pad (leather when evaluating flooring materials), then applies an increasing lateral force until a slip occurs (Sucher 33).

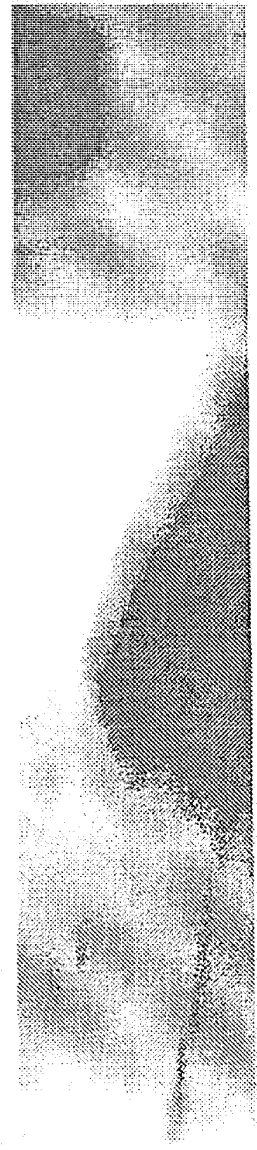
The James Machine has several inherent biases, prompting users to make modifications in an attempt to achieve good repeatability on a single instrument and good correlation between several machines. The device needs continuous maintenance and adjustment, in part due to the required release of an 80-lb. weight (ASTM D6205).

#### Horizontal Pull Slipmeter

This device is approved for dry testing only under standard F609, Standard Test Method for Using a Horizontal Pull Slipmeter (HPS). Charles Irvine developed this instrument in the 1950s. The basic principle of the HPS, a drag sled class of slipmeter, is the pulling of a footwear or surrogate material against a walkway surface under a fixed load at a constant velocity. The HPS consists of a 10-lb. weight onto which a slip index meter is attached. This component is attached to a nylon string and pulled by a capstan-headed motor. Aside from the problem of sticktion that makes this device unreliable on wet surfaces, it raises other concerns.

- Use of a spring combined with the analog indicator makes obtaining a definitive reading difficult.

- Lack of structure between the motor and the meter/weight (a nylon string) can result in operator variances in the application of lateral forces.

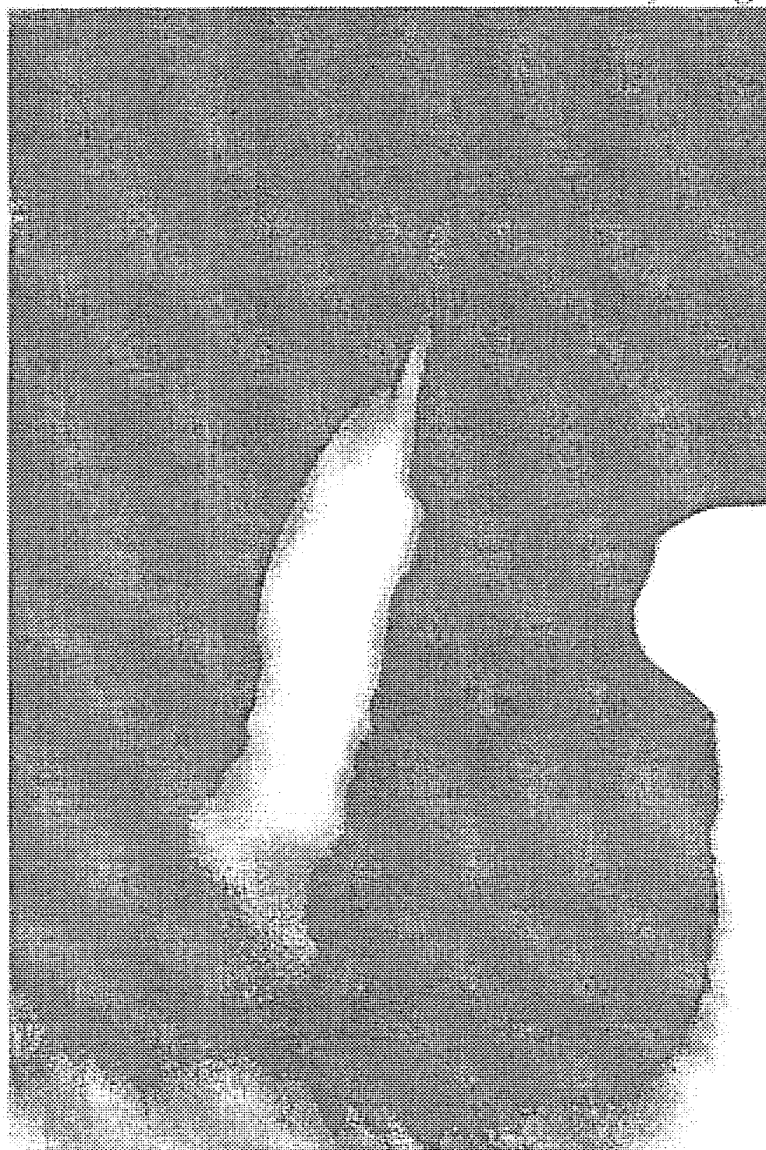


•Although other devices are based on similar dragged technology, the ASTM-approved version of the HPS is no longer in production.

#### **NBS-Brungraber (Mark I)**

This device is also approved for dry testing only as the portable articulated strut tester (PAST) under standard F1678, Standard Test Method for Using a Portable Articulated Strut Slip Tester. While working for the National Bureau of Standards (NBS, now known as the National Institute for Standards and Technology) in the 1970s, Robert Brungraber developed this tester. Similar in principle to the James Machine, the Mark I is also an articulated strut

*More  
than one  
million  
people  
suffer from  
slip, trip  
or falling*



instrument approved only for dry testing. It is generally used with a leather test pad. Unlike the James Machine, however, it is portable and can test actual floors; it uses a graduated rod that provides a direct reading from the device. Some calculation is required to convert this to a slip-resistance measurement (Brungraber). Although the Mark I is still in use, Brungraber's subsequent invention, the Mark II, has gained wider acceptance.

#### **Brungraber Mark II**

Approved for dry and wet testing as the PAST under standard F1677, Standard Test Method for Using a Portable Inclineable Articulated Strut Slip Tester, this device was invented by Brungraber in the 1980s. A gravity-based articulated strut device designed to avoid sticktion, the Mark II enables users to reliably meter wet surfaces. It does so by eliminating the residence time (or time delay) between the application of the vertical and horizontal forces. Like the Mark I, it is a portable device. It uses a 10-lb. weight on an inclineable frame, with a test foot suspended just above the walkway surface. Each time the angle is set to a more-horizontal position, the weight is released, until a slip occurs. The slip-resistance reading can be taken directly from the instrument.

#### **English XL**

The English XL is approved for dry and wet testing as the VTI under standard F1679, Standard Test Method for Using a Variable Incidence Tribometer. In the early 1990s, William English developed this device, an articulated strut device similar in principle to the James Machine and the Mark II. Unlike those devices, the English XL does not rely on gravity, but is powered by a small carbon dioxide cartridge at a set pressure. This feature ensures consistent operation by the application of uniform force for each test, and it permits reliable metering of inclined surfaces such as ramps (English). Like the Mark II, the application of vertical and horizontal forces is simultaneous, thus avoiding residence-time and permitting reliable measurement of wet surfaces (Powers 373).

#### **Test Pad Materials**

Various materials have been used to test for slip resistance, including leather, Neolite<sup>®</sup> test liner, and various rubbers. Debate continues regarding the most suitable material.

#### **Neolite<sup>®</sup> Test Liner**

•Despite protests to the contrary, Neolite<sup>®</sup> was at one time used by the footwear industry as a heel material. Documents from the U.S. Trademark Electronic Search System verify that this material was registered in 1953 by the Goodyear Tire & Rubber Co. for "soles and heels composed of an elastomer and a resin."

•Material characteristics do not change under normal conditions, regardless of wear or moisture.

•Its traction properties are in the median range of commonly used shoe-bottom materials (Goodwin).

•It has been proven reliable and repeatable over many years in service as a friction pad material, as the

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*SH&E professionals  
are wise to be wary of  
instruments and test  
methods not supported  
by a nationally  
recognized consensus  
organization  
such as ASTM.*

material of choice for the horizontal pull dynamometer pullmeter, HPS, PIAST and VIT (Vidal 80, 815).

#### **Leather**

- Leather is not homogeneous. In fact, as it is an organic material, each piece of leather could be considered a unique material.

- Leather is highly absorbent and highly sensitive to humidity. Once leather is used for wet testing, its properties are permanently altered (Bowman,

"Legal and Practical").

- Leather is also not representative of heel material. Most heels are of a synthetic compound. Essentially, slips occur more on the rubber heels of leather-soled shoes.

- Leather can react differently depending on how worn the material has become.

#### **Rubbers**

Various rubber compounds (e.g., 4S, Neoprene, Nitrile) have been proposed (and used) as a friction pad material. In most cases, these have been in relation to overseas test methods such as the pendulum tester and Tortus-type devices (see Overseas Standards). Most rubber compounds have a curing period of six months or more during which they are unstable and, thus, unreliable. In addition, there is no source of a consistent, long-term formulation. Many rubbers are among the most slip-resistant materials currently in use for footwear and can provide overly optimistic readings when assessing the slip resistance of flooring materials (James 14). In contrast, neoprene rubber, a specification of some U.S. government shoes, provides low traction on lubricated surfaces. The impact of wear on rubbers is another variable.

#### **Other ASTM Standards**

Some standards relating to the measurement of pedestrian slip resistance/surface traction are the responsibility of other ASTM committees, but are usually intended for merchantability of products. Except for C1028, each specifies devices for which ASTM F-13 standards also exist.

- D2047, Standard Test Method for Static Coefficient of Friction of Polish-Coated Floor Surfaces as Measured by the James Machine, is under the jurisdiction of technical committee D21, Polishes. This standard uses the same apparatus as ASTM F489. As a laboratory-based machine, it can be used only on floor samples, not in-service floors. Since the device is subject to sticktion and specifies the use of leather (the properties of which change when wet, delivering overly optimistic readings), this device should be used only to test dry surfaces (ASTM D2047). Set-up instructions have never been standardized, an issue made more complex by the presence of at least

four different versions of the James Machine, some of which are no longer commercially available. Despite these shortcomings, the device is still used to validate the merchantability of new flooring materials and treatments.

- D5859, Standard Test Method for Determining the Traction of Footwear on Painted Surfaces Using the Variable Incidence Tester, has been transferred from D01, Paints to ASTM F-13.

- C1028, Standard Test Method for Determining the Static Coefficient of Friction of Ceramic Tile and Other Like Surfaces by the Horizontal Dynamometer Pull-Meter Method, is under the jurisdiction of technical committee C21, Ceramic Tile. Although often confused with the F609 HPS device (since it operates in a similar way), the manually operated C1028 is a different instrument—a do-it-yourself device. C1028 contains instructions on how to construct and operate the device, calling for an analog dynamometer, Neolite® test pad and 50-lb. weight (ASTM C1028). Because it is not a manufactured device, most C1028 units are unique, increasing the potential for variability in results. Although it is currently approved for wet testing, like other dragsled technologies, the C1028 method produces erratic results on wet surfaces (Guevin 5).

#### **Plans for the ASTM "Gold" Standard**

The ASTM Board of Directors appointed a Slip Resistance Task Group to address various slip-resistance issues. In essence, the documents being considered present a relative ranking. Standards may call for the identification of a set of external calibration material sets (footwear- and walkway-reference materials or surrogates) that represent the range (low to high) of pedestrian slip-resistance situations. Following a detailed procedure, a valid tribometer would be required to rank these material sets in their proper order, thereby developing a calibration curve. Once generated for any apparatus, this curve would then be used to verify the instrument or qualify/measure the slip resistance of surfaces, using the reference set of surrogates. Various surfaces or footwear materials tested would be ranked against this calibration set.

If this approach is technically feasible, ranking results may eliminate the need to reconcile the differences in numeric results of the various tribometers. Work continues on this challenging effort.

#### **Overseas Standards**

U.S. standards for tribometers are the result of "full consensus." In the case of ASTM, no more than 50 percent of the committee may be producers, and a wide range of interests are represented, including footwear, flooring, steel, consultants and the general public. This is known as "balancing" a committee so that no one interest group can exert undue influence on how the standard is developed or its requirements. The consensus approach aims to arrive at viable standards that provide protection to the public while being reasonable enough to be implemented by industry.

Overseas standards are a different story, however.

Often, these standards are not developed by consensus, but rather are funded, written and published primarily by commercial groups with vested financial interests in industry-friendly standards. While such organizations may welcome the participation of all parties, they are not required to maintain a specific balance of interests (Bowman "Impact").

#### Ramp Tests

Ramp tests originated in Germany with a set of DIN (a nongovernmental standards-making organization in Germany) standards, and are now in Australian/New Zealand standards. DIN 51097/51130 requires a number of test subjects to walk on various wet tiles. The angle of the ramp is gradually increased until the person is about to slip. Unfortunately, this approach raises several issues. Experts agree that a person's awareness of a potentially slippery surface influences the way s/he traverses that area. For example, if ice or water are present, a person will adjust gait accordingly and likely cross the surface without incident. It is when a person is unaware of the hazard and expects the level of traction to continue that slips are most likely to occur. That said, let's look at ramp tests.

- People selected to participate in the ramp test will expect a slippery surface and, in anticipation, will change their gait. No amount of preparation or instruction will change that. As a result, they will perform much better on the ramp test than they would when encountering an unexpectedly slippery surface in real life.

- People walk on inclines differently than they do on level surfaces. Slipping at a certain point on an incline cannot be compared in any way to slipping on the same surface were it level (Hughes).

- The test method specifies the use of as few as two test subjects, a statistically inadequate sample to provide a basis for validation of the results (Adams). The two subjects selected could easily be anomalous, thus delivering measurements that bear no resemblance to actual conditions.

In essence, ramp tests involve so many biases and variables that whether they can be considered a viable method for evaluating the traction of level walkway surfaces remains in question.

#### Pendulum Testers

The basic principle of the pendulum class of slip-resistance tester involves the calculation of friction loss as an indirect measurement of slip resistance. The pendulum is raised to a fixed height above the surface and is swung across it. As the test foot crosses the walkway, a spring presses the foot material against the surface. The rubbing of the foot on the surface results in a loss of energy due to friction determined by the reduced length of the swing. This is then related to the COF (Sigler).

Since its development in the late 1940s, the Sigler pendulum tester has fallen out of U.S. standards for pedestrian slip resistance since its results cannot correlate with human perception of slipperiness. At one time, an NBS standard covered this device and it was

also specified in Federal Test Method Standard 501a, Method 7121. Practical problems with such devices include their dynamics and operation. Of particular concern is the excessive velocity at which the machine operates, bearing no relation to that of human ambulation (English). Research conducted in the 1970s by ASTM Task Group 15.03 determined that pendulum devices showed significant variation across the test surface, making a reasonable correlation of these results to a single slip-resistance value impractical (Brungaber). The same conclusion was reached in a separate research project by the NBS in the late 1970s. Usability is also a concern; the device is complex and difficult to operate, so its results are highly subject to operator error (Adler and Pierman 9).

#### Digitized Dragsleds

The original patent for the Tortus, originally developed by British Ceramic Research Ltd., has expired, but several similar devices are currently in use: the Tortus II (British), Sellmaier (German), FFT (Floor Friction Tester), Gabrielli (Italy) and FSC2000. The Tortus and its progeny are self-propelled electronic devices based on dragsled principles that in no way emulate human ambulation. Test pad material varies (Tortus II uses 4S rubber; Sellmaier uses several different materials). As the test pad is dragged across the floor, it records frictional forces and displays and prints the values. Forceplate data from the 1991 ASTM workshop at Bucknell demonstrate the erratic and unstable output of this class of tester, which produces results similar to the variable results of HPS, another dragsled device, when performing wet testing.

Tortus and like devices have several major disadvantages.

- They are not reliable for wet testing due, in part, to the lack of adequate wheel traction and the problem of sticktion. Even the new AS/NZ 4586 standard (Slip Resistance Classification of New Pedestrian Surface Materials) does not list this device for wet testing due to poor repeatability (Bowman "Tortus"). A study by RAPRA Technology concluded that "the Tortus instrument is not at all reliable in wet conditions" (Hughes and James).

## Reducing Slips and Falls in the Workplace

### A1264.2 Standard Covers Walking/Working Surfaces

According to the U.S. Dept. of Labor, 15 percent of accidental workplace deaths are caused by slips, trips and falls, second only to traffic crashes. The new A1264.2 Standard of the Provision of Slip Resistance on Walking/Working Surfaces was developed to help address this problem. The standard defines the term "slip resistance" and establishes common and accepted practices for providing reasonably safe walking and working surfaces. The standard was approved by ASSE on July 2, 2001 with ASSE chairman's concurrence at the ASSE Standards Committee.

A1264.2 explains surface characteristics, footwear traction and environmental factors of slip resistance to ensure a safe walking/working environment. It explains floor characteristics and includes the calculation of static and dynamic coefficients of friction with a slip-resistance measurement device appropriate to the surface properties. It also includes design measures to ensure slip resistance, housekeeping, training and maintenance of floor test equipment and floor selection. The standard is available from ASSE for more information visit [www.asse.org](http://www.asse.org) or call ASSE's Customer Service Dept. at (847) 699-2929; request item #3333.

## Slip-and-Fall-Related Standards

### American Society for Testing Materials Standards (ASTM)

- ASTM C1028 Standard Test Method for Determining the Static Coefficient of Friction of Ceramic Tile and Other Like Surfaces by the Horizontal Dynamometer/Pull-Meter Method
- ASTM D2047 Standard Test Method for Using a James Machine
- ASTM D6205 Standard Practice for Calibration of the James Static Coefficient of Friction Machine
- ASTM D5859 Standard Test Method for Determining the Traction of Footwear on Painted Surfaces Using the Variable Incidence Tester
- ASTM F489 Standard Test Method for Using a James Machine
- ASTM F462 Standard Consumer Safety Specification for Slip-Resistant Bathing Facilities
- ASTM F609 Standard Test Method for Using a Horizontal Pull Slipmeter
- ASTM F1677 Standard Test Method for Using a Portable Inclined Articulated Strut Slip Tester
- ASTM F1678 Standard Test Method for Using a Portable Articulated Strut Slip Tester
- ASTM F1679 Standard Test Method for Using a Variable Incidence Tribometer

### Deutsches Institut für Normung e.V. (DIN) Standards

- DIN 51097 Testing of floor coverings: determination of the anti-slip properties, wet, loaded, barefoot areas; walking method; ramp test (November 1992)
- DIN 51130 Testing of floor coverings: determination of the anti-slip properties, workrooms and fields of activities with raised slip danger; walking method; ramp test (November 1992)

- There are no known calibration procedures or requirements.
- As yet, no U.S. standard recognizes this class of tribometer as a valid test device, nor are any plans underway to develop one.

### Conclusion

SH&E professionals are wise to be wary of instruments and test methods not supported by a nationally recognized consensus organization such as ASTM. Some slip-resistance measurement instruments have been portrayed as standardized devices. While ASTM recognizes several test instruments for metering clean, dry surface conditions, only two tribometers have been proven reliable for wet and contaminated testing: PIAST (Mark II) and the VIT (English XL). Slip-resistance standards from overseas may have little applicability in the U.S. because they may not be developed by consensus; there is little agreement between European Union countries regarding a unified approach; and most of these technologies have already been explored by U.S. standards organizations.

