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Nevada Bar No. 7462
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1389 Galleria Drive, Suite 200
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1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

# DISTRICT COURT
# CLARK COUNTY, NEVADA

| | |
|---|---|
| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br><br>DEPARTMENT NO. V<br><br>PLAINTIFF'S SIXTH 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 Sixth 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:*



Docket 70583 Document 2017-14294

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

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

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

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*

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,

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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.

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

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.

8. John A. Thompson, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Desert Oasis Clinic
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

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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*

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

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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.

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

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.

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

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

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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.

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

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.

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 Prahbu, 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, 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

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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. Thomas Dunn, M.D.
Craig T. Tingey, M.D.
Andrew S. Martin, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Phone: (702) 731-1616

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. Yakov Shaposhnikov, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Gastrointestinal and Liver Diseases
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

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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 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

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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.

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

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.

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

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.

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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

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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 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.

34. Person Most Knowledgeable/Custodian of Records
Open Sided MRI of Las Vegas
630 South Rancho, Suite G

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

Las Vegas, Nevada 89106
(702) 932-2740

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.

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

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

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

*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 PLTF00018and attached hereto.

2. Diagnostic Records and Billing Statement
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV
Bate numbered PLTF000019 through PLTF000033 and attached hereto.

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

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.
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.

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

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, NV89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

12. Medical Records and Billing Statement
Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710W. 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.

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.

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

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 Ophthamology
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.

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

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.

29. C.V., Fee Schedule and Trial History of
Thomas Dunn, M.D. – Desert Orthopedic Center
Bate numbered PLTF000753 through PLTF000756 are attached hereto.

**30. C.V., Fee Schedule and Trial History of**
**Craig T. Tingey, M.D – Desert Orthopedic Center**
**Bate numbered PLTF000757 through PLTF000764 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 NRCP 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:*

...

...

NETTLES LAW FIRM
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A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|---|---|
| Jon Sorelle, M.D.<br>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.<br>Advanced Orthopedic & Sports Medicine | $ 181.00 |
| John A. Thompson, M.D.<br>Desert Oasis Clinic | $ 250.00 |
| Christopher Milford, M.D., P.C.<br>Silver State Neurology | $ 1,580.00 |
| Edwin Suarez Physical Therapy | $ 670.00 |
| Southern Nevada Pain Center | $ 680.00 |
| Leo Germin, M.D.<br>Clinical Neurology Specialists | $ 2,510.00 |
| Andrew Cash, M.D.<br>Desert Institute of Spine Care | $ 3,034.42 |
| Lee Wittenberg, DPM<br>Apache Foot & Ankle | $ 310.00 |
| Suresh Prahbu, M.D.<br>Ascent Primary Care | $ 270.00 |
| Thomas Dunn, M.D.<br>Desert Orthopaedic Center | $ 1,640.00 |
| Yakov Shaposhnikov, M.D.<br>Gastrointestinal and Liver Diseases | $ 828.00 |
| Enrique Lacayo, M.D. | $ 175.00 |

| | |
|---|---|
| Nanjunda Subramanyam, M.D.<br>Nevada Heart and Vascular Center | $ 1,440.00 |
| Scott Manthei, M.D.<br>Nevada Eye and Ear | $ 750.00 |
| Tyree Carr, M.D.<br>Nevada Institute of Ophthamology | $ 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 28th day of September, 2015.

NETTLES LAW FIRM

BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
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**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 28th day of September, 2015, I served the foregoing ***Plaintiff's Sixth 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*

Cheree R. Kinney
An Employee of Nettles Law Firm

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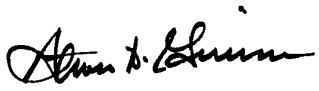

CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

| | |
|---|---|
| YVONNE O'CONNELL, | CASE NO. A-655992 |
| Plaintiff, | DEPT. V |
| vs. | |
| WYNN RESORTS LIMITED, et al, | **TRANSCRIPT OF PROCEEDINGS** |
| Defendants. | |

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

**DEFENDANTS' MOTIONS IN LIMINE**
**PLAINTIFF'S OMNIBUS MOTIONS IN LIMINE**
**CALENDAR CALL**

THURSDAY, OCTOBER 1, 2015

APPEARANCES:

FOR THE PLAINTIFF: CHRISTIAN MORRIS, ESQ.