ASTM's effort to establish a single standardized test method, independent of test instruments, promises to resolve longstanding inconsistencies in the measurement of slip resistance between technologies. This "performance-based" approach would permit any instrument to be used, providing it could demonstrate reproducible and accurate test results on external calibration materials. ■

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### Your Feedback

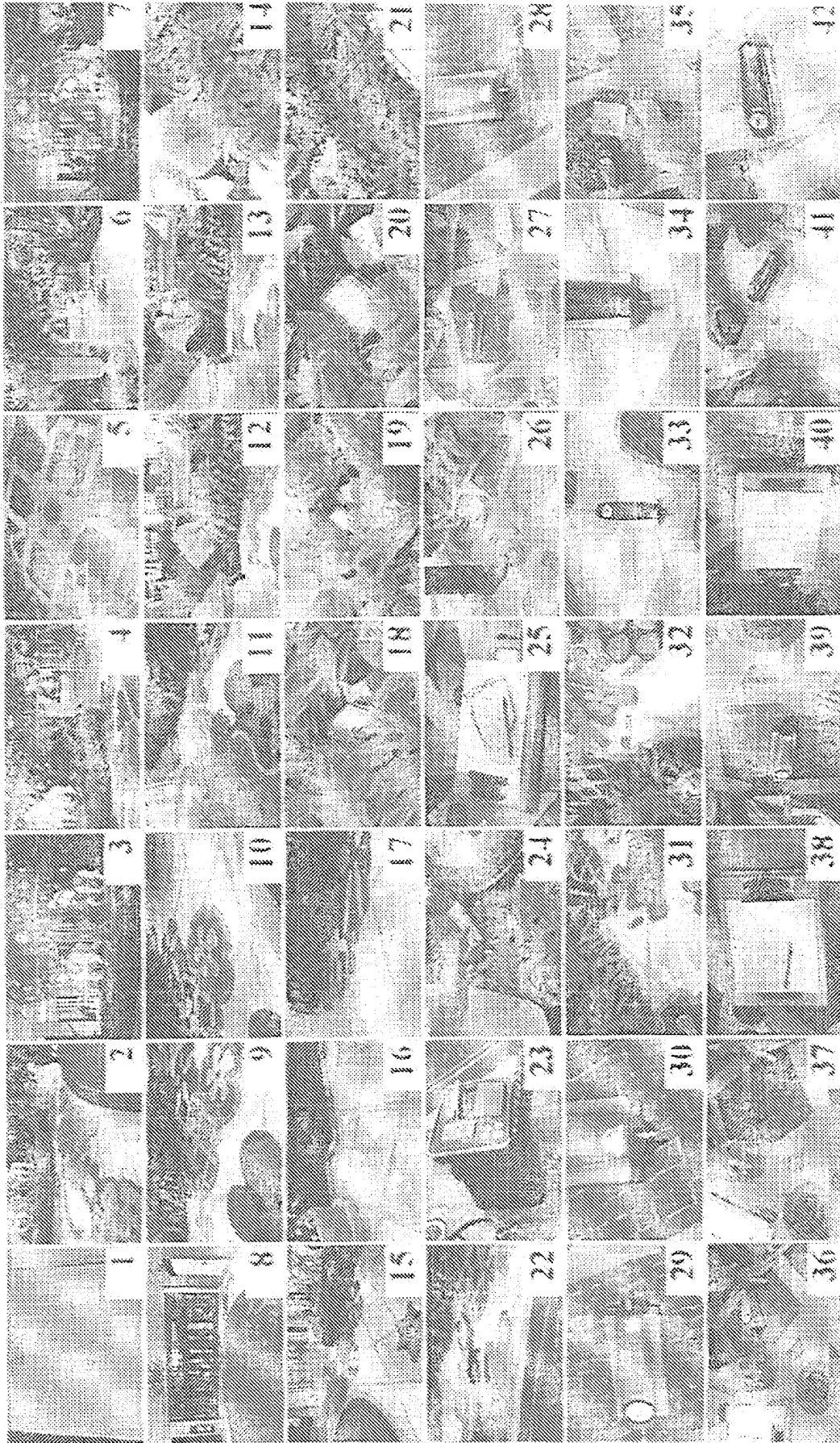
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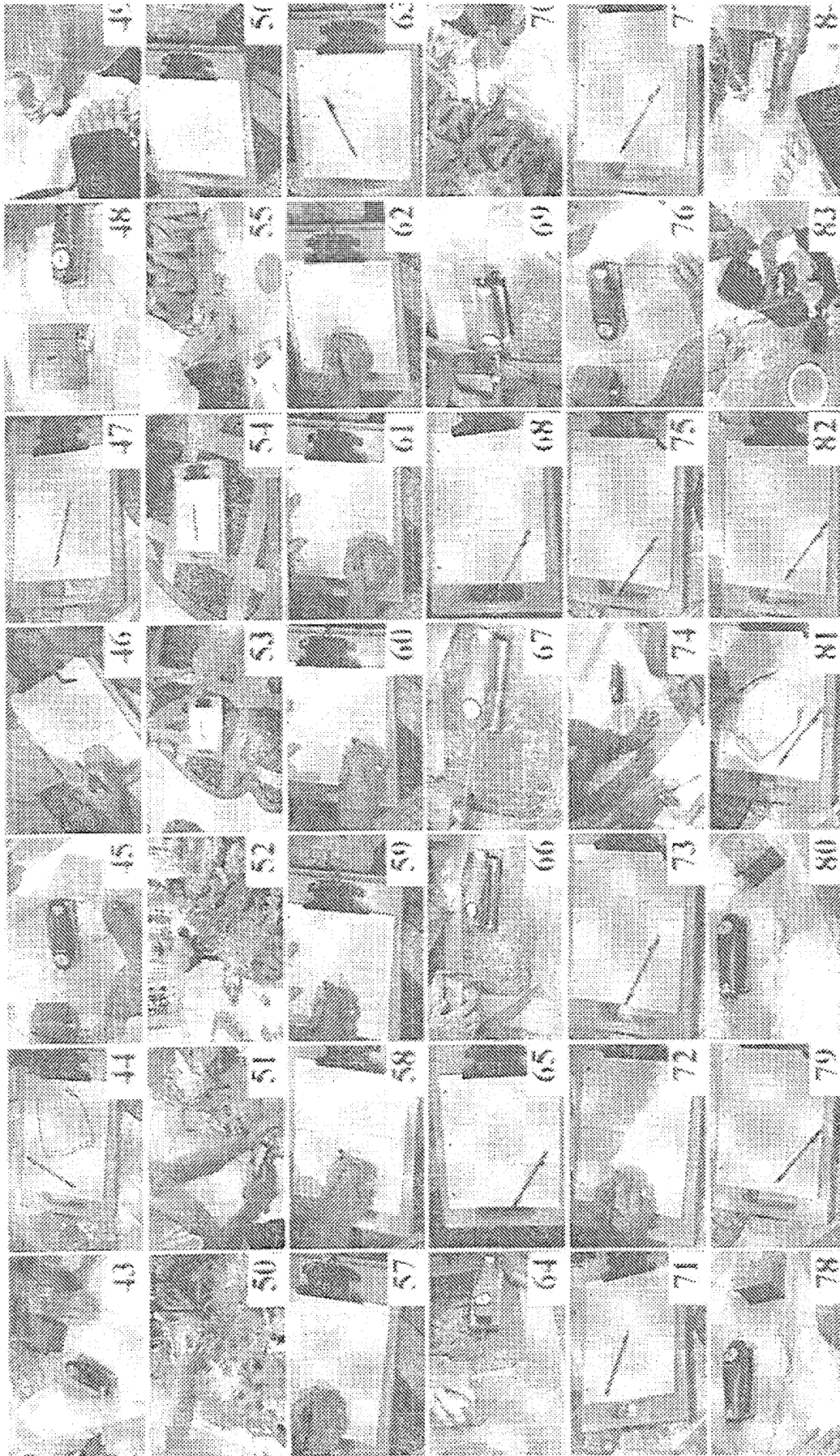
### RSC# Feedback

- 53 Yes  
54 Somewhat  
55 No

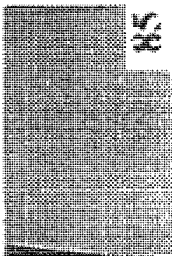
The opinions expressed in this article are those of the authors and not necessarily the opinions of ACE USA or of Vidal Engineering. Nothing in this article is intended as an opinion that any product is defectively designed or manufactured.

**Photo CD w/ Index Prints  
(85 Photographs Total)**





Kodak  
PictureCD



4/2/2015

## **EXHIBIT 2**

## **EXHIBIT 2**

|                                                |                              |
|------------------------------------------------|------------------------------|
| Opfer Construction & Review [OPCOR] Group, LLC | (702) 341-5828 (office)      |
| NV B-2 License #0048965                        | (702) 341-5727 (fax)         |
| 1920 Placid Ravine                             | (702) 895-4047 (alt. office) |
| Las Vegas, Nevada 89117                        | (702) 523-2738 (mobile)      |

**ACADEMIC ACHIEVEMENTS**

**P.D. Engineering.** University of Wisconsin (Madison Campus). May, 2003. Concentrations in facilities design, safety engineering, and engineering sciences. GPA 3.7 on A = 4.0.

**M.S. Management (MBA).** Purdue University (Calumet Campus). May, 1982. Concentrations in operations management, law, and economics. GPA 5.3 on A = 6.0 (= 3.5 on A = 4.0 equivalent).

Attended Washington State University (Pullman Campus) Fall, 1972-Spring, 1977. GPA 3.5 on A = 4.0.

**B.S. Building Theory - Cum Laude** (architectural engineering).

**B.A. Business - Cum Laude** (finance).

**B.A. Economics - Cum Laude** (labor economics/labor relations).

**Professional Certificate – Construction Safety & Health,** August, 2011 and **Professional Certificate - General Industry Safety & Health,** September, 2012, University of California-San Diego: OSHA Training Institute. (65 credits total). GPA 3.9 on A = 4.0.

Over 350 programs including Stanford University's Stanford Sierra Construction College. Passed State of Washington Real Estate Exam 1976. Passed Certified Cost Engineer (CCE) Exam 1983. CCE/Cert Cost Professional Certified/Recertified 1983-2017. Passed PMI Certified Project Manager Exam 1994. PMI Cert./Recert. 1994-2015. Passed Certified Professional Constructor Exam 1998: 90%. CPC Cert/Recert. 1998-2015. Passed Certified XL Tribometrist (CXLT) Exam 2007: 90%. CXLT Cert/Recert. 2007-2016. Passed Certified Estimating Professional (CPE) Exam 2008. CPE Certified 2008-2017. Passed Planning & Scheduling Professional (PSP) Exam 2008. PSP Certified 2008-2017. Passed Nevada Contractor's License Exams 1999: CMS Law/Mgmt. 99%; B-2 General Contractor 89%. OSHA 30-Hour Construction Card 2012-2017. EM 385-I-I USACE/NAVFAC 40-Hour Construction (2012-2017). Federal OSHA-Authorized General Industry Safety Trainer, OSHA Training Institute - University of California - San Diego 2011-2015. Cal/OSHA-Authorized California Construction Industry Safety Trainer, OSHA Training Institute - University of California - San Diego 2012-2018. Federal OSHA-Authorized Construction Industry Safety Trainer, OSHA Training Institute - University of California - San Diego 2010-2018.

**PROFESSIONAL EXPERIENCE**

Experience ranging from Carpenter to General Foreman, Project Engineer with multi-project responsibility, and Senior Engineer. Currently Associate Professor and Consultant.

**University of Nevada - Las Vegas at Las Vegas, NV. Asst. Professor/CM Program Coordinator** September, 1989 - June, 1995. **Assoc. Professor/CM Program Coordinator** July, 1995 – September, 1998. **Associate Professor** September, 1998 – present Construction Management Program. Coursework in construction management, cost control, cost estimating, structural design, and facility systems. **Industry Consultant** to industry organizations including owners, contractors, and A/E firms on design and construction issues, construction safety/defects, methods/materials, production and cost management issues.

**Western Michigan University at Kalamazoo, MI. Asst. Professor** Sept. 1987 - Sept. 1989. Courses in design (structures, geotechnical, foundations) and construction (estimating, scheduling, building codes, safety) with construction science and management program. Also **Industry Consultant**.

**Inland Steel Corp. (ArcelorMittal) at East Chicago, IN.** June, 1977 - September, 1987 in design/construction and major maintenance areas at Harbor Works Steel Mill (18,000 employment over 2,000 acres). **Associate Engineer** (1 yr.), **Millwright Supervisor** (6 mo.), **Field Engineer** (3 yr.), **Project Engineer** (3 yr.), and **Senior Engineer** (2.5 yr.). Construction engineering/construction management, project controls, estimating, and design-build work including 3.5 years on \$800 million primary metals project. Also Inryco subsidiary on design-build multi-family, commercial, and warehouse projects in Illinois, Indiana and Wisconsin.

(cont.) Project responsibility including civil/structural and MEP on variety of projects including: 17-story Coal Preheat Building and Conveyor Systems (\$34 million); Preheat Annex Structure and 204' high Waterless Gas Holder (1.9 million cu. ft.); Treatment Plant/Pumping Stations (\$18 million); Coke Oven Battery/Chemical Plant (\$120 million); Boiler House/Power Station (\$73 million).

**Opfer Construction Co.** at Spokane, WA. (father's firm). **General foreman** on commercial and residential projects. Employed from June to October, 1976. (Prior and subsequent employment 1965-2003 with trade experience and management positions; 2003-2005 (business wrap-up after father's death.)

**Standard Oil of California (Chevron)** at Richmond, CA. Estimating, design, planning, and field coordination at petrochem refinery on projects for civil/structural & MEP disciplines. June - Sept. 1975.

Construction projects involving powerhouse, trona mine, and refinery: **CE Lummus** - Green River, Wyoming; coal storage facilities and mine headframe: **Morrison-Knudsen** - Green River, Wyoming; condominiums and site development: **AC/IMI Corp.** - Breckenridge, Colorado. Varied duties included trade experience, supervision, and project control. 1972-1974.

#### **PROFESSIONAL ACTIVITIES SUMMARY**

American Institute of Constructors - Constructor Member (Life).  
American Society of Safety Engineers - Professional Member 2008-Present.  
Association for Advancement of Cost Engineering - Fellow, VP '93-'94, Pres. '94-'95 Nevada Section.  
Association for Advancement of Cost Engineering - National Director, Region 6, 1995-1997.  
American Council for Construction Education - 1980 Accreditation Committee.  
American Welding Society - 1979-Present, 1982-87 Chicago Region Director.  
Construction Financial Management Association - Member, LV Board of Directors 1994-Present.  
Construction Management Association of America - Member 1989-Present.  
Inland Steel Engineers' Association - Member 1977-1987, 1980 President.  
Illuminating Engineering Society of North America - Member 1992-Present.  
National Safety Council - Construction Division Member 2006-Present.  
Project Management Institute - Member 1993-Present, Vice President 1994 Southern Nevada Section.  
Numerous presentations and papers on variety of construction topics including: safety, design-build, cost control, insurance, constructability, quality circles, estimating, inspection, structural modifications, change order procedures, process improvement, productivity, construction defects, claims, scheduling techniques, temporary construction structures, maintenance management, and construction defect/failure analysis.

#### **PROFESSIONAL AWARDS SUMMARY**

AACE International Nevada Section - Outstanding Service Award - 2000; AACE International Nevada Section - Founder Award - 2004; AACE International - National Director Award - 1997; AACE International - Brian Dunfield Outstanding Educational Service Award - 2004; AACE International - Charles V. Keane Outstanding Service Award - 2009; AACE Fellow Award - 2013, American Welding Society - Silver Member Award - 2004; Tau Beta Pi National Engineering Honor Society - Life Member, 1975-present; Phi Kappa Phi National Honor Society - Life Member, 1977-present; Order Of The Engineer - Life Member, 1989-present; Project Management Institute Southern Nevada Chapter - Founding Member Award - 1994.  
UNLV Construction Management Program, etc. - Outstanding Faculty Service Awards, Outstanding Teaching Awards, Outstanding Faculty Member Awards (three areas - numerous times).

#### **COLLEGE ACTIVITIES AND AWARDS SUMMARY**

Tau Beta Pi National Engineering Honor Society (Life), Phi Kappa Phi Honor Society - Life Member, Outstanding Junior - Building Theory (1975), Outstanding Senior - Building Theory (1976), WSU Engineering Council (Vice President 2 yrs.), ASWSU Student Legislature (2 yrs.), University Planning Committee (2 yrs.), University Faculty/Admin./Student Senate (2 yrs.).

#### **PERSONAL**

Single, excellent health, ht. 5'11", wt. 195 lb., born June, 1954. Sports include bike races and triathlons. Races including Las Vegas Half-Marathon, Sacramento Half-Marathon, Dallas Marathon, Race Around Mt. Rainier, Chrysler-Plymouth 24-Hour Bike Marathon (7<sup>th</sup> Place) and Michigan National 24-Hour Bike Marathon (30-34 Age Group Silver Medal).

## Curriculum Vitae:

Neil D. Opfer

Associate Professor, Construction Management  
Civil & Environmental Engineering & Construction Department  
Howard R. Hughes College Of Engineering  
University of Nevada, Las Vegas

### Degrees, Dates and Institutions Where Awarded:

P.D. Engineering, 2003, University of Wisconsin, (Madison Campus) Madison, WI.  
M.S. Management (MBA), 1982, Purdue University, (Calumet Campus) West Lafayette, IN.  
B.A. Business, 1977, Washington State University, (Pullman Campus) Pullman, WA.  
B.A. Economics, 1977, Washington State University, (Pullman Campus) Pullman, WA.  
B.S. Building Theory, 1976, Washington State University, (Pullman Campus) Pullman, WA.  
Professional Certificate – Construction Industry Safety & Health, 2011 and Professional Certificate – General Industry Safety & Health, 2012. University of California-San Diego: OSHA Training Institute, San Diego, CA. (65 credits total)

### Employment History:

|              |                                                                                                                                                               |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1996-present | Associate Professor - Construction Management, H.R. Hughes College of Engineering, University of Nevada, Las Vegas, Las Vegas, NV.                            |
| 1995-1996    | Associate Professor - Construction Management, College of Architecture, Construction Management and Planning, University of Nevada, Las Vegas, Las Vegas, NV. |
| 1989-1995    | Assistant Professor - Construction Management, Architecture, University of Nevada, Las Vegas, Las Vegas, NV.                                                  |
| 1989-present | Private Consulting Practice: Las Vegas, NV. and nationwide.                                                                                                   |
| 1987-1989    | Assistant Professor - Construction Science and Management, College of Engineering, Western Michigan University, Kalamazoo, MI.                                |
| 1987-1989    | Private Consulting Practice: Kalamazoo, MI. and nationwide.                                                                                                   |
| 1981-1986    | CE Consultant, KDM Associates, Chicago, IL. and nationwide.                                                                                                   |
| 1984-1987    | Senior Engineer - Construction Operations - Inland Steel, E. Chicago, IN.                                                                                     |
| 1981-1984    | Project Engineer - Construction Operations - Inland Steel, E. Chicago, IN.                                                                                    |
| 1981-1981    | Millwright Supervisor - Construction Operations - Inland Steel, E. Chicago, IN.                                                                               |
| 1979-1981    | Field Engineer - Construction Operations - Inland Steel, E. Chicago, IN.                                                                                      |
| 1977-1978    | Associate Engineer - Construction Operations - Inland Steel, E. Chicago, IN.                                                                                  |
| 1976-1976    | General Carpenter Foreman (and other work positions 1964-2003; 2003-2005 business wrap-up with father's death) - Opfer Construction, Spokane, WA.             |
| 1975-1975    | Estimator - Oil Refinery Construction - Standard Oil of California, Richmond, CA.                                                                             |
| 1974-1974    | Journeyman Carpenter / Scheduler- Trona Mine/Processing - CE Lummus, Green River, WY.                                                                         |
| 1973-1973    | Journeyman Carpenter - Power Plant - Morrison-Knudsen, Rock Sprg/Green River, WY.                                                                             |
| 1972-1972    | Journeyman Carpenter / Equipment Operator, Condominium Project, AC/IMI Corp., Breckenridge, CO.                                                               |
| previous-'72 | various construction project positions in Washington, Oregon, Idaho, California, Nevada, and Montana.                                                         |

### Licenses/Certifications

Federal OSHA-Authorized General Industry Trainer – OSHA Training Institute – University of California – San Diego (2011-2015)  
California/OSHA- (Cal/OSHA) Authorized Construction Industry Trainer – OSHA Training Institute – University of California – San Diego (2012-2018)  
Federal OSHA-Authorized Construction Industry Trainer – OSHA Training Institute – University of California – San Diego (2010-2018)  
OSHA 30-Hour Construction Certification OSHA Training Institute – University of

**Licenses/Certifications (continued)**

California – San Diego (2012-2017)  
 Planning & Scheduling Professional (2008-present) – Assoc. Adv. Cost Engineering. Intl.  
 Certified Estimating Professional (2008-present) – Assoc. Adv. Cost Engineering. Intl.  
 Certified XL Tribometrist (2007-present) – William English, Inc./Excel Tribometers  
 Licensed General Contractor (B-2) (1999-present) - State Of Nevada.  
 Certified/Recertified Prof. Constructor (1998-present) – American Inst. of Constructors.  
 Certified/Recertified Project Manager (1994-present) - Project Management Institute.  
 Certified/Recertified Cost Engineer (1983-present) - Assoc. Adv. Cost Engineering. Intl.  
 Real Estate License – (1976-1984) State Of Washington.

**UNLV Teaching Activities:**

|             |                                                 |       |
|-------------|-------------------------------------------------|-------|
| Spring 2015 | CEM 253 Quantity Surveying & Document Analysis  | 3 cr. |
|             | CEM 351 Facility Systems Design II              | 3 cr. |
|             | CEM 751 Construction Cost Analysis & Estimating | 3 cr. |
| Fall 2014   | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 350 Facility Systems Design I               | 3 cr. |
| Summer 2014 | EGG 307 Engineering Economics                   | 3 cr. |
|             | CEM 301 Construction Safety                     | 2 cr. |
| Spring 2014 | CEM 253 Quantity Surveying & Document Analysis  | 3 cr. |
|             | CEM 351 Facility Systems Design II              | 3 cr. |
| Fall 2013   | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 350 Facility Systems Design I               | 3 cr. |
| Summer 2013 | EGG 307 Engineering Economics                   | 3 cr. |
|             | CEM 301 Construction Safety                     | 2 cr. |
| Spring 2013 | CEM 253 Quantity Surveying & Document Analysis  | 3 cr. |
|             | CEM 351 Facility Systems Design II              | 3 cr. |
|             | CEM 751 Construction Cost Analysis & Estimating | 3 cr. |
| Fall 2012   | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 350 Facility Systems Design I               | 3 cr. |
| Summer 2012 | EGG 307 Engineering Economics                   | 3 cr. |
|             | CEM 301 Construction Safety                     | 2 cr. |
| Spring 2012 | CEM 253 Quantity Surveying & Document Analysis  | 3 cr. |
|             | CEM 351 Facility Systems Design II              | 3 cr. |
| Fall 2011   | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 350 Facility Systems Design                 | 3 cr. |
| Summer 2011 | CEM 301 Construction Safety                     | 2 cr. |
| Spring 2011 | CEM 253 Quantity Surveying & Document Analysis  | 3 cr. |
|             | CEM 456 Construction Management Capstone        | 3 cr. |
|             | CEM 751 Construction Cost Analysis & Estimating | 3 cr. |
| Fall 2010   | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 250 Construction Methods & Materials        | 3 cr. |
|             | CEM 250L Construction Methods & Materials Lab   | 1 cr. |
| Summer 2010 | CEM 301 Construction Safety                     | 2 cr. |
| Spring 2010 | CEM 351 Facility Systems Design II              | 3 cr. |
|             | CEM 432/632 Temporary Const Structures          | 3 cr. |
| Fall 2009   | CEM 350 Facility Systems Design I               | 3 cr. |
|             | CEM 452 Construction Cost Control               | 2 cr. |
|             | CEM 452L Construction Cost Control Lab          | 1 cr. |
|             | CEM 451 Construction Cost Estimating (1 week)   | 3 cr. |

**UNLV Teaching Activities: (continued)**

|                   |                                                                                          |       |
|-------------------|------------------------------------------------------------------------------------------|-------|
| Fall 2009 (cont.) | CEM 250 Construction Methods & Materials (2 weeks)                                       | 4 cr. |
| Summer 2009       | CEM 301 Construction Safety                                                              | 2 cr. |
| Spring 2009       | CEM 351 Facility Systems Design II                                                       | 3 cr. |
|                   | CEM 432/632 Temporary Const Structures (7 weeks)                                         | 3 cr. |
|                   | CEM 751 Construction Cost Analysis & Estimating                                          | 3 cr. |
| Fall 2008         | CEM 350 Facility Systems Design I                                                        | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 2 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
|                   | CEM 250 Construction Methods & Materials (3 weeks)                                       | 4 cr. |
| Summer 2008       | CEM 301 Construction Safety                                                              | 2 cr. |
| Spring 2008       | CEM 351 Facility Systems Design II                                                       | 3 cr. |
|                   | CEM 432/632 Temporary Const Structures                                                   | 3 cr. |
| Fall 2007         | CEM 350 Facility Systems Design I                                                        | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 2 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
| Summer 2007       | CEM 301 Construction Safety                                                              | 2 cr. |
| Spring 2007       | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 351 Facility Systems Design II                                                       | 3 cr. |
| Fall 2006         | CEM 350 Facility Systems Design I                                                        | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 2 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
| Spring 2006       | CEM 485 Construction Law And Contracts                                                   | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 350 Facility Systems Design I                                                        | 3 cr. |
| Fall 2005         | CEM 432/632 Temporary Const Structures                                                   | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
|                   | CEM 460 Construction Site Water Management                                               | 3 cr. |
| Spring 2005       | CEM 485 Construction Law And Contracts                                                   | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 350 Facility Systems Design                                                          | 3 cr. |
| Fall 2004         | CEM 432/632 Temporary Const Structures                                                   | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
| Spring 2004       | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 485 Construction Law And Contracts                                                   | 3 cr. |
|                   | CEM 350 Facility Systems Design                                                          | 3 cr. |
| Fall 2003         | <i>Leave Of Absence To Handle Late Father's Estate And Construction Business Wrap-Up</i> |       |
|                   | <i>UNLV ACCE &amp; ABET Accreditation</i>                                                |       |
| Summer 2003       | EGG 307 Engineering Economics                                                            | 3 cr. |
| Spring 2003       | CEM 485 Construction Law And Contracts                                                   | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 350 Facility Systems Design                                                          | 3 cr. |
| Fall 2002         | CEM 251 Construction Equipment                                                           | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab                                                   | 1 cr. |
| Summer 2002       | EGG 307 Engineering Economics                                                            | 3 cr. |
| Spring 2002       | CEM 485 Construction Law And Contracts                                                   | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating                                            | 3 cr. |
|                   | CEM 252 Construction Methods And Materials                                               | 3 cr. |
|                   | CEM 252L Construction Methods And Materials Lab                                          | 1 cr. |
| Fall 2001         | CEM 251 Construction Equipment                                                           | 3 cr. |
|                   | CEM 452 Construction Cost Control                                                        | 3 cr. |

**UNLV Teaching Activities: (continued)**

|                   |                                                   |       |
|-------------------|---------------------------------------------------|-------|
| Fall 2001 (cont.) | CEM 452L Construction Cost Control Lab            | 1 cr. |
| Spring 2001       | CEM 485 Construction Law And Contracts            | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating     | 3 cr. |
|                   | CEM 252 Construction Methods And Materials        | 3 cr. |
|                   | CEM 252L Construction Methods And Materials Lab   | 1 cr. |
| Fall 2000         | CEM 251 Construction Equipment                    | 3 cr. |
|                   | CEM 452 Construction Cost Control                 | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab            | 1 cr. |
| Spring 2000       | CEM 455 Construction Management Practice          | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating     | 3 cr. |
|                   | CEM 252L Construction Methods And Materials Lab   | 1 cr. |
|                   | CEM 252 Construction Methods And Materials        | 3 cr. |
| Fall 1999         | CEM 251 Construction Equipment                    | 3 cr. |
|                   | CEM 452 Construction Cost Control                 | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab            | 1 cr. |
| Spring 1999       | CEM 455 Construction Management Practice          | 3 cr. |
|                   | CEM 751 Advanced Construction Cost Estimating     | 3 cr. |
|                   | CEM 252 Construction Methods And Materials        | 3 cr. |
|                   | CEM 252L Construction Methods And Materials Lab   | 1 cr. |
| Fall 1998         | CEM 251 Construction Equipment                    | 3 cr. |
|                   | CEM 452 Construction Cost Control                 | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab            | 1 cr. |
| Spring 1998       | CEM 455 Construction Management Practice          | 3 cr. |
|                   | CEM 451 Construction Cost Estimating              | 3 cr. |
|                   | CEM 451L Construction Cost Estimating Lab         | 1 cr. |
|                   | CEM 252 Construction Methods And Materials        | 3 cr. |
|                   | CEM 252L Construction Methods And Materials Lab   | 1 cr. |
| Fall 1997         | CEM 432 Temporary Construction Structures         | 3 cr. |
|                   | CEM 452 Construction Cost Control                 | 3 cr. |
|                   | CEM 452L Construction Cost Control Lab            | 1 cr. |
| Spring 1997       | ACA 485 Construction Law And Contracts            | 3 cr. |
|                   | ACA 453 Construction Scheduling And Resource Opt. | 3 cr. |
|                   | ACA 252 Construction Methods And Materials        | 3 cr. |
|                   | ACA 252L Construction Methods And Materials Lab   | 1 cr. |
| Fall 1996         | ACA 452 Construction Cost Control                 | 3 cr. |
|                   | ACA 452L Construction Cost Control Lab            | 1 cr. |
|                   | ACA 432 Temporary Construction Structures         | 3 cr. |
|                   | ACA 251 Construction Equipment (co-taught)        | 3 cr. |
| Spring 1996       | ACA 485 Construction Law And Contracts            | 3 cr. |
|                   | ACA 453 Construction Scheduling And Resource Opt. | 3 cr. |
|                   | AAD 491 Professional Practice                     | 3 cr. |
|                   | AAD 691 Professional Practice                     | 3 cr. |
| Fall 1995         | ACA 452 Construction Cost Control                 | 3 cr. |
|                   | ACA 452L Construction Cost Control Lab            | 1 cr. |
|                   | ACA 451 Construction Cost Estimating              | 3 cr. |
|                   | ACA 451L Construction Cost Estimating Lab         | 1 cr. |
| Spring 1995       | ACA 485 Construction Law And Contracts            | 3 cr. |
|                   | ACA 453 Construction Scheduling And Resource Opt. | 3 cr. |
|                   | AAD 491 Professional Practice                     | 3 cr. |
|                   | AAD 691 Professional Practice                     | 3 cr. |
| Fall 1994         | ACA 452 Construction Cost Control                 | 3 cr. |
|                   | ACA 452L Construction Cost Control Lab            | 1 cr. |
|                   | ACA 451 Construction Cost Estimating              | 3 cr. |
|                   | ACA 451L Construction Cost Estimating Lab         | 1 cr. |

**UNLV Teaching Activities: (continued)**

|                 |                                              |       |
|-----------------|----------------------------------------------|-------|
| Fall 1994(cont) | ACA 495 Special Topics In Construction       | 3 cr. |
| Spring 1994     | ABS 444 Acoustics                            | 3 cr. |
|                 | AAD 491 Professional Practice                | 3 cr. |
|                 | AAD 691 Professional Practice                | 3 cr. |
|                 | ACA 435 Building Foundations                 | 3 cr. |
|                 | ACA 495 Special Topics In Construction       | 3 cr. |
| Fall 1993       | ABS 331 Environmental Controls I             | 3 cr. |
|                 | ABS 443 Interior Lighting Design             | 3 cr. |
|                 | ACA 452 Construction Cost Control            | 3 cr. |
|                 | ACA 452L Construction Cost Control Lab       | 1 cr. |
| Spring 1993     | ABS 444 Acoustics                            | 3 cr. |
|                 | AAD 491 Professional Practice                | 3 cr. |
|                 | AAD 691 Professional Practice                | 3 cr. |
|                 | ACA 435 Building Foundations                 | 3 cr. |
|                 | ACA 495 Special Topics In Construction       | 3 cr. |
| Fall 1992       | ABS 331 Environmental Controls I             | 3 cr. |
|                 | ABS 443 Interior Lighting Design             | 3 cr. |
|                 | ACA 451 Construction Cost Control            | 3 cr. |
|                 | ACA 451L Construction Cost Control Lab       | 1 cr. |
|                 | ACA 495 Special Topics In Construction       | 3 cr. |
| Spring 1992     | ABS 332 Environmental Controls II            | 3 cr. |
|                 | ABS 444 Acoustics                            | 3 cr. |
|                 | AAD 491 Professional Practice                | 3 cr. |
|                 | ACA 495 Special Topics In Construction       | 3 cr. |
|                 | AAD 691 Professional Practice                | 3 cr. |
|                 | ACA 435 Building Foundations                 | 3 cr. |
| Fall 1991       | ABS 331 Environmental Controls I (co-taught) | 3 cr. |
|                 | ABS 443 Interior Lighting Design             | 3 cr. |
|                 | ACA 434 Building Substructures               | 3 cr. |
|                 | ACA 451 Construction Cost Control            | 3 cr. |
| Spring 1991     | ABS 332 Environmental Controls II            | 3 cr. |
|                 | ACA 435 Building Foundations                 | 3 cr. |
|                 | ACA 460 Construction Site Water Management   | 3 cr. |
| Fall 1990       | ABS 331 Environmental Controls I (co-taught) | 3 cr. |
|                 | ACA 434 Building Substructures               | 3 cr. |
|                 | ACA 452 Construction Cost Control            | 3 cr. |
| Spring 1990     | ABS 344 Interior Structures II               | 3 cr. |
|                 | ACA 435 Building Foundations                 | 3 cr. |
|                 | ACA 460 Construction Site Water Management   | 3 cr. |
| Fall 1989       | ACA 434 Building Substructures               | 3 cr. |
|                 | ACA 452 Construction Cost Control            | 3 cr. |

Coordinator CM Internship Program/CEM 300 1989-2011. Graduate Coordinator – CEM Program 2006-2011. Guest lectures in courses including AAD 100, AAE 100, ABS 321, ACA 251, ABS 741, CEM 150, CEM 250, CEM 432/632, CEM 700, CEM 701, CEM 705, CEM 740, MEG 695, etc. Numerous student independent study projects under CEM/ACA 493, 693, 793, etc. and theses under CEM 795. Coordinator & Principal Faculty Advisor - UNLV Construction Management Program 1989-1998, (Interim Director for subsequent brief periods). Faculty Advisor - UNLV Associated General Contractors' Student Chapter 1991-1994. Faculty Advisor - UNLV National Association Of Home Builder's Student Chapter 1989-1995. Coordinator - UNLV Entry, NAHB Construction Marathon Competition, January, 1992. Coordinator - UNLV Entry, Associated Schools Of Construction Western Region Construction Marathon Competition, January, 1990 (Las Vegas), February, 1992 (Las Vegas, NV.), February, 1994 (Reno, NV.)

**Western Michigan University Teaching Activities:**

|              |                                              |       |
|--------------|----------------------------------------------|-------|
| Summer, 1989 | CMD 236 Construction Measurements And Layout | 3 cr. |
| Spring 1989  | CMD 382 Structural Theory And Design         | 3 cr. |
|              | CMD 437 Advanced Estimating And Bidding      | 3 cr. |
|              | CMD 439 Scheduling And Project Management    | 3 cr. |
| Fall 1988    | CMD 233 Construction Codes And Safety        | 3 cr. |
|              | CMD 335 Soil Mechanics And Foundations       | 3 cr. |
|              | CMD 433 Specifications And Estimating        | 3 cr. |
| Summer 1988  | CMD 236 Construction Measurements And Layout | 3 cr. |
| Spring 1988  | CMD 382 Structural Theory And Design         | 3 cr. |
|              | CMD 437 Advanced Estimating And Bidding      | 3 cr. |
|              | CMD 439 Scheduling And Project Management    | 3 cr. |
| Fall 1987    | CMD 233 Construction Codes And Safety        | 3 cr. |
|              | CMD 335 Soil Mechanics And Foundations       | 3 cr. |
|              | CMD 433 Specifications And Estimating        | 3 cr. |
| Spring 1987  | CMD 437 Advanced Estimating And Bidding      | 3 cr. |
| (as adjunct) | CMD 439 Scheduling And Project Management    | 3 cr. |

**Other Instructional Activity:**

|             |                                                                                                                                   |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Winter 2015 | Certified Cost Professional Exam Training, AACE International, San Diego, California.                                             |
| Fall 2014   | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                  |
| Fall 2014   | UNLV CEEC Fundamentals of Engineering FE Exam Review (Construction), Las Vegas, Nevada                                            |
| Spring 2014 | Certified Cost Professional Exam Training, AACE International, Las Vegas, Nevada                                                  |
| Spring 2014 | UNLV CEEC Fundamentals of Engineering FE Exam Review (Construction), Las Vegas, Nevada                                            |
| Fall 2013   | UNLV CEEC Fundamentals of Engineering FE Exam Review (Construction), Las Vegas, Nevada                                            |
| Spring 2013 | Certified Earned Value Professional Exam Training, AACE International, Las Vegas, Nevada                                          |
| Spring 2013 | UNLV CEEC Fundamentals of Engineering FE Exam Review (Construction), Las Vegas, Nevada                                            |
| Fall 2012   | OSHA 10-Hour General Industry Safety Course (Clark County School District - ECTA) (November 2012), Las Vegas, Nevada              |
| Fall 2012   | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                  |
| Summer 2012 | OSHA 30-Hour Construction Safety Course (Clark County School District - Construction-Area Faculty) (June 2012), Las Vegas, Nevada |
| Summer 2012 | OSHA Fall Protection Course (Clark County School District - Construction-Area Faculty) (June 2012), Las Vegas, Nevada             |
| Spring 2012 | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                     |
| Spring 2012 | OSHA 10-Hour Construction Safety Course (January 2012), Santa Barbara, California.                                                |
| Fall 2011   | OSHA/UNLV 10-Hour Construction Safety Courses (September 2011-November 2011), Las Vegas, Nevada.                                  |
| Fall 2011   | OSHA/UNLV Fall Protection Training Courses (September 2011-November 2011), Las Vegas, Nevada.                                     |
| Summer 2011 | OSHA/UNLV Fall Protection Training Courses (May 2011-September 2011), Las Vegas, Nevada.                                          |
| Summer 2011 | OSHA/UNLV 10-Hour Construction Safety Courses (May 2011-September 2011), Las Vegas, Nevada                                        |
| Spring 2011 | OSHA/UNLV Fall Protection Training Courses (January 2011-May 2011), Las Vegas, Nevada.                                            |
| Spring 2011 | OSHA/UNLV 10-Hour Construction Safety Courses (January 2011-May, 2011), Las Vegas, Nevada                                         |
| Fall 2010   | OSHA/UNLV 10-Hour Construction Safety Courses (October 2010-December 2010, Las Vegas, Nevada                                      |
| Fall 2010   | OSHA/Hill International 10-Hour Construction Safety Course (October 2010), Las Vegas, Nevada                                      |
| Fall 2010   | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                  |

**Other Instructional Activity: (continued)**

|             |                                                                                                                                                       |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fall 2010   | OSHA/UNLV Fall Protection Training Courses (Sept. 2010-December 2010), Las Vegas, Nevada.                                                             |
| Summer 2010 | OSHA/UNLV Fall Protection Training Courses (May 2010-September, 2010), Las Vegas, Nevada.                                                             |
| Spring 2010 | OSHA/UNLV Fall Protection Training Courses (March 2010-April 2010), Las Vegas, Nevada.                                                                |
| Spring 2010 | Certified Estimating Professional Exam Training, AACE International, Las Vegas, Nevada.                                                               |
| Fall 2009   | Certified Earned Value Professional Exam Training, AACE International, Las Vegas, Nevada.                                                             |
| Fall 2008   | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                                      |
| Fall 2008   | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                                         |
| Spring 2008 | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                                      |
| Fall 2007   | Graduate Builders Institute: Business Management For Building Professionals, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Fall 2007   | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                                      |
| Fall 2007   | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                             |
| Summer 2006 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                   |
| Summer 2007 | Certified Professional Scheduler & Planner Exam Training, AACE International, Las Vegas, Nevada.                                                      |
| Spring 2007 | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                                         |
| Spring 2007 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                |
| Spring 2007 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Fall 2006   | Graduate Builders Institute: Business Management For Building Professionals, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Fall 2006   | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                             |
| Summer 2006 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                   |
| Spring 2006 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                |
| Spring 2006 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Fall 2005   | Graduate Builders Institute: Business Management For Building Professionals, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Fall 2005   | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                             |
| Summer 2005 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                   |
| Spring 2005 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                |
| Spring 2005 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Winter 2005 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                  |
| Fall 2004   | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                                         |
| Fall 2004   | Graduate Builders Institute: Business Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                            |
| Fall 2004   | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                             |
| Summer 2004 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                   |
| Spring 2004 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.                |
| Spring 2004 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |

**Other Instructional Activity: (continued)**

|             |                                                                                                                                         |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Winter 2004 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Fall 2003   | Graduate Builders Institute: Business Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.              |
| Summer 2003 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.     |
| Summer 2003 | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Spring 2003 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.  |
| Spring 2003 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Winter 2003 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Fall 2002   | Graduate Builders Institute: Business Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.              |
| Summer 2002 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.     |
| Summer 2002 | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Spring 2002 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.  |
| Spring 2002 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Winter 2002 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Summer 2001 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.     |
| Spring 2001 | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                           |
| Spring 2001 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.  |
| Spring 2001 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Winter 2001 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Summer 2000 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.     |
| Summer 2000 | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Spring 2000 | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                           |
| Spring 2000 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.  |
| Spring 2000 | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Winter 2000 | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Summer 1999 | Graduate Builders Institute: Construction Cost Estimating, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.     |
| Summer 1999 | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Spring 1999 | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                           |
| Spring 1999 | Graduate Builders Institute: Construction Project Scheduling, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.  |

**Other Instructional Activity: (continued)**

**Other Instructional Activity: (continued)**

|              |                                                                                                                                         |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Spring 1999  | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Winter 1999  | Graduate Builders Institute: Energy Efficient Construction, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.    |
| Summer 1998  | Graduate Builders Institute: Project Management, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada.               |
| Spring 1998  | Graduate Builders Institute: Building/Construction Technology, Lied Institute/National Association Of Home Builders, Las Vegas, Nevada. |
| Fall 1997    | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                           |
| Spring 1996  | Project Management Institute Certification Exam Training, Las Vegas, Nevada.                                                            |
| Fall 1995    | Certified Cost Engineer Exam Training, Las Vegas, Nevada.                                                                               |
| Spring 1995  | Project Management Institute Certification Exam Training, Las Vegas, Nevada.                                                            |
| Fall 1994    | Strategic Construction Marketing Seminar, Las Vegas, Nevada.                                                                            |
| Spring 1994  | Certified Cost Engineer Exam Training, AACE International, Las Vegas, Nevada.                                                           |
| Spring 1992  | Contractor Office Management, Frank R. Walker Company, Las Vegas, Nevada.                                                               |
| Summer 1991  | Construction Management, ATEC Associates, Los Angeles, California.                                                                      |
| Spring, 1990 | Contractor Office Management, Frank R. Walker Company, Las Vegas, Nevada.                                                               |
| Spring 1989  | Graduate Builders Institute: Project Management, National Association Of Home Builders, East Lansing, Michigan.                         |
| Spring 1989  | Graduate Builders Institute: Construction Project Scheduling, National Association Of Home Builders, East Lansing, Michigan.            |
| Spring 1989  | Construction Project Scheduling, Associated Builders & Contractors, Grand Rapids, MI.                                                   |
| Fall 1987    | Construction Project Scheduling, Associated Builders & Contractors, Grand Rapids, MI.                                                   |
| Spring 1987  | Construction Project Management Fundamentals, Inland Steel, E. Chicago, Indiana.                                                        |
| Fall 1986    | Construction Methods & Materials, Builders Supply, Chicago, Illinois.                                                                   |
| Fall 1985    | Construction Scheduling, Inland Steel, E. Chicago, Indiana.                                                                             |
| Spring 1985  | Construction Technology, Inland Steel, E. Chicago, Indiana.                                                                             |
| Spring 1985  | Project Engineering Fundamentals, Inland Steel, E. Chicago, Indiana.                                                                    |
| Fall 1984    | Cost Estimating And Project Management, Inland Steel, E. Chicago, Indiana.                                                              |
| Spring 1984  | Project Engineering Fundamentals, Inland Steel, E. Chicago, Indiana.                                                                    |

**Professional Papers Presented:**

Opfer, N. "Construction Prefabrication Techniques for Cost, Time & Quality Improvement." Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, November, 2014.

Opfer, N. "Cost-Effective Construction Site Security" AACE Southern California Section Fall Symposium, San Diego, California, November, 2014.

Opfer, N. "Certified Cost Professional Overview" AACE Southern California Section Fall Symposium, San Diego, California, November, 2014.

Opfer, N. "Cost Benefits Of Entity-Controlled Insurance Programs" AACE International Annual Meeting, New Orleans, Louisiana, June, 2014.

Opfer, N. "Improving Field-Level Construction Cost Control." Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, February, 2014.

Opfer, N. "Effective Construction Cost Control Methods" AACE Southern California Section Fall Symposium, Indian Wells, California, November, 2013.

Opfer, N. "Certified Cost Professional Overview" AACE Southern California Section Fall Symposium, Indian Wells, California, November, 2013.

**Professional Papers Presented: (continued)**

Opfer, N. "What Stays In Las Vegas: A Behind-The-Scenes Look At Las Vegas Construction" Construction Management Association of America CMAA Rising Stars of CM/CMAA National Fall Conference, Las Vegas, Nevada, October, 2013.

Opfer, N. "Construction Productivity Improvements" AACE Southern California Section Fall Symposium, Indian Wells, California, November, 2012.

Opfer, N. "Certified Cost Engineer Exam Fundamentals" AACE Southern California Section Fall Symposium, Indian Wells, California, November, 2012.

Opfer, N. "Improving Construction Site Security." Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, July 2012.

Opfer, N. "Confronting Confined Spaces In Trenching Excavation Work" in Trenching Trainer Safety Class, OSHA Training Institute – University of California – San Diego, July 2012.

Opfer, N. "Cost-Effective Construction Safety Training and Inspections" AACE International Annual Meeting, Anaheim, California, June, 2011.