FOR THE DEFENDANTS: LAWRENCE SEMENZA III, ESQ.
CHRISTOPHER D. KIRCHER, ESQ.

COURT RECORDER:

DEBRA WYNN
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

LAS VEGAS, NEVADA, THURSDAY, OCTOBER 1, 2015, 9:05 A.M.

(Court was called to order)

MR. SEMENZA: Good morning, Your Honor.

THE COURT: Good morning.

MR. SEMENZA: L.J. Semenza on behalf of the defendant. Ms. Morris had, I believe, a status check in another department. She was going to run down there and come right back.

THE COURT: All right. We'll trail it.

MR. SEMENZA: Thank you.

(Case trailed at 9:05 a.m., until 9:28 a.m.)

THE COURT: All right. Recalling Case No. A-12-655992. Yvonne O'Connell versus Wynn Resorts.

MS. MORRIS: Good morning, Your Honor. Christian Morris for the plaintiff.

THE COURT: Good morning.

MR. SEMENZA: Good morning, Your Honor. L.J. Semenza and Christopher Kircher on behalf of the defendant, Wynn Las Vegas.

THE COURT: Good morning. Okay. So we've got motions in limine. I'd like to start with -- I know that there is some overlap.

MR. SEMENZA: Yes, there is, Your Honor.

THE COURT: So let's just kind of start with the plaintiff's omnibus, and then when we get to things that

overlap we'll talk about those together because I know there is overlap. So tell me when you're there with your documents.

I didn't -- I didn't do tentative rulings on these. I haven't been doing tentatives on motions in limine because a lot of times I have questions and it's easier just to go through them without spending a lot of time writing a tentative ruling out like I do in dispositive motions.

So the first one is the motion to admit pleadings and discovery. The -- in the initial motion it seemed to say -- talk about medical records, but then in the reply it said, no, it wanted to admit the complaint and the answer and discovery interrogatory. So let me just say this, okay. So NRS 16.090 covers the order in which a trial proceeds and provides that if you would like, the pleadings can be read aloud to the jury.

Now, I've never seen that done. There might be -- there might be times when you'd want to do that. I mean, is it -- as a defense counsel there were a couple times when had the case gone to trial I probably would have asked for the complaint to be read aloud to the jury because the claims were so outrageous in the complaint that, you know, it would have been a nice tactical move. But they don't get admitted because they're already part of the record.

So if you want to have them read, then you may certainly ask for that, and then basically you get to read

your complaint and the defense can do that, as well, and you can read your answer. But they don't get admitted into evidence because they're not evidence. They are pleadings.

As far as discovery, discovery, for instance, answers to interrogatories might be used as impeachment material and admissions, request for admissions might come into evidence, as well, if there was -- if there were admissions made. But the manner of doing that is also, again, orally. It's just read. If it's a request for admission and it was admitted or it was deemed to be admitted, then that's just told to the jury and that's the way you do it. As far as, as I say, interrogatory answers, then you do that through a witness. They don't come into evidence, either.

MR. SEMENZA: And, Your Honor, I mean, my point with regard to this particular motion in limine is there may be things that we may agree on to have admitted. At this point in time, though, it would be premature prior to trial to make any sort of determination as to what we would stipulate to admit, how that particular discovery may ultimately be used and those sorts of things.

So with regard to Motion in Limine No. 1, as far as the plaintiffs are concerned, my position is let's wait and see. There may be things we can agree on. There may be evidentiary issues that may arise relating to it. So as far as that one is concerned, let's deny it without prejudice is

my position.

THE COURT: All right. So that's his position. It's your motion, so you can certainly be heard. Now, did you want me to talk about the medical records issue? That's also --

MS. MORRIS: Yeah, I think that would be appropriate at this time, as well.

THE COURT: Okay.