Opfer, N., Agaulash, A., Carter, D. "Certification and Professionalism" AACE International – Nevada Section Meeting, Las Vegas, Nevada, March, 2011.

Opfer, N. "OSHA Construction Safety: New Developments in Standards and Training. Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, February 2011.

Opfer, N., Shields, D. "Building Commissioning for Energy Efficiency," AACE International Annual Meeting, Atlanta, Georgia, June, 2010.

Opfer, N. "Recertification Process through The Professional Credit Plan," AACE International – Nevada Section Meeting, Las Vegas, Nevada, May, 2010.

Opfer, N., "Premises Liability Testing and Related Concerns," Selman Breitman CLE Seminar, Las Vegas, Nevada, May, 2010.

Opfer, N., "Premises Liability Issues for Constructors," Associated Schools of Construction Annual Meeting, Wentworth Institute of Technology, Boston, Massachusetts, April, 2010.

Opfer, N., "Information Technology in The Southern Nevada A-E-C Industry," Associated Schools of Construction Annual Meeting, Wentworth Institute of Technology, Boston, Massachusetts, April, 2010.

Opfer, N. "Successful Construction Changes and Claims Management," AACE International – Nevada Section Meeting, Las Vegas, Nevada, January, 2010.

Opfer, N. "Temporary Construction Structures Issues – Poster Session," Associated Schools of Construction Annual Meeting, University of Florida, Gainesville, Florida, April, 2009.

Opfer, N. "The Job Search Process: Resume to Hiring," AACE International – Nevada Section Meeting, Las Vegas, Nevada, February, 2009.

Opfer, N. "Certification Recommendations and Preparation," AACE International – Nevada Section Meeting, Las Vegas, Nevada, April, 2008.

Opfer, N., "An Undergraduate Professional Construction Seminar," Associated Schools of Construction Annual Meeting, Auburn University, Auburn, Alabama, April, 2008.

**Professional Papers Presented: (continued)**

Opfer, N., Shields, D., "Preventing Slips and Falls on Aerial Work Platforms", 2007 Aerial Platform Symposium, Las Vegas, Nevada, December 2007.

Shields, D., Opfer, N., "Preventing Slips and Falls on Cranes And Other Equipment", 2007 Crane Conference, Las Vegas, Nevada, December 2007.

Opfer, N. "Construction Cost Estimating Fundamentals," Building Industry Association of Southern California, Rancho Cucamonga, California, June, 2007.

Opfer, N. "Premises Liability: Testing Equipment and Protocols," Sedgwick CMS Risk Management Seminar, Las Vegas, Nevada, March, 2007.

Opfer, N., "Value Engineering and Constructability Analysis," AACE Nevada Section Meeting, Las Vegas, Nevada, February, 2007.

Opfer, N. "Premises Liability Issues for Tourism Facilities," Risk Management Seminar, Hard Rock Hotel, Las Vegas, Nevada, November, 2006.

Opfer, N., "Construction Claims Strategic Analysis," AACE Nevada Section Meeting, Las Vegas, Nevada, September, 2006.

Opfer, N., "The Audit Functions' Role in Construction Claims," AACE International Annual Meeting, Las Vegas, Nevada, June, 2006.

Opfer, N., "Site Security Concepts for Contractors," Associated Schools of Construction Annual Meeting, Colorado State University, Fort Collins, Colorado, April, 2006.

Opfer, N. "Site Security for Electrical Contractors," Electric West 2006 Conference & Exposition, Las Vegas, Nevada, March, 2006.

Opfer, N. "Construction Project Scheduling Fundamentals," 2005 Building Industry Show, Building Industry Association, Long Beach, California, November, 2005.

Opfer, N., "Avoiding Fraud on Disaster Clean-Up Projects," AACE International Annual Meeting, New Orleans, Louisiana, June, 2005.

Opfer, N., "Construction Defect Claims: Confronting The New Reality," AACE International – Nevada Section Meeting, Las Vegas, Nevada, April, 2005.

Bouge, G., Lords, S., Opfer, N., "Internal Controls for Construction: Protecting Your Assets," Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, November, 2004.

Opfer, N. "Business Management Improvement Focus," National Association of Home Builders – University of Housing, Washington, D.C., July 2004.

Opfer, N., "Successful Construction Claims Management," Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, February, 2004.

Opfer, N., "Confronting Mold Damage Claims," AACE International Annual Meeting, Orlando, Florida, June, 2003.

Opfer, N., "Current Construction Issues In Commercial General Liability Insurance," Associated Schools Of Construction Annual Meeting, Clemson, South Carolina, April 2003.

Opfer, N., "Value Engineering For Land Development," Land Development Forum, Las Vegas, Nevada, March, 2003.

**Professional Papers Presented: *(continued)***

Opfer, N., "Public Sector Design-Build Selection Criteria," AACE International Annual Meeting, Portland, Oregon, June, 2002.

Opfer, N., "Improving Productivity for Trade Contractors," Construction Financial Management Association National Convention, Las Vegas, Nevada, May, 2002.

Opfer, N., "Failure Analysis in Construction Methods and Materials," Associated Schools Of Construction Annual Meeting, Roanoke, Virginia, April 2002.

Opfer, N., "Construction Estimating Improvement," Associated Schools Of Construction Annual Meeting, Roanoke, Virginia, April 2002.

Opfer, N., "Achieving Tenure for Construction-Area Faculty," Associated Schools Of Construction Annual Meeting, Roanoke, Virginia, April 2002.

Opfer, N., "Hotel Design and Construction Concepts," UNLV Harrah College Of Hotel Administration, Las Vegas, Nevada, July 2001.

Opfer, N., "Roofing Construction Education Issues," Western Roofing Contractor's Association Meeting, Las Vegas, Nevada, June, 2001.

Opfer, N., "Construction Defects: Issues and Resolution," AACE International Nevada Chapter Meeting, Las Vegas, Nevada, June, 2001.

Opfer, N., "A Graduate Seminar in Construction," American Society for Engineering Education Annual Conference, Albuquerque, New Mexico, June, 2001.

Opfer, N., "Total Cost Ownership for Information Technology," AACE International Annual Meeting, Pittsburgh, Pennsylvania, June, 2001.

Opfer, N., "Project Labor Agreements for Public Agencies," AACE International Annual Meeting, Pittsburgh, Pennsylvania, June, 2001.

Opfer, N., "Project Management Systems," CFMA Fall 2000 Seminar, Construction Financial Management Association, Las Vegas, Nevada, October, 2000.

Opfer, N., "Recruiting Construction Graduates," Disaster Kleenup International Association Annual Conference, Las Vegas, Nevada, September, 2000.

Opfer, N., "Construction Process Improvement Methods," AACE International Nevada Chapter Meeting, Las Vegas, Nevada, September, 2000.

Opfer, N., "Project Management Enhancement Techniques: Surviving The Competition," Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, April, 2000.

Opfer, N., "Construction Field Data Acquisition/Distribution and Computer Intranet Applications," Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, August, 1999.

Opfer, N., "Starting A Master's Degree Program in Construction," American Society for Engineering Education Annual Conference, Charlotte, North Carolina, June, 1999.

Opfer, N., "Temporary Construction Structures Coursework," Associated Schools Of Construction Annual Meeting, San Luis Obispo, California, April, 1999.

**Professional Papers Presented: (continued)**

Opfer, N., "Construction Defects Education in Construction Management," Associated Schools Of Construction Annual Meeting, San Luis Obispo, California, April, 1999.

Opfer, N., "Project Management," National Association of Store Fixture Manufacturers National Meeting, Las Vegas, Nevada, January, 1999.

Opfer, N., "Design and Analysis of Temporary Construction Structures," AACE International Nevada Chapter Meeting, Las Vegas, Nevada, November, 1998.

Opfer, N., "Project Controls Applications To Planning," Planning for Gold in the Silver State 28<sup>th</sup> Annual Nevada Planning Conference, American Planning Association, Las Vegas, Nevada, September, 1998.

Opfer, N., "Cost and Production Control," Construction Financial Management Association Chapter Meeting, Las Vegas, Nevada, July, 1998.

Opfer, N., "Process Improvement," Construction Financial Management Association National Convention, Las Vegas, Nevada, May, 1998.

Opfer, N., "Construction Framing Issues," Framing Contractors Association Meeting, Las Vegas, Nevada, August, 1997.

Opfer, N., "Construction Defect Claims: Analysis, Mitigation, and Prevention," AACE International Annual Meeting, Dallas, Texas, July, 1997.

Opfer, N., "Calculating Construction Damage Claims," AACE International Section Meeting, Las Vegas, Nevada, May, 1997.

Opfer, N., "Intranet Internet Applications for The Construction Industry," Associated Schools Of Construction Annual Meeting, Seattle, Washington, April, 1997.

Opfer, N., "Alternative Scheduling Techniques," Project Management Institute Meeting, Las Vegas, Nevada, March, 1997.

Opfer, N., "Matrix Scheduling for Repetitive Residential Construction," AACE International Annual Meeting, Vancouver, British Columbia, Canada, June, 1996.

Opfer, N., "Cost Control for Hotel Development Projects," 1996 UNLV Environments For Tourism Conference, Las Vegas, Nevada, June, 1996.

Opfer, N., "Constructor Peer Review: A Technique for Improving Construction Practice," Associated Schools Of Construction Annual Meeting, Texas A & M University, College Station, Texas, April, 1996.

Opfer, N., "Construction Management Services for Renovation and Maintenance Markets," Construction Management Association Of America National Conference, Chicago, Illinois, October, 1995.

Opfer, N., "Construction Worker's Compensation Cost Containment," AACE International Annual Meeting, St. Louis, Missouri, June, 1995.

Opfer, N., "Creating Effective Construction Quality Circles," AACE International Annual Meeting, St. Louis, Missouri, June, 1995.

Opfer, N., "Construction Claims Impact Analysis," AACE International Section Meeting, Las Vegas, Nevada, May, 1995.

**Professional Papers Presented: (continued)**

Opfer, N., "Mobile Computing Systems," Virginia Tech Building Construction Program, Blacksburg, Virginia, February, 1995.

Opfer, N., "Construction Project Dynamics," Virginia Tech Building Construction Program, Blacksburg, Virginia, February, 1995.

Opfer, N., "Constructability Improvement for Tourism Facilities," UNLV Environments For Tourism Conference, Las Vegas, Nevada, October, 1994.

Opfer, N., "Team Building for Constructability Analysis," Construction Management Association Of America National Conference, Newport Beach, California, September, 1994.

Opfer, N., "Improving Constructability in Concrete Construction," AACE International 1994 Annual Meeting, San Francisco, California, June, 1994.

Opfer, N., "Construction Equipment Management Education: Recognizing Current Industry Trends," Associated Schools Of Construction 1994 Annual Meeting, Peoria, Illinois, April, 1994.

Opfer, N., "Cost and Schedule Applications for Remote Computing," AACE International Section Meeting, Las Vegas, Nevada, January, 1994.

Opfer, N., "Cost Estimating for Property Damage Claims," Southern Nevada Claims Association Meeting, Las Vegas, Nevada, November, 1993.

Opfer, N., "Cost and Time Effective Outage Management," AACE International 1993 Annual Meeting, Dearborn, Michigan, July, 1993.

Opfer, N., "Construction Problems and Defects," Nevada Claims Association Annual Convention, Laughlin, Nevada, May, 1993.

Opfer, N., "Case Study Techniques in Construction," Associated Schools Of Construction 1993 Annual Meeting, Estes Park, Colorado, April, 1993.

Opfer, N., "Mobile Computing in The Construction Industry," Associated Schools Of Construction 1993 Annual Meeting, Estes Park, Colorado, April, 1993.

Opfer, N., "Construction Productivity Delay Analysis," Construction Management Improvement Seminar, Los Angeles, California, May, 1992.

Opfer, N., "Construction Continuing Education," Associated Schools Of Construction 1992 Annual Meeting, Auburn, Alabama, April, 1992.

Opfer, N., "Improving Construction Bonding Capacity," AACE International 1991 Annual Meeting, Seattle, Washington, June, 1991.

Opfer, N., "Construction Acceleration Impact Analysis in Construction Claims," Construction Claims Seminar, Palm Springs, California, May, 1991.

Opfer, N., "MBE/WBE/EEO Problems In Construction," Canadian Construction Association - British Columbia Chapter, World Of Concrete '91, Las Vegas, Nevada, January, 1991.

Opfer, N., "Construction Management," National Association Of Home Builders Chapter Meeting, Los Angeles, California, November, 1990.

**Professional Papers Presented: (continued)**

Opfer, N., "Computerized Construction Estimating," MK Corp., Chicago, Illinois, July, 1990.

Opfer, N., "Maintenance Management Coursework," Associated Schools Of Construction 1990 Annual Meeting, Charleston, South Carolina, April, 1990.

Opfer, N., "Marketing Your Construction Academic Program," Associated Schools Of Construction 1990 Annual Meeting, Charleston, South Carolina, April, 1990.

Opfer, N., "Construction Project Scheduling," American Subcontractors Association Seminar, Las Vegas, Nevada, February, 1990.

Opfer, N., "Schedule Delay Analysis in Calculating Construction Claims," Associated Builders & Contractors, Chicago, Illinois, August, 1989.

Opfer, N., "The Insurance Jungle: Finding The Cost-Effective Way Out for A/E's And Contractors," AACE International 1989 Meeting, San Diego, California, June, 1989.

Opfer, N., "Project Scheduling Historical Records," Construction Management Conference, Dearborn, Michigan, March, 1989.

Opfer, N., "Construction Estimating Systems," Arizona State University Construction Program, Tempe, Arizona, March, 1989.

Opfer, N., "Directions In Construction Systems," Associated Schools Of Construction 1988 Great Lakes Region Meeting, Kalamazoo, Michigan, September, 1988.

Opfer, N., "Computerized Construction Cost Estimating," Associated Schools Of Construction 1988 Great Lakes Region Meeting, Kalamazoo, Michigan, September, 1988.

Opfer, N., "Construction Project Management Improvement," AACE International Midwest Regional Seminar, Lake Geneva, Wisconsin, April, 1987.

Opfer, N., "Computerized Project Scheduling," Inland Steel Management Seminar, E. Chicago, Indiana, March, 1986.

Opfer, N., "Construction Materials/Systems Analysis," KDM Associates, Chicago, Illinois, November, 1985.

Opfer, N., "Construction Quality Improvement Techniques," AACE International Section Meeting, Chicago, Illinois, November, 1984.

Opfer, N., "Construction Productivity Improvement," AACE International Great Lakes Regional Seminar, Ann Arbor, Michigan, October, 1984.

Opfer, N., "Construction Failure Analysis," Construction Claims Conference, Rosemont, Illinois, March, 1984.

Opfer, N., "Construction Field Level Cost Control," 1983 Annual Western Winter Cost Workshop, Pebble Beach, California, December, 1983.

Opfer, N. and Olley, M., "Construction Engineering For Structural Steel Erection," Department Of Civil Engineering, University Of Illinois, Champaign, Illinois, May, 1983.

Opfer, N., "Construction Cost Improvement," AACE International Section Meeting, Chicago, Illinois, November, 1982.

Opfer, N., "Construction Vehicle Equipment Energy Conservation," American Institute Of Constructors 1981 Annual Forum, Tarpon Springs, Florida, January, 1981.

**Publications: Refereed:**

Opfer, N., and Shields, D., Unmanned Aerial Vehicles For Construction Management, AACE International 2015 Annual Transactions, AACE International, Morgantown, West Virginia (*in press*).

Opfer, N. and Shields, D., Cost Benefits of Entity-Controlled Insurance Programs, AACE International 2014 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., and Shields, D., Unmanned Aerial Vehicles Applications And Issues In Construction in American Society for Engineering Education 2014 Annual Conference Proceedings, ASEE, Washington, District of Columbia.

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Opfer, N. Economic Costs (book chapter - revised) in Skills & Knowledge of Cost Engineering, 6<sup>th</sup> Edition, Boyd, C., Francis, C. eds., (in press 2015), AACE International, Morgantown, West Virginia.

Opfer, N. Engineering Design (book chapter - revised) in Skills & Knowledge of Cost Engineering, 6<sup>th</sup> Edition, Boyd, C., Francis, C. eds., (in press 2015), AACE International, Morgantown, West Virginia.

Opfer, N. Materials (book chapter - revised) in Skills & Knowledge of Cost Engineering, 6<sup>th</sup> Edition, Boyd, C., Francis, C. eds., (in press 2015), AACE International, Morgantown, West Virginia.

Regan, S., (Opfer, N. contributor), AACE Risk Management Certification Book, 2012, AACE International, Morgantown, West Virginia.

Opfer, N. and Shields, D., Cost-Effective Construction Safety Training And Inspections, AACE International 2011 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N. and Shields, D., Current Trends In OSHA Construction Safety Training, 118th American Society for Engineering Education Transactions, Washington DC, June 2011.

Opfer, N., Shields, D., Building Commissioning for Energy Efficiency in AACE International 2010 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Shields, D., Premises Liability Issues For Constructors in Associated Schools of Construction 2010 Annual Proceedings, University of Southern Mississippi, Hattiesburg, Mississippi.

Opfer, N. Value Engineering (book chapter) in Skills & Knowledge of Cost Engineering, 6<sup>th</sup> Edition 2010 (in press), Regan, S., Hastert, M. eds., AACE International, Morgantown, West Virginia.

Opfer, N., Shields, D., An Undergraduate Professional Construction Seminar in Associated Schools of Construction 2008 Annual Proceedings, University of Southern Mississippi, Hattiesburg, Mississippi.

Opfer, N., Shields, D., Preventing Slips and Falls On Aerial Work Platforms, 2007 Aerial Platform Symposium Proceedings, Crane Works, Barrington, IL., December 2007.

Shields, D., Opfer, N., Preventing Slips and Falls On Cranes And Other Equipment, 2007 Crane Conference Proceedings, Crane Works, Barrington, IL., December 2007.

Opfer, N., Peterson, J., Public Works Construction Scheduling Specifications in AACE International 2006 Annual Transactions, AACE International, Morgantown, West Virginia.

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**Publications: Refereed: (continued)**

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Opfer, N., Construction Site Security Applications For Electrical Contractors in 2006 Electric West Conference, Primedia, Stamford, Connecticut.

Opfer, N., Avoiding Fraud In Disaster Clean-Up Projects in Journal of Forensic Accounting: Auditing, Fraud & Risk, Volume VI, No. 2, December 2005, R.T. Edwards, Inc., Philadelphia, Pennsylvania.

Nelson, S., Opfer, N., Weiss, M., Coughlin, J., "Business Management for Building Professionals" Book © 2005, National Association of Home Builders Press, Washington, D.C.

Opfer, N., Reverse Auction Bidding in Construction in AACE International 2005 Annual Transactions, AACE International, Morgantown, West Virginia.

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Opfer, N., Analysis, Mitigation And Prevention of Construction Defects: Selected Case Histories, College of Engineering 2003 Engineering Professional Development Project, University of Wisconsin, Madison, Wisconsin.

Opfer, N., Current Construction Issues in Commercial General Liability Insurance in Associated Schools Of Construction 2003 Annual Proceedings, ASC, University of Nebraska, Lincoln, Nebraska.

Opfer, N. Economic Costs (book chapter) in Skills & Knowledge of Cost Engineering, 5<sup>th</sup> Edition , Amos, S. and Stukhart, G. eds., AACE International, Morgantown, West Virginia.

Opfer, N. Engineering Design (book chapter) in Skills & Knowledge of Cost Engineering, 5<sup>th</sup> Edition, Amos, S. and Stukhart, G. eds., AACE International, Morgantown, West Virginia.

Opfer, N. Materials (book chapter) in Skills & Knowledge of Cost Engineering, 5<sup>th</sup> Edition, Amos, S. and Stukhart, G. eds., AACE International, Morgantown, West Virginia.

Opfer, N., Son, J., Korman, T., Public Sector Design-Build Selection Criteria in AACE International 2002 Annual Transactions, AACE International, Morgantown, West Virginia.

Korman, T., Opfer, N., Son, J., Design-Build Techniques In Teaching Facility Systems in American Society for Engineering Education 2002 Annual Conference Proceedings, ASEE, Washington, District of Columbia.

Opfer, N., Failure Analysis In Construction Materials And Methods in Associated Schools Of Construction 2002 Annual Proceedings, ASC, University of Nebraska, Lincoln, Nebraska.

Opfer, N., Son, J., Construction Estimating Improvement in Associated Schools Of Construction 2002 Annual Proceedings, ASC, University of Nebraska, Lincoln, Nebraska.

Opfer, N., Achieving Tenure For Construction Area Faculty in Associated Schools Of Construction 2002 Annual Proceedings, ASC, University of Nebraska, Lincoln, Nebraska.

Opfer, N., Son, J., Gambatese, J., A Graduate Seminar In Construction in American Society for Engineering Education 2001 Annual Conference Proceedings, ASEE, Washington, District of Columbia.

**Publications: Refereed: (continued)**

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Opfer, N., Gambatese, J., Son, J., Project Labor Agreements For Public Agencies in AACE International 2001 Annual Transactions, AACE International, Morgantown, West Virginia.

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Frederick, G., and Opfer, N., Behavior Of Truss-Top Plate Connections in Structural Engineering Mechanics SEM 2001 Spring Conference Proceedings, Portland, Oregon.

Gambatese, J. and Opfer, N., Construction Management, chapter in PE Civil Engineering Study Guide (*in press*), Research & Education Association, Piscataway, New Jersey.

Gambatese, J. and Opfer, N., Starting A Master's Degree Program In Construction in American Society for Engineering Education 1999 Annual Conference Proceedings, ASEE, Washington, District of Columbia

Opfer, N., Intranet Internet Applications For The Construction Industry in ASC Journal of Construction Education, Volume III, No. 2, May 1999, Texas A & M University, College Station, Texas.

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Opfer, N., Construction Safety Improvement Through Incentive Compensation in AACE International 1998 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Just-In-Time Construction Materials Management in AACE International 1998 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Construction Defect Claims: Analysis, Mitigation, And Prevention in AACE International 1997 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Creating Effective Construction Quality Circles in Cost Engineering: The International Journal Of Cost Estimation, Cost/Schedule Control and Project Management, April, 1997.

Opfer, N., Intranet Internet Applications For The Construction Industry in Associated Schools Of Construction 1997 Annual Proceedings, ASC, Purdue University, West Lafayette, Indiana.

Opfer, N., Matrix Scheduling For Repetitive Residential Construction in AACE International 1996 Annual Transactions, AACE International, Morgantown, West Virginia.

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**Publications: Refereed: (continued)**

Opfer, N., Construction Worker's Compensation Cost Containment in AACE International 1995 Annual Transactions, AACE International, Morgantown, West Virginia.

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Opfer, N., Case Study Techniques In Construction in Associated Schools Of Construction 1993 Annual Proceedings, ASC, Purdue University, West Lafayette, Indiana.

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Lawrence, A. and Opfer, N., Pre-Construction Management Strategies For Economical And Quality Housing Production (book chapter) in Management, Quality And Economics In Building, Chapman & Hall, London, England, 1991.

Opfer, N. and Koehler, K., Improving Construction Bonding Capacity in AACE International 1991 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Soil Compaction Techniques And Equipment in Plant Engineering, September, 1990.

Opfer, N., Cost Engineering Techniques For Construction Marketing in AACE International 1990 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N., Maintenance Management Coursework in Associated Schools Of Construction 1990 Annual Proceedings, ASC, Purdue University, West Lafayette, Indiana.

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**Publications: Refereed: (continued)**

Opfer, N., The Construction Insurance Jungle: Finding The Cost-Effective Way Out For A/E's And Contractors in AACE International 1989 Annual Transactions, AACE International, Morgantown, West Virginia.

Opfer, N. and McCampbell, R., Basic Oxygen Furnace Upgrades Force Structural Changes in Plant Engineering, June, 1986.

Opfer, N., Construction Estimating Guidelines: Parts 1 & 2 in Plant Engineering, July, 1984 and September, 1984.

Opfer, N., Construction Inspection Procedures in Plant Engineering, January, 1982.

**Other Publications:**

Opfer, N., (interviewed and cited) for Harmon Tower to disappear from skyline piece by piece by KLAS TV Channel 8 CBS News, 5:00 PM Newscast and Harmon Tower issues in earthquake event and comparison to Cal Northridge Earthquake experience 6:00PM Newscast, December 16, 2014.

Opfer, N., (interviewed and cited) for Harmon Hotel Tower Demolition Methods by KVVU TV Channel 5 Fox News, 5:00 PM Newscast, June 23, 2014.

Opfer, N., (interviewed and cited) for Natural Disasters And Building Codes by Al Jazeera America TV (various air dates April 2014).

Opfer, N., (interviewed and cited) for City Grill: CityScoop Las Vegas by Engineering News-Record ENR Southwest TV March 17, 2014.

Opfer, N. background interviews for construction economic recovery in Las Vegas 2013 for numerous print and broadcast media.

Opfer, N. background interviews for Summerlin Mall Re-Start October 2012 for three publications.

Opfer, N. background interviews for Harmon Tower Implosion Trial July 2012 for numerous print and broadcast media.

Opfer, N. (interviewed and cited) for MGM City Center Harmon Tower Implosion, August, 2011 for NBC Channel 3 Las Vegas News, CBS Channel 8 Las Vegas News, Fox Channel 5 Las Vegas News, KNUU AM 970 Las Vegas News.

Opfer, N. (interviewed and cited) for Getting OK To Implode The Harmon Proving To Be Monumental Task in Las Vegas Sun.com, August 24, 2011, p.1 Also numerous background interviews for Las Vegas SUN, Las Vegas Review-Journal, Las Vegas City Life, and The Wall Street Journal.

Opfer, N. (interviewed and cited) for Future of CityCenter's Harmon Hotel Uncertain KVVU TV Channel 5 Fox News November 15, 2010.

Opfer, N. (interviewed and cited) for Why do all the houses have block walls around their property? By Mr. Sun in Las Vegas Sun.com, Wednesday March 24, 2010, p. 1.

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Opfer, N., (interviewed and cited) for Lost Vegas: High hopes turn to broken dreams for several local projects by Corey Levitan in Las Vegas Review-Journal, Sunday, March 14, 2010, Sec. J pp. 3 + 6.

Opfer, N., (interviewed and cited) for Summerlin mall a monument to recession: Optimism takes a back seat as project managers look for answers by J. Patrick Coolican in Las Vegas Sun, Monday January 11, 2010, pp. 1 + 2.

**Other Publications: (continued)**

Opfer, N., (interviewed and cited) for Easing up on oversight? County should make sure building inspectors are paying close attention to violations by Alexandra Berzon in Las Vegas Sun, Sunday June 14, 2009, pp. 1.

Opfer, N., (interviewed and cited) for CityCenter inspectors told: Easy on the paper: It's not a policy change, official says, to first report flaws verbally to contractor by Alexandra Berzon in Las Vegas Sun, Thursday June 11, 2009, pp. 1 + 2.

Opfer, N., (interviewed and cited) for CityCenter work often precedes approval of plans by Alexandra Berzon in Las Vegas Sun, Monday February 16, 2009, pp. 1 + 2.

Opfer, N., (interviewed and cited) for Home builders fined for polluting: Nevada stands to collect \$182,000 in water-runoff case by Jennifer Robison in Las Vegas Review-Journal, Thursday, June 12, 2008, Sec. D pp. 1 + 3.

Opfer, N., (interviewed and cited) for Officials: Workers at fault: Hot metal triggered blaze at resort, investigators say in Las Vegas Review-Journal, Friday, February 1, 2008 Sec. A pp. 1 + 5.

Opfer, N., (interviewed and cited) for Rio remodel: cable flaws suspected by Joan Whitely in Las Vegas Review-Journal, Sunday, October 21, 2007 B Sec. pp. 1.

Opfer, N., (interviewed and cited) for Some work proves tougher to inspect by Joan Whitely in Las Vegas Review-Journal, Wednesday, October 3, 2007 In Depth Sec. pp. 3.

Opfer, N., (interviewed and cited) for Energy Efficiency: A Question of Priorities: Technology exists to build better desert tract houses in Las Vegas Review-Journal, Sunday, July 9, 2006 In Depth Sec. pp. 1 + 3.

Opfer, N., (interviewed and cited) for Rising construction costs to affect Yucca by Benjamin Grove in Las Vegas Sun, Tuesday, August 16, 2005 Sec. A pp. 1 + 3.

Opfer, N., (interviewed and cited) for Yucca plan slowed by recent departure of key managers by Suzanne Struglinski and Benjamin Grove in Las Vegas Sun, Saturday, August 5, 2005 Sec A, pp. 1 + 5.

Opfer, N., (interviewed and cited) for Signs Of A Housing Crack? by Terence Flanagan in Leverage World June 24, 2005 Vol. 3, No. 25, pp. 10-12.

Opfer, N., (interviewed and cited) for Innovative block walls by Sonja Padgett in Las Vegas Review-Journal, Monday, April 8, 2003 Sec. E, pp. 1+4.

Opfer, N., (interviewed and cited) for Project labor agreement at McCarran fuels debate by Hubble Smith in Las Vegas Review-Journal, Tuesday, February 11, 2003 Sec. D, pp. 1+8.

Opfer, N., (interviewed and cited) for Quake hazards may force Las Vegas building costs up by Jennifer Robison in Las Vegas Sun, Monday, April 29, 2002 Sec. C, pp. 1 & 6.

Opfer, N., (interviewed and cited) for New code to hike Las Vegas building costs by Jennifer Robison in In Business: Las Vegas, April 26, 2002 pp. 1 & 12.

Opfer, N., (interviewed and cited) for Institute sheds light on round residences by Matthew Crowley in Las Vegas Review-Journal, Tuesday, November 6, 2001 Sec. D, pp. 1+9.

Opfer, N., (interviewed and cited) for Residential Energy Conservation by KLAS TV Channel 8 CBS News, 6:00 PM Newscast, May 8, 2001.

Opfer, N., (interviewed and cited) for Project labor deal scrutinized by A. D. Hopkins in Las Vegas Review-Journal, Saturday, December 16, 2000 Sec. D, pp. 1+7.

**Other Publications: (continued)**

Opfer, N., Improving Technology in Construction Management in Nevada Construction & Mining, Las Vegas, Nevada, August, 1998.

Opfer, N., (interviewed and cited) for Soil testing essential to settling Mandalay Bay foundation problem by Mary Manning in Las Vegas Sun, Wednesday, July 8, 1998, Sec. A, pp. 1+7.

Opfer, N., Improving Constructability in Nevada Construction & Mining, Las Vegas, Nevada, June, 1998.

Opfer, N., Construction Estimating Software System Selection in Nevada Construction & Mining, Las Vegas, Nevada, April, 1998.

Opfer, N., Improving Customer Relations on Tenant Improvement Projects in Nevada Construction & Mining, Las Vegas, Nevada, February, 1998.

Opfer, N., (interviewed and cited) for High on the Hills: Exclusive development drawing rich, famous to Las Vegas by Carol Cling in Las Vegas Review-Journal, Monday, April, 18, 1994, Sec. C, pp. 1-2.

Opfer, N., Value Engineering Benefits For Owners in BB & D Building, Kalamazoo, Michigan, April, 1989.

Opfer, N., Construction Equipment Management in Construction Manager, Chicago, Illinois, September, 1987.

Opfer, N., Value Engineering Manual, Inland Steel, East Chicago, Indiana, August, 1987.

Opfer, N., Project Scheduling Manual, Inland Steel, East Chicago, Indiana, March, 1987.

Opfer, N., Cost Estimating And Project Management Manual, Inland Steel, East Chicago, Indiana, October, 1984.

Opfer, N., Concrete Construction Manual, Inland Steel, East Chicago, Indiana, March, 1982.

Supplied numerous other broadcast (radio, TV) and print media outlets with background information and technical assistance on a wide variety of topics for their coverage (1987-present).

**Sponsored Research Activity:**

"OSHA Safety Grant," from Clark County School District, Opfer, N. - University of Nevada, Las Vegas (Funded Grant Amount: \$5,400) 2012.

"OSHA Fall Protection," from Occupational Safety & Health Administration – Susan Hardwood Grant, Menzel, N., Shrestha, P., Opfer, N., Shields, D. – University of Nevada, Las Vegas. (Funded Grant Amount: \$287,000) 2009-2012.

"Desert Pupfish Maintenance And Support Structures – Design & Fabrication Research from U.S. Fish & Wildlife Service, Abella R. (PI), Opfer, N. (consultant); University of Nevada, Las Vegas (Funded Grant Amount: \$25,000) 2009-2010.

"Blue Lake Power Project Rehabilitation Research Study," from Blue Lake Power, LLC – Opfer, N., (Funded Grant Amount \$9,500) 2008-2009.

"Project Labor Agreements Research Study," from Associated Builders & Contractors of Southern California/ Associated Builders & Contractors – National, Jaeho Son, Neil Opfer – University of Nevada, Las Vegas. (Funded Grant Amount: \$30,000) 2002-2005.

"National Energy Management Institute Project," from National Energy Management Institute, UNLV Harry Reid Center For Environmental Studies, FMI Corporation, Meta Training Systems, University of Illinois-Chicago. Neil Opfer-Co-Investigator. (Funded Grant Amount: \$400,000) 2001-2002.

### **Sponsored Research Activity: (continued)**

“Project Labor Agreements Research Study,” from Associated Builders & Contractors of Southern Nevada/ Associated Builders & Contractors – National, Neil Opfer, John Gambatese, Jaeho Son – University of Nevada, Las Vegas. (Funded Grant Amount: \$40,000) 1999-2000.

“Wood-Frame Construction Roof Diaphragms and Shear Wall Analysis” from State Farm Insurance, Neil Opfer, Gerald Frederick, John Gambatese, Samaan Ladkany – University of Nevada, Las Vegas. (Funded Grant Amount: \$103,000) 1999.

“Window Assembly and Frame Construction Assembly Analysis” from Farmers Insurance, Neil Opfer (Funded Grant Amount \$5200) 1997.

“Skill Development Center - Home Training And Technical Assistance Grant” from AmeriCorps - Corporation For National and Community Service, Washington, D.C., Lead Researcher: Robert Stroh - University Of Florida, Researchers: Ben Uwakwek - University Of Cincinnati; Joseph Laquatra – Cornell University; Patrick Huelman – University Of Minnesota; Neil Opfer - University Of Nevada, Las Vegas. (Funded Grant Amount \$229,000.) 1995-1996.

“Pipe Fabrication Systems Improvement Grant,” from JB Mechanical, Chicago, Illinois. Neil Opfer. (Funded Grant Amount \$4500.) 1990.

“Construction Materials Handling Cost Effectiveness Grant,” from Monlan Company, Chicago, Illinois. Neil Opfer and Paul Porter. (Funded Grant Amount \$16,500.) 1988-1989.

### **Institutional Committee Or Board Assignments:**

University Faculty Senate - Faculty Senator: Representing College of Engineering (2012-2015 (Senior Senator 2014-2015).

University By-Laws Committee (2013-2015 Executive By-Laws Committee (2015)).

University Centers and Institute Review Committee (2014-2016).

University Graduate Council (2007-2011).

University Program Review Committee (2001-2003).

University Grievance Committee (1999-2000).

Facilities Management Work Order Process Improvement Team (1995-1996).

Facilities Management Building Audit Team (1995-1996).

Human Resources Quality Circle Committee (1991-1995).

UNLV Environments For Tourism Conference Planning Committee (1993-1998).

University Graduate Curriculum Committee (1995).

University Undergraduate Curriculum Committee (1995).

University Program And Policy Review Committee (1992-1993).

Ad-Hoc Committee To Evaluate Dean - College Of Engineering (1991).

Representation Of Architecture Unit before University Graduate and Undergraduate Curriculum Committees, 1990-1995.

### **Other Institutional External Service Activity**

Tenure File Reviewer – Northern Arizona University Department of Civil & Env. Engineering 2013

Tenure File Reviewer – University of New Mexico Department of Civil Engineering 1999-2000.

Tenure File Reviewer – Arizona State University Del E. Webb School of Construction 1997-1998.

Tenure File Reviewer – Virginia Polytechnic and State University Department of Building Construction (Virginia Tech) 1998-1999.

National Consortium of Housing Research Centers, UNLV representative (1994-present)

### **Other Assigned Institutional Duties:**

College of Engineering High-Bay Research Lab Committee (2012)

College of Engineering CEE Department Chair Search Committee (2010-2011).

College of Engineering Faculty Affairs Committee (2008-2012); Chair 2011-2012.

### **Other Assigned Institutional Duties: (continued)**

Construction Management Program Graduate Program Coordinator (2006-2011).  
 Construction Management Program Internship Coordinator (1989-2011).  
 College of Engineering Energy Research Focus Group (2005-2006).  
 Department Of Civil And Environmental Engineering & Construction ACCE Re-Accreditation Group (2013-2014).  
 Department Of Civil And Environmental Engineering & Construction ByLaws Committee (2012-2013).  
 Department Of Civil And Environmental Engineering Workload Policy Committee (2005-2006).  
 Department Of Civil And Environmental Engineering By Laws Committee (2003-2006), (2012-2013).  
 Department Of Civil And Environmental Engineering ABET EC 2000 Committee (1999-2003).  
 Department Of Civil And Environmental Engineering Space Planning Committee (1997-2003).  
 Department Of Civil And Environmental Engineering Curriculum Committee (1996-2003).  
 Department Of Civil And Environmental Engineering Ad-Hoc Construction Search Committee (1996-1997, 1997-1998, 2000-2001, 2002-2003, and 2004-2005).  
 Architecture Curriculum Committee (1989-1995).  
 Architecture Committees (various 1989-1995).  
 Chair - Architecture Marketing Committee (1989-1993).  
 Construction Management Program Benefit Fundraising Dinners (1990-1994).

### **Current Professional Service Activity:**

AACE International Education Board - Contributing Member, 2014-present.  
 AACE International, Nevada Section Board Of Directors - 1994-present.  
 AACE International, Member, 1979-present (Fellow 2013-present).  
 American Institute Of Constructors, Constructor Member, 1981-present.  
 American Society for Engineering Education, Member, 1999-present.  
 American Society of Safety Engineers, Professional Member, 2008-present.  
 American Society of Safety Engineers, Construction Committee Member – Las Vegas Chapter, 2010-present.  
 American Welding Society, Member, 1979-2004, Silver Member 2004-present; Life Member (2014-present.)  
 Associated Schools Of Construction Paper Reviewer, 1990-present.  
 Construction Financial Management Association, Las Vegas Chapter Board Of Directors, 1994-present.  
 Construction Financial Management Association, Las Vegas Chapter Newsletter Editor, 1994-present.  
 Construction Financial Management Association, Las Vegas Chapter Secretary, 2006-2008; 2012-present.  
 Construction Financial Management Association, Associate Member, 1994-1999, Member 1999-present.  
 Construction Management Association Of America, Academic Member, 1989-present.  
 Illuminating Engineering Society Of North America, Member, 1992-present.  
 IMCAT Conference Paper Reviewer, 2012-present.  
 National Safety Council – Construction Division Member, 2006-present.  
 Project Management Institute, Member & Co-Founder Southern Nevada Chapter, 1994-present.

### **Past Professional Service Activity:**

ASSE Conference And Exposition – Moderator (3 sessions) – Las Vegas, Nevada, June, 2013.  
 AACE International Annual Meeting – Host – Anaheim, California, June, 2011.  
 Associated Schools Of Construction Publications Committee, 1997-2011  
 Associated Schools Of Construction National Information Technology Committee, 1990-2011.  
 Associated Schools Of Construction National Research Committee, 1992-2011.  
 Associated Schools Of Construction Publications Region VI Representative, 1999-2011 AACE International Annual Meeting – Host – Atlanta, Georgia, June, 2010.  
 ITT School of Drafting and Design – Guest Capstone Design Judge, Henderson, Nevada, December, 2009.  
 ITT School of Drafting and Design – Guest Capstone Design Judge, Henderson, Nevada, August, 2009.  
 AACE International/AACE Nevada Section – Primavera Conference Mandalay Bay Hospitality Suite PSP Prep Assistance, Las Vegas, Nevada, November, 2008.  
 AACE International, National Value Engineering And Constructability Committee, 1993-2008.  
 AFL-CIO Ironworker Union Local 13 Apprenticeship Dinner Master of Ceremonies – Las Vegas, Nevada, September, 2008.  
 AACE International, National Value Engineering And Constructability Committee, 1993-2006.  
 Construction Financial Management Association Presidential Roast Host – Las Vegas, Nevada, June, 2007.

### **Past Professional Service Activity (continued):**

AACE International 2006 Annual Meeting – Nevada Section Planning Co-Coordinator & Co-Chair.  
 Construction Financial Management Association Charity Auctioneer & Presidential Roast Host – (CCSD Vo-Tech Construction Program Benefit) – Las Vegas, Nevada, May, 2005.  
 Future City Competition – National Engineer's Week Essay Judge – Nevada, January, 2002.  
 Future City Competition – National Engineer's Week Competition Judge – Nevada, January, 2001.  
 National Engineer's Week Competition Judge – Southern Nevada, February 1999.  
 AACE International, Board Of Directors, National Director - Region 6, 1995-1997.  
 AACE International, Nevada Section Vice President, 1993-1994.  
 AACE International, Nevada Section President, 1994-1995.  
 AACE International, National Planning And Scheduling Committee, 1988-1992.  
 AACE International, National Productivity Committee, 1984-1991.  
 AACE International Annual Meeting – Host & Moderator – Toronto, Canada, June, 1981.  
 American Concrete Institute, Member, 1973-1985.  
 American Council For Construction Education, Board Member, 1980.  
 American Welding Society, Chicago Region Board Of Directors, 1982-1987.  
 Associated Builders And Contractors - Southern Nevada Chapter Education Committee, 1992-1994.  
 Association Of Iron And Steel Engineers, Member, 1979-1986.  
 Building Research Journal Editorial Board, 1992-1994.  
 Construction Financial Management Association, National Technology Committee, 1998-2000.  
 Construction Financial Management Association, National Convention Planning Committee, 1997-1998.  
 Construction Management Association Of America National Planning Committee, 1995.  
 Construction Management Association Of America Student Chapters Committee, 1988-1990.  
 Illuminating Engineering Society Of North America, National Casino & Gaming Lighting Committee Member, 1993-2004.  
 Inland Steel Engineers Association, Member, 1977-1987.  
 Inland Steel Engineers Association, President, 1980-1981.  
 Project Management Institute - Southern Nevada Chapter Vice President, 1994-1995.  
 Silver Awards - Construction Division Judge, Las Vegas, Nevada, 1990.  
 Society Of American Value Engineers, Associate Member, 1978-1984.

### **Community Service Activity:**

Nevada Center for Public Ethics – Capital Construction Financial Accountability Committee. 2006-2007.  
 Habitat For Humanity (Michigan, Nevada & Washington). 1987-present.  
 Christmas In April Board Of Directors, Las Vegas, Nevada. 1993-1997.  
 Mizpah House Board Of Directors, Las Vegas, Nevada. 1990-1992.  
 Lake-Porter Leadership Council, Board Of Directors, Northwest Indiana, 1982-1985.

### **Honor Societies & Awards:**

Tau Beta Pi National Engineering Honor Society - Life Member, 1975-present.  
 Phi Kappa Phi National Honor Society - Life Member, 1977-present.  
 Order Of The Engineer – Life Member, 1989-present.  
 Project Management Institute SNC Chapter – Founding Member Award – 1994.  
 AACE International Nevada Section – Outstanding Service Award – 2000.  
 AACE International Nevada Section – Founder Award – 2004.  
 AACE International – Brian Dunfield Outstanding Educational Service Award – 2004.  
 AACE International – Charles V. Keane Outstanding Service Award – 2009.  
 AACE International - Fellow Award – 2013.  
 American Welding Society – Silver Member Award – 2004.  
 American Welding Society – Life Member Award – 2014.

UNLV Construction Management Program, etc. – Outstanding Faculty Service Awards, Outstanding Teaching Awards, Outstanding Faculty Member Awards (numerous times)

**Conferences, Conventions, Short-Courses, And Seminar Attendance:**

*SSPC Society for Protective Coatings Annual Meeting*, SSPC, Las Vegas, Nevada, February, 2015.