MS. MORRIS: And my position with the -- the reason for asking about that is I've had many parties who have agreed to admit the pleadings in discovery. I've had judges who have had the -- the complaint admitted as evidence while the plaintiff is on the stand and it's very confusing sometimes on how it's going to go forward depending on who the parties are and how it's going to move forward. I would -- I always prefer to have more information, obviously.

THE COURT: Have you had your pre-trial, you know, meeting where you mark everything and you agree?

MR. SEMENZA: We have not, Your Honor.

MS. MORRIS: Yeah.

THE COURT: So you have to do that; right?

MR. SEMENZA: Correct.

MS. MORRIS: Yes. Probably answer a lot of questions then.

THE COURT: Right. So at this point I'm going to

deny it because, I mean, I don't think it's proper to admit pleadings. I suppose if you agree to do that, I don't care. But it's just not something that you would normally do, and the same with discovery answers. If you wanted to do that, you could. But if there was an objection I would sustain that because that's not, again, how -- how you generally get that into evidence.

But as far as medical records, obviously counsel can stipulate to have admitted medical records. But authenticity is different from admissibility and there are ways to authenticate and that is set forth in Chapter 52. There is the method of affidavits from the medical providers and having them sent to the clerks, and a lot of law you're familiar with. You can do that.

There are also other ways because the statute, in fact, constructs that these are not the only ways that you can -- it's not, you know, an exhaustive list. It's just demonstrative ways of how you can authenticate things. But at this point in time, unless there's a stipulation that they're authentic, then you have -- then that's your burden.

You've got to authenticate and you haven't done that so I'm not going to deem that you have. And certainly, just because you've shown authenticity doesn't mean they're admitted, either. You've got to -- because if they're irrelevant they don't come in. You know, there's lots of

things that go to admissibility besides authenticity. It's just a prerequisite to admissibility, okay.

MS. MORRIS: Yes.

THE COURT: All right. So -- so that's -- that's denied.

Let's see, No. 2 is to exclude argument in evidence that any unnamed third parties were negligent. All right. So obviously there may be evidence that -- that may come in that the liquid that was on the floor was spilled by a guest or something that -- that the defendant doesn't know, so somebody unnamed.

That would be improper to exclude something like that because, obviously, in a premises liability case you've got several issues. If you can prove that they caused the substance to be on the floor, you know, you're in one posture. Or if they were on notice that it was there and then failed to clean it up, so you're in your -- another posture. And it doesn't sound as if that's what you're going with. I don't know.

MS. MORRIS: No. I mean, and, you know, I've conducted discovery of the two people who were identified they're employed at the Wynn as to what was on the floor, how much of it was there, how did it get there. They haven't identified a customer, some third party, and that's not really the crux of it, which is why it leads to a confusing argument.

Because if the jury is told, well, you know, it was a customer that did it, that's not the basis of the case. The basis of the case is whether they were on notice that this liquid had been on the floor for such a long period of time that it had dried, that it had footmarks in it that was so large that they should have cleaned it up. And so where they're pointing to a third party and --

THE COURT: Yeah, except --

MS. MORRIS: -- they have an --

THE COURT: -- notice --

MS. MORRIS: -- affirmative defense on it.

THE COURT: -- notice goes to -- I mean, if a third party spilled it, that goes to the issue of notice because -- right?

MR. SEMENZA: And, Your Honor, if opposing counsel is willing to stipulate that we didn't cause the condition, then I'll -- I'm fine with having that motion in limine granted. But I think what they're saying, at least their theory has been in some fashion we caused it. And then if we didn't cause it, we had actual notice of it. And then if we didn't have actual notice of it, we had constructive notice of it.

So obviously in that context, I mean, our position has and will be that this was, unfortunately, someone's drink that was spilled at some point in time. Whether it was five

minutes before the fall or, you know, a longer period of time. We don't know at this point in time. But certainly that's our theory, that it was, in fact, a patron that spilled the drink.

THE COURT: All right. So I know that, because I read part of the plaintiff's deposition and a few papers, that the plaintiff at least at some point in time was speculating that it was water from landscaping in the area.