*World Of Concrete 2015 Convention*, Las Vegas, February, January, 2015.

*Surfaces Expo, TILE EXPO and STONE EXPO*, Las Vegas, Nevada, January, 2015.

*National Association Of Home Builders 2015 Annual Convention, The International Builder's Show, Kitchen & Bath Industry Show*, Las Vegas, Nevada, January, 2015.

*AACE Fall Symposium*, AACE Southern California Section, San Diego, California, November, 2014.

*AACE International 2014 Annual Meeting*, New Orleans, Louisiana, June, 2014.

*University of California, San Diego OSHA Training Institute, OSHA 502 Update For Construction Industry Outreach Trainers, and Cal/OSHA 5029 Construction Trainer Update*, San Diego, California, March, 2014.

*CONEXPO/CON-AGG 2008 Construction Equipment Exposition*, Las Vegas, Nevada, March, 2014.

*International Roofing Expo*, Las Vegas, Nevada, February 2014.

*National Association Of Home Builders 2014 Annual Convention, The International Builder's Show, Kitchen & Bath Industry Show*, Las Vegas, Nevada, February, 2014.

*Surfaces Expo, TILE EXPO and STONE EXPO*, Las Vegas, Nevada, January, 2014.

*World Of Concrete 2014 Convention*, Las Vegas, Nevada, January, 2014.

*AACE Fall Symposium*, AACE Southern California Section, Indian Wells, California, November, 2013.

*CMAA Rising Stars CM Conference/CMAA National Fall Conference*, Las Vegas, Nevada, October, 2013.

*AACE International 2013 Annual Meeting*, Washington, D.C., July, 2013.

*American Society of Safety Engineers SAFETY 2013: Professional Development Conference & Exposition*, Las Vegas, Nevada, June, 2013.

*INTEROP 2013 Convention*, Las Vegas, Nevada, May, 2013.

*EduCode Building Code Conference*, International Code Council, Las Vegas, Nevada, March, 2013.

*World Of Concrete 2013 Convention*, Las Vegas, Nevada, February, 2013.

*Surfaces Expo: World Flooring Convention and STONEEXPO*, Las Vegas, Nevada, January, 2013.

*National Association Of Home Builders 2013 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Las Vegas, Nevada, January, 2013.

*Accreditation Assessment Training Seminar*, University of Nevada, Las Vegas, Las Vegas, Nevada, December, 2012.

*AACE Fall Symposium*, AACE Southern California Section, Indian Wells, California, November, 2012.

*Policies and Procedures Seminar*, Jackson-Lewis/University of Nevada, Las Vegas, Las Vegas, Nevada, November, 2012.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*FABTECH /American Welding Society Convention*, Las Vegas, Nevada, October, 2012.

*National Electrical Contractors Association Convention* Las Vegas, Nevada, September, 2012.

*Lightfair 2012: The Design And Business Of Lighting Convention*, Las Vegas, Nevada, May, 2012.

*World Of Concrete 2012 Convention*, Las Vegas, Nevada, January, 2012.

*AACE International 2011 Annual Meeting*, Anaheim, California, June, 2011.

*INTEROP 2011 Convention*, Las Vegas, Nevada, May, 2011.

*Associated Schools Of Construction 2011 Annual Meeting*, University of Nebraska, Omaha, NE, April, 2011.

*CONEXPO/CON-AGG 2008 Construction Equipment Exposition*, Las Vegas, Nevada, March, 2008.

*Surfaces Expo: World Flooring Convention and STONEEXPO*, Las Vegas, Nevada, January, 2011.

*World Of Concrete 2011 Convention*, Las Vegas, Nevada, January, 2011.

*Las Vegas Safety & Health for Occupants and Workers Conference*, American Society of Safety Engineers, Las Vegas, Nevada, October, 2010.

*AACE International 2010 Annual Meeting*, Atlanta, Georgia, June, 2010.

*Western Roofing Contractors' Association Roof Expo Meeting*, Las Vegas, Nevada, June, 2010.

*National Fire Protection Association 2010 Expo*, NFPA, Las Vegas, Nevada, June, 2010.

*Lightfair 2010: The Design And Business Of Lighting Convention*, Las Vegas, Nevada, May, 2010.

*Associated Schools Of Construction 2010 Annual Meeting*, Wentworth Institute of Technology, Boston, Massachusetts, April, 2010.

*Electric West 2010 Conference & Exposition*, Las Vegas, Nevada, March, 2010.

*World Of Concrete 2010 Convention*, Las Vegas, Nevada, January, 2010.

*National Association Of Home Builders 2010 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Las Vegas, Nevada, January, 2010.

*OSHA 30-Hour Construction Industry Certification Training*, Contractor's License Information Service, Las Vegas, Nevada, December, 2009.

*Fall Protection Training*, Laborers' International Union Local 872, Las Vegas, Nevada, November, 2009.

*Fall Protection Training*, Desert Specialty Rigging, Las Vegas, Nevada, October, 2009.

*AACE International 2009 Annual Meeting*, Seattle, Washington, June, 2009.

*Certified XL Tribometrist Seminar*, William English, Inc., Philadelphia, Pennsylvania, June, 2009.

*Simpson Framing Engineers, Architects, Specifiers, Building Departments, Contractors & Builders Workshop*, Simpson Strong-Tie Company, Las Vegas, Nevada, May, 2009.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Associated Schools Of Construction 2009 Annual Meeting*, University of Florida, Gainesville, Florida, April, 2009.

*World Of Concrete 2009 Convention*, Las Vegas, Nevada, February, 2009.

*Surfaces Expo: World Flooring Convention*, Las Vegas, Nevada, February, 2009.

*National Association Of Home Builders 2009 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Las Vegas, Nevada, January, 2009.

*UNLV AY System Training*, University of Nevada, Las Vegas, Las Vegas, Nevada, January, 2009.

*UNLV Academic Assessment Symposium*, University of Nevada, Las Vegas, Las Vegas, Nevada, October, 2008.

*American Society of Safety Engineers Annual Meeting*, Las Vegas, Nevada, June 2008.

*UNLV Strategic Planning Workshop*, Las Vegas, Nevada, May, 2008.

*UNLV Diversity and Cultural Awareness Training*, Las Vegas, Nevada, May, 2008.

*Associated Schools Of Construction 2008 Annual Meeting*, Auburn University, Auburn, Alabama, April, 2008.

*Leadership in Energy and Environmental Design Workshop*, Auburn University, Auburn, Alabama, April, 2008.

*CONEXPO/CON-AGG 2008 Construction Equipment Exposition*, Las Vegas, Nevada, March, 2008.

*Surfaces Expo: World Flooring Convention*, Las Vegas, Nevada, January, 2008.

*ASTM International Annual Meeting*, Tampa, Florida, January, 2008.

*Certified XL Tribometrist Seminar*, William English, Inc., Tampa, Florida, January, 2008.

*World Of Concrete 2008 Convention*, Las Vegas, Nevada, January, 2008.

*2007 Crane Conference / Aerial Platform Symposium*, Las Vegas, Nevada, December, 2007.

*StonExpo 2007: The Stone Industry Event*, Las Vegas, Nevada, November, 2007.

*Course Development & Re-development Workshop*, The Learning Center, University of Nevada, Las Vegas, Las Vegas, Nevada, August, 2007.

*Certified XL Tribometrist Seminar*, William English, Inc., Philadelphia, Pennsylvania, June, 2007.

*Construction Management Association of America 2007 Spring Management Forum*, Las Vegas, Nevada, May, 2007.

*Associated Schools Of Construction 2007 Annual Meeting*, Northern Arizona University, Flagstaff, Arizona, April, 2007.

*National Association Of Home Builders 2007 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Orlando, Florida, February, 2007.

*Graduate Builders Institute: Building Codes & Standards*, Lied Institute/National Association of Home Builders, Las Vegas, Nevada, February, 2007.

*World Of Concrete 2007 Convention*, Las Vegas, Nevada, January, 2007.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*StonExpo 2006: The Stone Industry Event*, Las Vegas, Nevada, November, 2006.

*Concrete Pipe Design/Construction Seminar*, Mountain States Concrete Pipe Association, Las Vegas, Nevada, October, 2006.

*Program Assessment Strategies Workshop*, University of Nevada, Las Vegas, Las Vegas, Nevada, October, 2006.

*Western Roofing Contractors' Association Roof Expo Meeting*, Las Vegas, Nevada, June, 2006.

*Excavation/Trenching Safety Regulations Review*, State of Nevada – Division of Industrial Relations – Safety Consultation And Training Section, Henderson, Nevada, June, 2006.

*AACE International 2006 Annual Meeting*, Las Vegas, Nevada, June, 2006.

*AACE Planning And Scheduling Professional Certification Seminar*, AACE International, Las Vegas, Nevada, June 2006.

*Illuminating Engineering Society Of North America/International Association Of Lighting Designers Lightfair '06: The Design And Business Of Lighting Convention*, Las Vegas, Nevada, May, 2006

*NETWORLD + INTEROP 2006 Convention*, Las Vegas, Nevada, April, 2006.

*Associated Schools Of Construction 2006 Annual Meeting*, Colorado State University, Fort Collins, Colorado, April, 2006.

*Electric West 2006 Conference & Exposition*, Las Vegas, Nevada, March, 2006.

*World Of Concrete 2006 Convention*, Las Vegas, Nevada, January, 2006.

*2005 Building Industry Show*, Building Industry Association, Long Beach, California, November 2005.

*StonExpo 2005: The Stone Industry Event*, Las Vegas, Nevada, October, 2005.

*Construction Management And Design Build In Nevada*, Lorman Educational Services, Las Vegas, Nevada, September, 2005.

*AACE International 2005 Annual Meeting*, New Orleans, Louisiana, June, 2005.

*Basic Worker's Compensation*, Lorman Educational Services, Las Vegas, Nevada, June, 2005.

*Western Roofing Contractors' Association Roof Expo Meeting*, Las Vegas, Nevada, June, 2005.

*CONEXPO/CON-AGG 2005 Construction Equipment Exposition*, Las Vegas, Nevada, March, 2005.

*IFPE 2005 International Fluid Power Exposition*, Las Vegas, Nevada, March, 2005.

*AIA Contracts In Nevada: Understanding The Issues*, Lorman Educational Services, Las Vegas, Nevada, February, 2005.

*Surfaces Expo: World Flooring Convention*, Las Vegas, Nevada, January, 2005.

*World Of Concrete 2005 Convention*, Las Vegas, Nevada, January, 2005. *Master Certificate In Concrete Repair*, World of Concrete, Las Vegas, Nevada, January, 2005.

*MINEXPO 2004 Convention/World Mining Congress*, Las Vegas, Nevada, September, 2004.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*National Association Of Home Builders: University of Housing: Business Management Workshop*, Washington, D.C., July 2004.

*AACE International 2004 Annual Meeting*, Washington, D.C., June, 2004.

*Electric West 2004 Electrical Exposition And Conference*, Las Vegas, Nevada, February, 2004.

*National Association Of Home Builders 2004 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Las Vegas, Nevada, January, 2004.

*Employment Law: Hiring & Firing Seminar*, Morris Polich & Purdy, Las Vegas, Nevada, November, 2003.

*Fall 2003 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 2003.

*AACE International 2003 Annual Meeting*, Orlando, Florida, June, 2003.

*Associated Schools Of Construction 2003 Annual Meeting*, Clemson University, Clemson, South Carolina, April, 2003.

*2003 Land Development Forum*, Pulte Corp., Las Vegas, Nevada, March, 2003.

*World Of Concrete 2003 Convention*, Las Vegas, Nevada, February, 2003.

*World Floor Covering Association Surfaces 2003 Annual Convention*, Las Vegas, Nevada, January, 2003.

*National Association Of Home Builders 2003 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Las Vegas, Nevada, January, 2003.

*Fall Protection Regulations Review*, State of Nevada – Division of Industrial Relations – Safety Consultation And Training Section, Henderson, Nevada, December, 2002.

*Lean Construction Last Planner System Workshop*, Lean Construction Institute/Nevada Manufacturing Assistance Partnership, Las Vegas, Nevada, November, 2002.

*Fall 2002 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 2002.

*Journal of Light Construction JLC Live Expo*, Las Vegas, September, 2002.

*Solving Water Intrusion And Mold Problems*, Lorman Educational Services, Las Vegas, Nevada, September, 2002.

*IFPE 2005 International Fluid Power Exposition*, Las Vegas, Nevada, March, 2005.

*AACE International 2002 Annual Meeting*, Portland, Oregon, June, 2002.

*Western Roofing Contractors' Association Roof Expo Meeting*, Las Vegas, Nevada, June, 2002.

*MOLD: Environmental & Geotechnical Considerations Seminar*, Ninyo & Moore, Las Vegas, Nevada, May, 2002.

*Construction Financial Management Association National Convention*, Las Vegas, Nevada, May, 2002.

*NETWORLD + INTEROP 2002 Convention*, Las Vegas, Nevada, May, 2002.

*Nevada Claims Association Annual Meeting*, Las Vegas, Nevada, May, 2002.

*Mechanical Electrical Academic Consortium Annual Meeting, NECA/MCAA*, Roanoke, Virginia, April, 2002.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: *(continued)***

*Associated Schools Of Construction 2002 Annual Meeting*, Virginia Tech, Roanoke, Virginia, April, 2002.

*A Primer On Design-Build & Lean Construction*, Design-Build Industry Association/Lean Construction Institute/Manufacturing Assistance Program, Las Vegas, Nevada, March, 2002.

*CONEXPO/CON-AGG 2002 Construction Equipment Exposition*, Las Vegas, Nevada, March, 2002.

*IFPE 2002 International Fluid Power Exposition*, Las Vegas, Nevada, March, 2002.

*American Institute Of Constructors' Annual Forum*, Las Vegas, Nevada, March, 2002.

*International Security Conference & Exposition ISC West*, Security Industries Association, Las Vegas, Nevada, March, 2002.

*Electric West 2002 Electrical Exposition And Conference*, Las Vegas, Nevada, February, 2002.

*Fall 2001 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 2001.

*Customer 360° Expo*, Key3 Media Group, Las Vegas, Nevada, November, 2001.

*Journal of Light Construction JLC Live Expo*, Las Vegas, October, 2001.

*Simpson Framing Engineers, Architects, Specifiers, Building Departments, Contractors & Builders Workshop*, Simpson Strong-Tie Company, Las Vegas, Nevada, August, 2001.

*National Construction & Maintenance Expo 2001*, Bentley Management, Las Vegas, Nevada, August, 2001.

*Western Roofing Contractors' Association Roof Expo Meeting*, Las Vegas, Nevada, June, 2001.

*American Society for Engineering Education 2001 Annual Conference*, Albuquerque, New Mexico, June, 2001.

*AACE International 2001 Annual Meeting*, Pittsburgh, Pennsylvania, June, 2001.

*Associated Schools Of Construction 2001 Annual Meeting*, University of Denver, Denver, Colorado, April, 2001.

*International Security Conference & Exposition ISC West*, Security Industries Association, Las Vegas, Nevada, March, 2001.

*World Of Concrete 2001 Convention*, Las Vegas, Nevada, February, 2001.

*Fall 2000 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 2000.

*CFMA Fall 2000 Seminar*, Construction Financial Management Association, Las Vegas, Nevada, October, 2000.

*The Proactive Owner/Developer: Taking the Lead on the Construction Project*, Associated Owners & Developers, Las Vegas, Nevada, October, 2000.

*MINEXPO 2000 Convention/World Mining Congress*, Las Vegas, Nevada, October, 2000.

*Disaster Kleanup International Association Annual Conference*, Las Vegas, Nevada, September, 2000.

*Southwest Construction Expo / Building & Grounds Maintenance Expo 2000*, Las Vegas, Nevada, September, 2000.

*NETWORLD + INTEROP 2000 Convention*, Las Vegas, Nevada, May, 2000.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Associated Schools Of Construction 2000 Annual Meeting*, Purdue University, West Lafayette, Indiana, March, 2000.

*Geologic And Hydrologic Hazards In The Las Vegas Valley: Reducing Risk*, Association Of Engineering Geologists, Las Vegas, Nevada, March, 2000.

*Remodel America 2000 Conference & Exposition*, National Association of Home Builders / National Association of Remodeling Industries, Las Vegas, Nevada, March, 2000.

*National Glass Association Exposition*, Las Vegas, Nevada, March, 2000.

*International Security Conference & Exposition ISC West*, Security Industries Association, Las Vegas, Nevada, March, 2000.

*Business Growth & Management Symposium*, Accountants Inc., Las Vegas, Nevada, March, 2000.

*Framing Contractor's Association Annual Safety Show*, North Las Vegas, Nevada, February, 2000.

*National Association Of Home Builders 2000 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Dallas, Texas, January, 2000.

*Nevada Construction Defect Claims*, Lorman Educational Services, Las Vegas, Nevada, December, 1999.

*Fall 1999 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1999.

*Lean Construction Institute Seminar*, Lean Construction Institute/National Institute for Standards and Technology/Nevada Manufacturing Assistance Partnership, Las Vegas, Nevada, November, 1999.

*Las Vegas Property Maintenance Show*, Bentley International Group, Las Vegas, Nevada, October, 1999.

*American Society for Engineering Education 1999 Annual Conference*, Charlotte, North Carolina, June, 1999.

*Construction Contractor's License School*, Contractor's License Information Service, Las Vegas, Nevada, May-June, 1999.

*NETWORLD + INTEROP 99 Convention*, Las Vegas, Nevada, May, 1999.

*Construction Employment Issues Seminar*, Construction Financial Management Association, Las Vegas, Nevada, May, 1999.

*Associated Schools Of Construction 1999 Annual Meeting*, California Polytechnic State University, San Luis Obispo, California, April, 1999.

*CONEXPO/CON-AGG '99 Construction Equipment Exposition*, Las Vegas, Nevada, March, 1999.

*Associated General Contractors National Convention*, Las Vegas, Nevada, March, 1999.

*National Construction Industry Forum: Construction's Leaders Preparing For The 21<sup>st</sup> Century*, American Council For Construction Education, Las Vegas, Nevada, March, 1999.

*World Of Concrete 1999 Convention*, Las Vegas, Nevada, January, 1999.

*Fall 1998 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1998.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Planning for Gold in the Silver State 28<sup>th</sup> Annual Nevada Planning Conference*, American Planning Association, Las Vegas, Nevada, September, 1998.

*Construction Defects Seminar: Focus On Nevada*, Pacific Property Consultants, Las Vegas, Nevada, July, 1998.

*Illuminating Engineering Society Of North America/International Association Of Lighting Designers Lightfair '98: The Design And Business Of Lighting Convention*, Las Vegas, Nevada, May, 1998.

*Construction Financial Management Association National Convention*, Las Vegas, Nevada, May, 1998.

*NETWORLD + INTEROP 98 Convention*, Las Vegas, Nevada, May, 1998.

*Associated Schools Of Construction 1998 Annual Meeting*, Central Connecticut State University, Portland, Maine, April, 1998.

*Building Code Education Institute*, International Conference Of Building Officials & SN ICBO Chapter, Las Vegas, Nevada, February, 1998.

*National Association Of Home Builders 2000 Annual Convention, The International Builder's Show, The International Commercial Construction Exposition*, Dallas, Texas, January, 1998.

*Fall 1997 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1997.

*Construction Claims '97 - Heading Toward 2000: Controversial Issues on Delays, Damages & The False Claims Act*, High-Point Rendel/Pinnacle One, Las Vegas, Nevada, November, 1997.

*Annual Claims Exposition & Conference '97*, Las Vegas, Nevada, November, 1997.

*Las Vegas Plant Engineering & Maintenance Convention*, Las Vegas, Nevada, October, 1997.

*WinEstimator Users' Conference*, WinEstimator, Las Vegas, Nevada, October, 1997.

*Geotechnical Investigations Seminar*, Ninyo & Moore, Las Vegas, Nevada, September, 1997.

*Sulfates: Preventing And Defending Their (Claimed) Attack On Concrete*, Southern Nevada Home Builders Association, Las Vegas, Nevada, September, 1997.

*AACE International 1997 Annual Meeting*, Dallas, Texas, July, 1997.

*NETWORLD + INTEROP 97 Convention*, Las Vegas, Nevada, May, 1997.

*Slips, Falls, And Related Premises Liability Issues Seminar*, KR Associates, Los Angeles, California, May, 1997.

*International Council Of Shopping Centers Convention*, Las Vegas, Nevada, May, 1997.

*Associated Schools Of Construction 1997 Annual Meeting*, University of Washington, Seattle, Washington, April, 1997.

*Geologic And Hydrologic Hazards In The Las Vegas Valley: Reducing Risk*, Association Of Engineering Geologists, Las Vegas, Nevada, March, 1997.

*World Of Concrete 1997 Convention*, Las Vegas, Nevada, January, 1997.

*Fall 1996 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1996.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Graduate Builders Institute Building Technology Seminar*, National Association Of Home Builders, Las Vegas, Nevada, October, 1996.

*Basic Construction Accounting Seminar*, Construction Financial Management Association, September, 1996.

*MINEXPO '96 Convention/World Mining Congress*, Las Vegas, Nevada, September, 1996.

*AACE International 1996 Annual Meeting*, Vancouver, British Columbia, Canada, June, 1996.

*1996 UNLV Environments For Tourism Conference*, Las Vegas, Nevada, June, 1996.

*1996 Title 24 Model Energy Code Conference*, Los Angeles, California, May, 1996.

*International Council Of Shopping Centers Convention*, Las Vegas, Nevada, May, 1996.

*AACE International Spring Cost Symposium*, San Diego, California, April, 1996.

*Associated Schools Of Construction 1996 Annual Meeting*, Texas A & M University, College Station, Texas, April, 1996.

*CONEXPO '96 Construction Equipment Exposition*, Las Vegas, Nevada, March, 1996.

*1996 Annual AACE Western Winter Cost Workshop*, Monterey, California, February, 1996.

*National Association Of Home Builders 1996 Annual Convention*, Houston, Texas, January, 1996.

*World Of Concrete 1996 Convention*, Las Vegas, Nevada, January, 1996.

*Construction Contract Law Seminar*, Federal Publications, Seattle, Washington, January, 1996.

*Fall 1995 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1995.

*Construction Employment Law Seminar*, Construction Financial Management Association, Las Vegas, Nevada, November, 1995.

*Metropolitan Water District Domingoni Valley Dam Project Seminar*, Hemet, California, October, 1995.

*Construction Management Association Of America National Conference*, Chicago, Illinois, October, 1995.

*Paint & Coating Systems Applications Issues Seminar*, CTS Associates, Chicago, Illinois, June, 1995.

*Graduate Builders Institute Construction Methods/Materials Seminar*, National Association Of Home Builders, Los Angeles, California, September, 1995.

*National Parking Association Annual Convention*, Las Vegas, Nevada, September, 1995.

*AACE International 1995 Annual Meeting*, St. Louis, Missouri, June, 1995.

*Model Energy Code Seminar*, Las Vegas, Nevada, April, 1995.

*Associated Schools Of Construction 1995 Annual Meeting*, Arizona State University, Tempe, Arizona, April, 1995.

*Construction Management Association Of America Mid-Year Meeting*, Lake Tahoe, Nevada, March, 1995.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*1995 Annual AACE Western Winter Cost Workshop*, Monterey, California, February, 1995.

*National Association Of Home Builders 1995 Annual Convention*, Houston, Texas, January, 1995.

*Fall 1994 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1994.

*National Association Of The Remodeling Industry Annual Convention*, Las Vegas, Nevada, October, 1994.

*UNLV Environments For Tourism Conference*, Las Vegas, Nevada, October, 1994.

*Construction Management Association Of America National Conference*, Newport Beach, California, September, 1994.

*AACE International 1994 Annual Meeting*, San Francisco, California, June, 1994.

*Slip And Fall Surfaces Testing Seminar*, Garrett Engineers, Long Beach, California, June, 1994.

*Project Management Institute PMBOK Seminar*, Las Vegas, Nevada, May, 1994.

*American Society For Quality Control Annual Meeting*, Las Vegas, Nevada, May, 1994.

*International Council Of Shopping Centers Convention*, Las Vegas, Nevada, May, 1994.

*Associated Schools Of Construction 1994 Annual Meeting*, Bradley University, Peoria, Illinois, April, 1994.

*American Subcontractors Association Annual Convention*, Las Vegas, Nevada, March, 1994.

*Associated Schools Of Construction Western Region Meeting*, Reno, Nevada, February, 1994.

*Construction Lien Law Seminar*, Associated Builders & Contractors, Las Vegas, Nevada, February, 1994.

*National Association Of Home Builders 1994 Annual Convention*, Las Vegas, Nevada, January, 1994.

*Quality & Productivity Institute Preview '94*, Las Vegas, Nevada, December, 1993.

*Fall 1993 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1993.

*Construction Financial Management Association National Convention*, Las Vegas, Nevada, May, 1993.

*ENR Construction Computing Conference*, Chicago, Illinois, May, 1993.

*Associated Schools Of Construction 1993 Annual Meeting*, Colorado State University, Estes Park, Colorado, April, 1993.

*CONEXPO '93 Construction Equipment Exposition*, Las Vegas, Nevada, March, 1993.

*Associated General Contractors National Convention*, Las Vegas, Nevada, March, 1993.

*Associated Builders And Contractors National Convention*, Las Vegas, Nevada, March, 1993.

*Associated Schools Of Construction Western Region Meeting*, Reno, Nevada, February, 1993.

*National Association Of Home Builders 1993 Annual Convention*, Las Vegas, Nevada, January, 1993.

*World Of Concrete 1993 Convention*, Las Vegas, Nevada, January, 1993.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Quality & Productivity Institute Preview '93*, Las Vegas, Nevada, December, 1992.

*Fall 1992 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1992.

*MINEXPO '92 Convention*, Las Vegas, Nevada, October, 1992.

*Workers' Compensation: Techniques For Controlling Costs Seminar*, Layne & Associates, Las Vegas, Nevada, September, 1992.

*Associated General Contractors Executive Leadership Seminar*, Las Vegas, Nevada, May, 1992.

*International Council Of Shopping Centers Convention*, Las Vegas, Nevada, May, 1992.

*Associated Schools Of Construction 1992 Annual Meeting*, Auburn University, Auburn, Alabama, April, 1992.

*National Association Of Home Builders 1992 Annual Convention*, Las Vegas, Nevada, January, 1992.

*Quality & Productivity Institute Preview '92*, Las Vegas, Nevada, December, 1991.

*Fall 1991 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1991.

*Construction Financial Management Association Seminar*, Las Vegas, Nevada, October, 1991.

*Soils In Construction Seminar*, Spokane, Washington, August, 1991.

*Beyond The Numbers: Inside Contractor Financial Statements Seminar*, Main Gorman, Las Vegas, Nevada, June, 1991.

*Timberline Computerized Construction Estimating Seminar*, Portland, Oregon, June, 1991.

*AACE International 1991 Annual Meeting*, Seattle, Washington, June, 1991.

*International Council Of Shopping Centers Convention*, Las Vegas, Nevada, May, 1991.

*Associated Schools Of Construction 1991 Annual Meeting*, Brigham Young University, Provo, Utah, April, 1991.

*Environmental Technology Exposition & Conference*, Las Vegas, Nevada, March, 1991.

*Construction Safety Improvement*, Mills & Associates, Los Angeles, California, March, 1991.

*Associated General Contractors Trade Show*, Las Vegas, Nevada, February, 1991.

*World Of Concrete 1991 Convention*, Las Vegas, Nevada, February, 1991.

*Roof Consultants Institute*, Las Vegas, Nevada, February, 1991.

*Associated Schools Of Construction Western Region 1991 Meeting*, Las Vegas, Nevada, January, 1991.

*IES Fundamentals Of Commercial And Industrial Lighting Seminar*, Las Vegas, Nevada, January, 1991.

*Quality & Productivity Institute Preview '91*, Las Vegas, Nevada, December, 1990.

*PDA Design-Construction Insurance Seminar*, Las Vegas, Nevada, December, 1990.

*Fall 1990 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1990.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Construction Financial Management Association Bonding Seminar*, Las Vegas, Nevada, October, 1990.

*Timberline Computerized Construction Estimating Seminar*, Portland, Oregon, July, 1990.

*Scaffolding Industries Association Scaffolding Seminar*, Las Vegas, Nevada, June, 1990.

*ASCE Continuing Education In Civil Engineering Conference*, Las Vegas, Nevada, April, 1990.

*Associated Schools Of Construction 1990 Annual Meeting*, Clemson University, Charleston, South Carolina, April, 1990.

*Roofing & Decking Systems Seminar*, Flexco, Los Angeles, California, March, 1990.

*Associated Schools Of Construction Western Region 1990 Meeting*, Las Vegas, Nevada, January, 1990.

*Fall 1989 COMDEX Computer Exposition*, Las Vegas, Nevada, November, 1989.

*Plumbing, Heating, & Cooling Products Expo '89*, Las Vegas, Nevada, October, 1989.

*Uniform Building Code Advanced Seminar*, Harris Associates, Denver, Colorado, September, 1989.

*Uniform Building Code Fundamentals Seminar*, Harris Associates, Denver, Colorado, September, 1989.

*AACE International 1989 Annual Meeting*, San Diego, California, June, 1989.

*Construction Safety Seminar*, Michigan Occupational Safety And Health Administration, Grand Rapids, Michigan, May, 1989.

*Distance Education Seminar*, Western Michigan University, Kalamazoo, Michigan, May, 1989.

*Associated Schools Of Construction 1989 Annual Meeting*, University of Nebraska, Lincoln, Nebraska, April, 1989.

*Project Management Seminar*, Project Management Institute, Milwaukee, Wisconsin, March, 1989.

*Expert Systems Development*, Western Michigan University, Kalamazoo, Michigan, March, 1989.

*Michigan Association Of Home Builders Annual Meeting*, Lansing, Michigan, February, 1989.

*Construction Association Of Michigan CAM EXPO '89*, Pontiac, Michigan, February, 1989.

*National Association Of Home Builders 1989 Annual Convention*, Dallas, Texas, January, 1989.

*Construction Productivity And Motivation*, Construction Association Of Michigan, Troy, Michigan, December, 1988.

*CADKEY Computer-Aided Design Workshop*, Kalamazoo, Michigan, October-November, 1988.

*Associated Schools Of Construction 1988 Great Lakes Region Meeting*, Western Michigan University, Kalamazoo, Michigan, September, 1988.

*Architecture-Engineering-Construction Systems '88*, Chicago, Illinois, May, 1988.

*American Mining & Equipment Congress*, Chicago, Illinois, April, 1988.

*Primavera Systems Software Seminar*, Lansing, Michigan, April, 1988.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*National Plant Engineering Show/Convention, Chicago, Illinois, March, 1988.*

*Construction Association Of Michigan CAM EXPO '88, Pontiac, Michigan, February, 1988.*

*WMU/IEEE Artificial Intelligence Seminar, Kalamazoo, Michigan, February, 1988.*

*National Association Of Home Builders 1988 Annual Convention, Dallas, Texas, January, 1988.*

*Construction Management & Computers '87, Chicago, Illinois, November, 1987.*

*Building Code Issues Seminar, Lansing, Michigan, November, 1987.*

*ConstructTech '87 Conference, Construction Association of Michigan, Dearborn, Michigan, October, 1987.*

*Associated Schools Of Construction 1987 Great Lakes Region Meeting, Bradley University, Peoria, Illinois, October, 1987.*

*Microsoft Word Course, WMU Excite, Kalamazoo, Michigan, September-October, 1987.*

*AACE International Midwest Regional Seminar, Lake Geneva, Wisconsin, April, 1987.*

*CONEXPO '87 Construction Equipment Exposition, Las Vegas, Nevada, March, 1987.*

*American Welding Society Annual Convention, Chicago, Illinois, March, 1987.*

*Piping Design Seminar, Chicago, Illinois, January, 1987.*

*Roofing and Waterproofing Systems Applications Seminar, Thomsen, Rosemont, Illinois, October, 1986.*

*AACE International 1986 Annual Meeting, Chicago, Illinois, June, 1986.*

*Soils & Foundations Seminar, STS Engineers, Rosemont, Illinois, May, 1986.*

*National Plant Engineering Show/Convention, Chicago, Illinois, March, 1986.*

*Certified Welding Inspector Seminar, American Welding Society, Chicago, Illinois, March, 1986.*

*Inland Steel Management Training Program, E. Chicago, Indiana, October, 1985.*

*Construction Technology & Materials Conference, Milwaukee, Wisconsin, September, 1985.*

*Welding Technology & Welding Systems Seminar '95, American Welding Society, Chicago, Illinois, March-April, 1985.*

*National Plant Engineering Show/Convention, Chicago, Illinois, March, 1985.*

*Statistical Process Control Training Program, Inland Steel, E. Chicago, Indiana, February, 1985.*

*World Of Concrete 1985 Convention, Las Vegas, Nevada, January, 1985.*

*Great Lakes Regional Cost & Project Management Seminar, AACE International, Ann Arbor, Michigan, October, 1984.*

*Facility Electrical Systems Seminar, Advanced Technologies, Oak Brook, Illinois, October, 1984.*

*Facility Mechanical Systems Seminar, Advanced Technologies, Oak Brook, Illinois, September, 1984.*

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Welding Technology & Welding Systems Seminar '94*, American Welding Society, Chicago, Illinois, March-April, 1984.

*Piping Technology Seminar*, Meyer Group., Chicago, Illinois, January, 1984.

*1983 Annual Western Winter Cost Workshop*, Pebble Beach, California, December, 1983.

*Accident Prevention Fundamentals Training Program*, Inland Steel, E. Chicago, Indiana, May-June, 1983.

*Electrical Motor Controls*, American Systems, Merrillville, Indiana, May, 1983.

*National Plant Engineering Show/Convention*, Chicago, Illinois, March, 1983.

*World Of Concrete 1983 Convention*, Las Vegas, Nevada, February, 1983.

*Industrial Hydraulics Technology*, Parker-Hannifin, Hammond, Indiana, March, 1983.

*National Plant Engineering Show/Convention*, Chicago, Illinois, March, 1982.

*American Institute Of Constructors 1982 Annual Forum*, Las Vegas, Nevada, February, 1982.

*Concrete And Aggregates Show '82*, Las Vegas, Nevada, February, 1982.

*Structural Design Fundamentals*, Procon International, Des Plaines, Illinois, January, 1982.

*McAuto STRUDL Structural Design Software Seminar*, Chicago, Illinois, November, 1981.

*Aerial Work Platform And Crane Safety Seminar*, MiJack, Inc., E. Chicago, Indiana, November, 1981.

*Project Scheduling Systems For Industrial Projects Seminar*, United Engineers & Constructors, Philadelphia, Pennsylvania, October, 1981.

*Premises Liability Testing Seminar*, AHD Associates, Chicago, Illinois, June, 1981.

*National Computer Conference*, Chicago, Illinois, June, 1981.

*AACE International 1981 Annual Meeting*, Toronto, Ontario, Canada, June, 1981.

*American Welding Society Annual Convention*, Cleveland, Ohio, April, 1981.

*Mechanical Systems Seminar*, FabTech, Chicago, Illinois, March, 1981.

*National Plant Engineering Convention*, Chicago, Illinois, March, 1981.

*Associated General Contractor's Superintendent Training - Construction Foreman Module, Project Management Module, Leadership & Motivation Module, Construction Cost Improvement Module*, Builder's Association Of Chicago, River Grove, Illinois, January-June, 1981.

*American Institute Of Constructors 1981 Annual Forum*, Tarpon Springs, Florida, January, 1981.

*CONEXPO '81 Construction Equipment Exposition*, Houston, Texas, January, 1981.

*Great Lakes Regional Cost & Project Management Seminar*, AACE International, Ann Arbor, Michigan, October, 1980.

*Wastewater Treatment Plant Seminar*, Aquatechnics Engineers, Naperville, Illinois, October, 1980.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: (continued)**

*Fundamentals Of Cost Engineering Seminar*, AACE International, Chicago, Illinois, May, 1980

*Managing For Productivity Seminar*, Timelapse Associates, San Francisco, California, March, 1980.

*World Of Concrete 1980 Convention*, Las Vegas, Nevada, March, 1980.

*National Plant Engineering Convention*, Chicago, Illinois, March, 1980.

*American Institute Of Constructors 1980 Annual Forum*, Corpus Christi, Texas, January, 1980.

*Overhead Crane Maintenance*, Conco-Tellus, Merrillville, Indiana, November, 1979.

*Pump Technology Seminar*, Goulds Pumps, Chicago, Illinois, October, 1979.

*Concrete Admixtures Seminar*, Certified Concrete, East Chicago, Indiana, April, 1979.

*OSHA Construction Safety Training Program*, Governor's State University, University Park, Illinois, March-April, 1979.

*Flexible Equipment Couplings Seminar*, Koppers Company, E. Chicago, Indiana, February, 1979.

*Construction Law In Contractor's Language Seminar*, Engineering News-Record, Chicago, Illinois, November, 1978.

*Gas Safety Training Seminar*, Inland Steel, E. Chicago, Indiana, October, 1978.

*Fire Safety Training Seminar*, Inland Steel, E. Chicago, Indiana, October, 1978.

*Western Society Of Engineers' Young Engineers' Training Program*, September-November, 1978.

*Stanford University Sierra Construction College*, Stanford University, Lake Tahoe, California, September, 1978.

*Piping System Materials And Construction Seminar*, SGS Group, Chicago, Illinois, June, 1978.

*Industrial Energy Conservation*, Calumet Engineering Education Association, Hammond, Indiana, May, 1978.

*Technical Report Preparation*, Calumet Engineering Education Association, Hammond, Indiana, April, 1978.

*Value Engineering/Value Analysis*, Calumet Engineering Education Association, Hammond, Indiana, March, 1978.

*Accident Prevention Fundamentals Training Program*, Inland Steel, E. Chicago, Indiana, March-April, 1978.

*Advanced Concrete Technology Seminar*, Portland Cement Association, Skokie, Illinois, December, 1977.

*Management Training Program*, National Management Association, Chicago, Illinois, October-November, 1977.

*Inland Steel Management Training Program*, Inland Steel, East Chicago, Indiana, October-November, 1977.

*Real Estate License School*, Spokane Board of Realtors, Spokane, Washington, July-August, 1976.

*Construction Management Seminar*, Associated General Contractors, Spokane, Washington, March, 1976.

*Open-Shop Construction Seminar*, Associated General Contractors, Spokane, Washington, October, 1974.

*Precast Concrete Tilt-Up Construction Seminar*, American Concrete Institute, Seattle, Washington, June, 1974.

**Conferences, Conventions, Short-Courses, And Seminar Attendance: *(continued)***

*Grade Checking Journeyman Upgrading Course*, International Union of Operating Engineers, Spokane, Washington, January-February, 1972.

## **EXHIBIT 3**

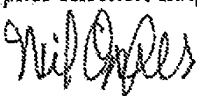
## **EXHIBIT 3**

## Neil D. Opfer

Opfer Construction & Review [OPCOR] Group, LLC  
NV B-2 License #0048965  
1920 Placid Ravine  
Las Vegas, Nevada 89117

(702) 341-5828 (office)  
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(702) 523-2738 (mobile)

### CONSULTING FEE MEMO

**DATE:** March 18, 2015  
**TO:** Mr. Christopher Kircher, Esq.  
**FROM:** Neil Opfer   
**RE:** Consulting Fees

As per your request, attached is current background information along with a current fee schedule as below.

| Fee Schedule                                               |                           |
|------------------------------------------------------------|---------------------------|
| Consultation/Investigation/Mediation                       | \$155.00 Per Hour         |
| Deposition/Arbitration/Court Testimony<br>(1 Hour Minimum) | \$250.00 Per Hour         |
| Sub-consultants                                            | At Cost                   |
| Long Distance Phone Charges                                | At Cost                   |
| Photographs & Fed Ex Charges                               | At Cost                   |
| Travel                                                     | Out-of-Town At Cost       |
| Travel                                                     | Vehicle (\$0.50 per mile) |

## **EXHIBIT 4**

## **EXHIBIT 4**

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|                                                |                              |
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**Depositions and Arbitrations Over Past Ten-Year<sup>+</sup> Period As Of December 2014.**

**2014 Depositions:**

**Char v. Smith's Food & Drug Centers, Inc.** (Nevada) Plaintiff representation for Peter Goldstein Law Offices – construction defect issue

**Gutierrez v. Tropicana Hotel/Casino, et al.** (Nevada) Plaintiff representation for Laura Hunt Law Office/Eglet Wall Christiansen – construction defect issue

**Destefano v. New York New York Hotel/Casino** (Nevada) Defense representation for Smith Larsen & Wixom – construction defect issue

**Nevada Department Of Transportation (NDOT) v. Highland Group 2000, LLC** (Nevada) Defense representation for Law Offices of Kermitt L. Waters – construction development and construction cost issue

**RBM Construction v. Rosenaur, et al./Rosenaur v. Arrington** (Nevada) Plaintiff/defense in two actions: Rosenaur representation for Sklar Williams Law Offices – construction defect and construction cost issue

**2013 Independent Neutral:**

**Eastern Long Term Acute Care (LTAC) Facility v. LM Construction** (Nevada) Construction schedule, construction cost, and construction defect issue

**2013 Arbitrations:**

**Lombardo v. HRHH Hotel/Casino (Hard Rock Hotel), LLC** (Nevada) Defense representation for Moran & Associates – construction defect issue

**2013 Depositions:**

**Garcia v. Circus Circus** (Nevada) Defense representation for Smith Larsen & Wixom – construction defect issue

**Martinez v. Ryland Homes, et al.** (Nevada) Plaintiff representation for Peter Goldstein Law Offices – construction defect issue

**Executive Suites v. American Jetting** (Nevada) Defense representation for Patton & Kiraly – construction defect issue

**Rastkerdar v. TMBC - Bass Pro Shops** (Nevada) Defense representation for Thorndal Armstrong – construction defect issue

**Arman v. Boulder Station, Regal Cinemas, et. al.** (Nevada) Defense representation for Barron & Pruitt Law Offices – construction defect issue

**2012 Depositions:**

**Kerr v. Planet Hollywood, et al.** (Nevada) Plaintiff representation for Stovall Law Offices – construction defect issue

**Eng v. Palm Canyon Development, et al.** (Nevada) Plaintiff representation for Sklar Williams PLLC Law Offices – construction defect issue

**Behroozi v. New Albertsons, Inc.** (Nevada) Defense representation for Chasey Honodel Law Offices – construction defect issue

**Frye v. Tuscany Hotel/Casino** (Nevada) Plaintiff representation for Julie Mersch Law Offices – construction defect issue

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**Depositions and Arbitrations Over Past Ten-Year<sup>+</sup> Period As Of December 2014.**  
(continued)

**2012 Depositions: (continued):**

**Wilson v. Flamingo Paradise Gaming v. Commercial Services International**  
(Nevada) Defense representation for Moran & Associates – construction defect issue  
**Lebitski v. Drai's After Hours Club** (Nevada) Defense representation for Cisneros,  
 Clayson & Marias – construction defect issue  
**Reichardt v. Blue Martini Nightclub** (Nevada) Defense representation for Phillips  
 Spallas & Angstadt – construction defect issue

**2011 Depositions:**

**Reichardt v. Blue Martini Nightclub** (Nevada) Defense representation for Lewis  
 Brisbois – construction defect issue  
**Jurasek v. Flamingo (Terrible Herbst Hotel/Casino)** (Nevada) Defense representation  
 for Thorndal Armstrong – construction defect issue  
**Painter v. Circus Circus Hotel/Casino** (Nevada) Defense representation for Smith,  
 Larsen & Wixom – construction defect issue  
**Ritter v. Semper Pactolus, et al.** (Nevada) Defense representation for Hall, Jaffe &  
 Clayton – construction defect issue  
**Hager v. First Colony/Las Vegas Hilton, et al** (Nevada) Plaintiff representation for  
 Peter Goldstein Law Offices – construction defect issue  
**Wendy's Restaurants, Inc. adv. Gonzalez** (Nevada) Defense representation for Hall,  
 Jaffe & Clayton – construction defect issue  
**Bernard v. First Colony/Las Vegas Hilton, et al** (Nevada) Plaintiff representation for  
 Parker, Sheer, Lagomarsino Law Offices – construction defect issue  
**Jackson v. United Artists Theatres** (Nevada) Plaintiff representation for Daniel Winder  
 Law Offices – construction defect issue

**2011 Arbitrations:**

**Bagne v. Auto Owners Insurance** (Michigan) Defense representation for Conlin,  
 McKenney & Philbrick, P.C. – construction defect and construction cost issue

**2010 Wisconsin Trial:**

**Eisler v. West Bend** (Wisconsin) Defense representation for Piper & Schmidt –  
 construction defect issue

**2010 Depositions:**

**Larson-Kimberling v. Hard Rock Hotel Holdings, LLC** (Nevada) Defense  
 representation for Moran & Associates – construction defect issue  
**Shamilian v. Ramada Express Laughlin** (Nevada) Defense representation for Hall,  
 Jaffe & Clayton – construction defect issue  
**Waldman v. Golden Gate Hotel/Casino** (Nevada) Defense representation for Hall, Jaffe  
 & Clayton – construction defect issue

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**Depositions and Arbitrations Over Past Ten- Year\* Period As Of December 2014.**  
*(continued)*

**2010 Depositions (continued):**

**Rodolff v. Mandalay Bay Resort/Casino** (Nevada) Defense representation for Kravitz, Schnitzer, Sloane & Johnson – construction defect issue

**Andrews v. Fiesta Palms – Palms Hotel/Casino** (Nevada) Defense representation for Moran & Associates – construction defect issue

**Jackson v. HealthSouth, Inc.** (Nevada) Plaintiff representation for Mainor Eglet Cottle Law Offices – construction defect issue

**2010 Arbitrations:**

**Sprecher v. Farmers Insurance** (Nevada) Defense representation for Feldman Graf – construction defect and construction cost issue

**2009 Depositions:**

**Asato v. Cox Communications, Inc.** (Nevada) Defense representation for Ranalli & Zaniel – construction defect issue

**Boehm v. Casa Blanca Resort** (Nevada) Defense representation for Jeffrey Pitegoff Law Offices – construction defect issue

**Rice v. Westin Hotel, CP Las Vegas** (Nevada) Plaintiff representation for Parker, Sheer, Lagomarsino Law Offices – construction defect issue

**Jones v. Complete Millwork, Perini, MGM Grand** (Nevada) Defense representation for Hall, Jaffe & Clayton – construction defect issue

**Roddy v. Palm Harbor Homes** (Nevada) Plaintiff representation for Salmon & Associates Law Offices – construction defect and construction cost issue

**Eisler, et al. v. West Bend, et al.** (Wisconsin) Defense representation for Piper & Schmidt – construction defect issue

**Ebersole v. American West Homes** (Nevada) Plaintiff representation for Neal Hyman Law Offices – construction defect issue

**Donovan v. Evans** (Nevada) Plaintiff representation for Groesbeck & Associates – construction defect issue

**Kelleher v. Harrah's Laughlin, Inc., et al.** (Nevada) Defense representation for Ranalli & Zaniel – construction defect issue

**Eichorn v. Menemsha Development, et al.** (Nevada) Plaintiff representation for Neal Hyman Law Offices – construction defect issue

**2009 Arbitrations:**

**Allen Industrial v. Dutch Cowboy Dairy** (Utah) Defense representation for Van Cott, Bagley, Cornwall & McCarthy – construction contract, schedule, cost and defect issue

**Stephens v. Walnum, Bearing Point, et al.** (Nevada) Plaintiff representation for John Peter Lee, Ltd. – construction contract, schedule, cost and defect issue

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**Depositions and Arbitrations Over Past Ten- Year<sup>+</sup> Period As Of December 2014.**  
*(continued)*

**2008 Depositions:**

**McClellan v. Ralph's Grocery/Food 4 Less (Nevada)** Defense representation for Barron & Pruitt – construction defect issue

**Gonzales v. Terrible Herbst (Nevada)** Defense representation for Moran & Associates – construction defect issue

**Stephens v. Walnum, Bearing Point, et al. (Nevada)** Plaintiff representation for John Peter Lee, Ltd. – construction contract, schedule, cost and defect issue

**Antazo v. Green Valley Ranch Station Casino (Nevada)** Defense representation for Moran & Associates – construction defect issue

**Saratsiotis v. Fiesta Palms – Palms Hotel/Casino (Nevada)** Defense representation for Moran & Associates – construction defect issue

**Lichter v. Cook (Nevada)** Plaintiff representation for Blaine Beckstead Law Offices – construction defect issue

**Alan Stanton Corporation v. City of North Las Vegas Housing Authority (Nevada)** Plaintiff representation for Chasey Honodel – construction contract, schedule, and cost issue

**Barancik v. Tuscany Hotel/Casino (Nevada)** Defense representation for Sherman & Associates – construction defect issue

**Brooks v. Cedar Grove Resort, et al. (Wisconsin)** Defense representation for Piper Schmidt – construction contract and construction defect issue

**Goodman v. Mirage Resort & Casino, et al. (Nevada)** Defense representation for MGM Mirage – construction defect issue

**2007 Depositions:**

**Sabatino v. Sunrise Mountain Townhomes Association (Nevada)** Plaintiff representation for Neal Hyman Law Offices – construction defect and construction cost issue

**CJM Construction v. Ducks Unlimited (Nevada)** Plaintiff representation for Williams & Wiese – construction contract, schedule, and cost issue

**Fritz v. Terrible Herbst, Inc., et al. (Nevada)** Defense representation for Moran & Associates – construction defect issue

**Berkowitz v. Christopher Homes, LLC (Nevada)** Plaintiff representation for Neal Hyman Law Offices – construction defect and construction cost issue

**State of Nevada v. Goss (Nevada)** Defense representation for Law Offices of Kermit L. Waters – construction development and construction cost issue

**Stephens v. DJR Construction, et al. (Nevada)** Plaintiff representation for John Peter Lee, Ltd. – construction defect and construction cost issue

**Manhattan West, LLC v. Ward & Howes Associates, et al. (Nevada)** Plaintiff representation for John Peter Lee, Ltd. – construction defect, schedule, and cost issue

**Thorniley v. U.S. Home, et al. – Defense representation for John Peter Lee, Ltd. – construction defect and construction cost issue**

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**Depositions and Arbitrations Over Past Ten- Year<sup>+</sup> Period As Of December 2014.**  
*(continued)*

**2007 Depositions (continued):**

**Ringold, et al. v. Frehner Construction** (Nevada) Plaintiff representation for Neal Hyman Law Offices – construction defect issue

**Gonzales v. Terrible Herbst** (Nevada) Defense representation for Moran & Associates – construction defect issue

**2007 Michigan Trial:**

**Auto Owners Insurance Co. v. Ric Man Construction** (Michigan) Plaintiff subrogation representation for Boyer & Dawson, P.C. – construction defect and construction contract issue

**2006 Depositions:**

**Anderson v. Green Valley Ranch Gaming, LLC (Green Valley Ranch Station Hotel/Casino) v. Roel Construction, et al** (Nevada) Defense representation for Moran & Associates – construction defect and construction contract issue

**Young v. Las Vegas Paving** (Nevada) Plaintiff representation for Feldman Graf – construction defect and construction cost issue

**Manuel v. Polo Towers/Diamond Resorts v. Perini Building Co. /Hansen Mechanical** (Nevada) Plaintiff representation for Bullivant Houser Bailey – construction defect and construction contract issue

**Auto Owner's Insurance Company v. Ric Man Construction** (Michigan) Plaintiff representation for Boyer & Dawson, P.C. – construction defect and construction contract issue

**Capital One Property and Investments, Inc. v. Kelly, et al.** (Nevada) Plaintiff representation for John Peter Lee, Ltd. – construction and construction contract issue

**2005 Michigan Trial:**

**Vig v. Hunt Construction** (Michigan) Plaintiff representation for Boyer & Dawson, P.C. – construction defect and construction contract issue

**2005 Depositions:**

**Vig v. Hunt Construction** (Michigan) Plaintiff representation for Boyer & Dawson, P.C. – construction defect and construction contract issue

**Bain v. Desert Oak Homes/Desert Oak Development** (Nevada) Defense representation for Goold Patterson – construction defect and construction contract issue

**Lee v. Triple K Inc.** (Nevada) Plaintiff representation for Groesbeck & Associates – construction defect issue

**2004 Depositions:**

**Burusco v. TIC, Kennecott Copper, et al** (Utah) Plaintiff representation for Eisenberg & Gilchrist – construction defect issue

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**Depositions and Arbitrations Over Past Ten- Year<sup>+</sup> Period As Of December 2014.**  
(continued)

**2004 Depositions: (continued):**

**Emlet v. Foxwood; U-Systems (Utah)** Plaintiff representation for Eisenberg & Gilchrist – construction defect issue

**Bartsas v. Las Vegas Paving (Nevada)** Plaintiff representation for Williams & Wiese – construction defect issue

**Seguro v. Macayo Vegas Restaurant (Nevada)** Defense representation for Stephenson & Dickinson – construction defect issue

**Whiteye v. Hubble, Roth & Clark; Lanzo (Michigan)** Plaintiff representation for McKeen & Associates – construction defect issue

**Polo Towers Master Owner's Association v. Factory Mutual Insurance (Nevada)** Plaintiff representation for Brady Voyreck Ryder – construction defect issue

**Martel v. J.M. Olson Construction (Michigan)** Plaintiff representation for Darrell Amlin Law Offices – construction contract and construction defect issue

**2004 Arbitrations:**

**Seguro v. Macayo Vegas Restaurant (Nevada)** Defense representation for Stephenson & Dickinson – construction defect issue

**Blue Design v. Cornelius (Nevada)** Defense representation for McCrea, Martin & Allison. – construction contract and construction defect issue

**2003 Depositions:**

**Blue Design v. Cornelius (Nevada)** Defense representation for McCrea, Martin & Allison. – construction contract and construction defect issue

**Olen Realty v. R.V. Jones (Players Club/Players Invitational) (Nevada)** Defense representation for Kravitz, Shnitzer & Sloane, Chtd. – construction defect issue

**Bozarth v. FNF Construction (Nevada)** Plaintiff representation for Eugene Davis Law Office – construction defect issue

**Commercial Refrigeration v. Layton Construction (Utah)** Defense representation for Parr Waddoups - construction contract and construction defect issue

**Zarley v. Monte Vista (Nevada)** Plaintiff representation for John Peter Lee, Ltd. – construction defect issue

**Davy v. RMA Inc. v. Quality Mechanical (Nevada)** Defense representation for Moran & Associates – construction defect issue

**Mulback v. Monterey Park Apartments (Nevada)** Defense representation for Cisneros & Associates – construction defect issue

**Keyes v. Spanish Trail Associates (Nevada)** Defense representation for Thorndal Armstrong – construction defect issue

**Falcon Homes v. Stewart Construction (Nevada)** Plaintiff representation for Thorndal Armstrong – construction contract and construction defect issue

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**Depositions and Arbitrations Over Past Ten- Year<sup>+</sup> Period As Of December 2014.**  
*(continued)*

**2003 Arbitrations:**

**Keyes v. Spanish Trail Associates** (Nevada) Defense representation for Thorndal  
Armstrong – construction defect issue

**Commercial Refrigeration v. Layton Construction** (Utah) Defense representation for  
Parr Waddoups - construction contract and construction defect issue

**2002 Depositions:**

**Palm Gardens v. Alcantera v. Werco** (Nevada) Defense representation for Lyles &  
Hawley – construction defect issue

**Garapich Associates v. ABF Engineers** (Nevada) Plaintiff representation for Mazeika  
Associates – construction contract and construction defect issue

**Davis v. Cinderella, Inc.** (Nevada) Defense representation for Litigation Defense Group  
– construction defect issue

**Legacy Legends v. Pacific Properties v. Gort Metals** (Nevada) Defense representation  
for Kuluva Associates – construction defect issue

**Legacy Legends v. Pacific Properties v. Home Center** (Nevada) Defense representation  
for Turner & Associates – construction defect issue

**Legacy Legends v. Pacific Properties v. Desert Fireplace** (Nevada) Defense  
representation for Rosebrock Law Offices – construction defect issue

**Schmid v. Hernandez** (Nevada) Plaintiff representation for Pearson Law Offices –  
construction defect issue

**West v. Thomas Sebold Associates** (Michigan) Plaintiff representation for Darrell  
Amlin Law Offices – construction contract and construction defect issue

**2002 Arbitrations:**

**Khuzam v. Midjit Market** (Nevada) Defense representation for Cisneros & Associates –  
construction defect issue

**Schmid v. Hernandez** (Nevada) Plaintiff representation for Pearson Law Offices –  
construction defect issue

**2001 Depositions:**

**Ray v. Daimler Chrysler, Walbridge Aldinger** (Michigan) Plaintiff representation for  
Darrell Amlin Law Offices – construction defect issue

**Klemmer v. Esauk** (Nevada) Plaintiff representation for John Peter Lee, Ltd. –  
construction contract and construction defect issue

**Large v. JR Investments** (Nevada) Plaintiff representation for John Peter Lee, Ltd. –  
construction contract and construction defect issue

**Winnings v. Cornerstone Development** (Arizona) Plaintiff representation for Blaser &  
Associates – construction defect issue

**Catalina Shores v. Investment Equity Builders – Nevada Gypsum** (Nevada) Defense  
representation for Helm & Helm – construction defect issue

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**Depositions and Arbitrations Over Past Ten- Year\* Period As Of December 2014.****2001 Arbitrations:**

**Winnings v. Cornerstone Development** (Arizona) Plaintiff representation for Blaser & Associates – construction defect issue

**Sinclair Oil (Little America) v. Jacobsen/Okland Joint Venture** (Utah)

Mediation/Arbitration Defense representation for Parr Waddoups – construction defect and construction cost issue

**2000 Depositions:**

**Dowdall v. Powers** (Arizona) Plaintiff representation for Shultz & Rollins – construction defect issue

**Yashar v. Circus Circus- Rampart** (Nevada) Plaintiff representation for Brent Bryson, Ltd. – construction defect issue

**Olen v. R.V. Jones Corp. – Breakers Apartments** (Nevada) Defense representation for Wieczorek & Associates – construction defect issue

**Gurena v. Circus Circus Enterprises** (Nevada) Defense representation for Pyatt & Sylvestri, Chtd. – construction defect issue

**Eastbridge Gardens v. Adams Construction – Nevada Gypsum** (Nevada) Defense representation for Lyles & Associates – construction defect issue

**Sandpiper v. Bergheer v. Vegas General Construction** (Nevada) Defense representation for Wieczorek & Associates – construction defect issue

**Franco v. Bend Properties** (Nevada) Defense representation for Cohen, Johnson, Day & Clayson – construction defect issue

**Pincus v. MGM Grand Hotel/Casino** (Nevada) Plaintiff representation for Williams & Connolly – construction defect issue

**2000 Arbitrations:**

**Douglas v. Foley** (Nevada) Plaintiff representation for John Peter Lee, Ltd. – construction contract and construction defect issue

**Goold Patterson v. Garapich Associates** (Nevada) Plaintiff representation for Goold Patterson – construction contract and construction defect issue

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**Court Litigation Testimony**

Court cases that reached trial in Nevada that I have testified in since 1989 listed below:

*DeMay v. The Mirage (MGM Resorts) Farmers Insurance/Fire Insurance Exchange* (2015). \$500,000 construction defect issue. Clark County, Nevada District Court. Defense representation for MGM Resorts.

*Hill v. Farmers Insurance/Fire Insurance Exchange* (2014). \$750,000 residential construction defect and construction cost issue. Churchill County, Nevada District Court. Defense representation for Feldman Graf.

*Zal v. Farmers Insurance* (2013). \$375,000 residential construction defect and construction cost issue. Clark County, Nevada District Court. Defense representation for Feldman Graf.

*701 Shadow Lane, LLC v. Comsysco, Executive Plastering, Western Roofing, PC Plumbing* (2012). \$750,000 medical office building construction defect issue. Clark County, Nevada District Court. Plaintiff representation for Patti, Sgro & Lewis.

*Jurasek v. Flamingo Paradise Gaming, LLC* (2012). \$250,000 construction defect issue. Clark County, Nevada District Court. Defense representation for Thorndal Armstrong Delk Balkenbush & Eisinger Law Offices.

*Citizens United and Associated Builders & Contractors of Southern Nevada v. Clark County* (2011). \$103 million project labor agreement issue on CC Detention Center. Clark County, Nevada District Court. Plaintiff representation for Parker Nelson.

*Sprecher v. Farmers Insurance* (2011). \$150,000 residential construction defect and construction cost issue. Clark County, Nevada District Court. Defense representation for Feldman Graf.

*Walt Genton Coronado Bay, LLC, et al. v. Oxbow Construction* (2010). \$11 million construction schedule/delay / construction quality issue on apartment complex construction. Clark County, Nevada District Court. Plaintiff representation for Marquis Aurbach Law Offices.

*Alan Stanton Corp. v. City of North Las Vegas Housing Authority* (2009). \$500,000 construction contract / construction cost issue on subdivision earthwork/grading. Clark County, Nevada District Court. Plaintiff representation for Chasey Honodel Law Offices.

*Kallen Electric v. Manhattan West* (2009). \$40,000 construction contract / construction defect / building code issue on nightclub construction. Clark County, Nevada District Court. Defense representation for John Peter Lee, Ltd.

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| Las Vegas, Nevada 89117                        | (702) 523-2738 (mobile)      |

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**Court Litigation Testimony (continued)**

*Lichter v. Cook* (2008). \$100,000 residential construction defect issue. Clark County, Nevada District Court. Plaintiff representation for Blaine Beckstead Law Offices.

*Stephens v. DJR Construction, Inc.* (2008). \$100,000 residential construction contract / construction defect issue. Clark County, Nevada District Court. Plaintiff representation for John Peter Lee, Ltd.

*CJM Construction v. Ducks Unlimited* (2008). \$275,000 construction contract / construction cost issue on heavy construction site. Clark County, Nevada District Court. Plaintiff representation for Williams and Wiese.

*McKown v. NE Electric, Inc.* (2008). \$500,000+ construction defect issue on commercial construction site. State of Nevada Worker's Compensation Hearing, Southern Nevada. Plaintiff representation for Dan Winder Law Offices.

*Triple Crown Construction v. Acampora Investments* (2008). \$90,000 construction contract / construction cost issue on commercial construction site. Washoe County, Nevada District Court. Defense representation for Watson Rounds Law Offices.

*Young v. Nevada Power Company* (2008). \$7,500 construction defect and cost issue on utility construction site. Las Vegas Municipal Court. Plaintiff representation for Feldman/Graf Law Offices.

*Lee v. Triple K* (2006). \$250,000 construction defect and codes issue at residential multi-family site. Clark County, Nevada District Court. Plaintiff representation for Groesbeck Law Group.

*Bartas v. Las Vegas Paving* (2005). \$600,000 construction defects issue at residential properties. Clark County, Nevada District Court. Plaintiff representation for Beckstead Law Offices.

*Sycamore Lane HOA v. Khosla* (2004). \$100,000+ construction cost / construction issue on residence. Clark County, Nevada District Court. Defense representation for John Peter Lee, Ltd.

*Zarley v. Monte Vista Development Corp.* (2003). \$100,000+ construction defects issue on residence. Clark County, Nevada District Court. Plaintiff representation for John Peter Lee, Ltd.

*Planet China-Regent Industry vs. Mark Refrigeration* (2002). \$1.8 million+ construction defects, construction cost and business interruption issue on facility failure. Clark County, Nevada District Court. Plaintiff representation for Kravitz, Schnitzer, & Sloane, Chtd.

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**Court Litigation Testimony (continued)**

*Large vs. JR Investments* (2001). \$2.2 million+ excavation/grading/compaction/site prep work quality, quantity and cost issue on 60 acre site. Clark County, Nevada District Court. Plaintiff representation for John Peter Lee, Ltd.

*Towbin vs. Red Line (Perkins Construction)* (1998). \$2.5 million construction contract and construction defect issue on commercial restaurant. Clark County, Nevada District Court. Defense representation for Lyles & Associates.

*Della Vedova vs. Tyll* (1998). \$200,000 residential construction contract and cost estimate issue. Clark County, Nevada District Court. Defense representation for Hanigan & Dowling.

*Sharkey vs. Max Riggs Construction* (1998). \$5,000 residential construction distress issue based on nearby heavy construction activity. North Las Vegas, Nevada Municipal Court. Defense representation for Max Riggs Construction.

*Montgomery vs. 1555 Flamingo Building* (1997). \$250,000 commercial construction defect issue. Clark County, Nevada District Court. Defense representation for Parnell & Associates.

*Lotts vs. Guthrie* (1997). \$100,000 residential construction defects issue. Clark County, Nevada District Court. Defense representation for Perry & Spann.

*Superior National (Vegas World) vs. Ad Art Sign* (1997). \$250,000 commercial construction defects and contractual issue. Clark County, Nevada District Court. Defense representation for Parnell & Associates.

*Belmont vs. Hutchins* (1997). \$600,000 residential construction defects issue. Clark County, Nevada District Court. Plaintiff representation for Hanigan & Dowling.

*Robins vs. Malone* (1996). \$250,000 residential construction renovation contract and cost issue. Clark County, Nevada District Court. Defense representation for John Peter Lee, Ltd.

*Steinberg vs. Golden Nugget Hotel/Casino* (1996) \$100,000 building code and construction defect issue. Clark County, Nevada District Court. Defense representation for GNLV/Mirage Resorts.

*Nemex vs. Primerit Bank* (1994). \$14 million construction defects issue on apartment complex. Federal District Court, Las Vegas, Nevada. Defense representation for Vannah, Costello, Howard & Canepa.

## Neil D. Opfer

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### **Court Litigation Testimony (*continued*)**

*Kreidt vs. Wymar Tahoe* (1994). \$1 million hotel/casino construction fatality issue. Douglas County, Nevada District Court. Plaintiff representation for Paul Bryant & Associates.

# EXHIBIT 6

# EXHIBIT 6