MS. MORRIS: Yes, due to the location of it.

THE COURT: Are you abandoning that theory?

MS. MORRIS: I'm not abandoning the theory. Here's the problem. They don't know what the liquid was. So if they're going to allege it's a customer with a drink, they can't say it's a drink. There's no evidence as to what the -- the liquid was. And so if they're going to walk in and say a customer spilled a beverage, well, what kind of beverage? Who was this customer? I mean, this is --

THE COURT: Well, okay.

MS. MORRIS: -- stuff that's being --

THE COURT: All right. So --

MS. MORRIS: -- created.

THE COURT: -- they obviously can't -- defense can't get opinion, nor can you, nobody can get up before a jury and argue something that is not supported by evidence.

MS. MORRIS: Correct.

THE COURT: Right? So they would have to bring out

on, you know, examination, and they can, if there is some evidence to support an argument later that this may have been a spill by someone unknown, then they can, they would be able to argue that. In other words, I mean, you're plaintiff says that she described the substance as being slightly green in color and sticky. That would kind of tend to indicate, that would be evidence it would tend to indicate that it wasn't -- that it was water -- I mean, that it wasn't water, that it may have been, yes, in fact, a drink.

People carry around drinks. That's common knowledge and it -- and there may be as well evidence of that. And if that's the case, the jury is entitled to know that, and that, I think, a reasonable inference could be drawn in argument to suggest that that may have been the source of the liquid on the floor. And it's relevant to all of your theories, that they caused it potentially, or that they had notice of it. Now, the constructive notice, I'm not clear on how you get constructive notice because, obviously, the case law is very clear now that unless it's a self-serve kind of operation --

MR. SEMENZA: And it's not.

THE COURT: -- that you don't get constructive notice. In other words, like the grape on the floor in the *Lucky versus Sprague* case or -- I can't remember the other one. There was a restaurant case where there was --

MS. MORRIS: Right. It was a special use,

essentially.

THE COURT: Yeah.

MS. MORRIS: Correct.

THE COURT: So I don't see how you get to constructive notice. You're going to have to have --

MS. MORRIS: Well, in this -- in this case --

THE COURT: Yes.

MS. MORRIS: -- we have an area which is surrounded by agriculture. It's an entire walkway of flowers that are beautiful, to be honest, and they go around and they water them all the time and it leads to the casino bar and it leads to the shops. And it is used constantly. And they have people coming through that water those flowers, they have people walking from the bar into the shops, into the casinos.

And in that area where you know people will be constantly walking, surrounded by an area that is watered while they have beverages in their hand can be considered a special use area due to the knowledge that you have so much liquid there and they don't have any sweep logs. According to them, they don't have anyone that has a certain time that they need to walk around and make sure that there is no liquid in that area.

In fact, they don't even know how often they go there, however long it takes them to get there, which falls squarely into the area of the special use. And as you talked

about the *Sprague* where it's self-service, where they know people will be there with beverages, where they know there'll be an area.

MR. SEMENZA: And it's -- it's completely different than a self-service issue. And what we're going to offer at trial is testimony that, one, all of the plants in that agricultural area she's characterized it are watered in the morning, not in the afternoon when this accident took place, and that there are no chemical additives in any of that watering process, which would -- would --

THE COURT: Okay. Well, that -- that just is evidence.

MR. SEMENZA: Exactly.

THE COURT: Okay. So the issue basically, what you're going to -- the issue we're talking about now, whether you can get the jury instruction on constructive notice, that's a jury instruction issue.

MR. SEMENZA: Correct.

THE COURT: But I'm telling you now, I think you're wrong.

MS. MORRIS: Okay.

THE COURT: So be prepared to maybe a trial -- a trial brief on that.

MS. MORRIS: Yes.

THE COURT: Because, I mean, when you get to the end

and you're going to be asking for a jury instruction, I'm going to need to see it because my understanding of the law in that area is not what you're saying it is.

MS. MORRIS: Gotcha.

THE COURT: I believe. But, you know, I could always be wrong. Okay. So this is -- the second motion is denied with the caveat, of course, that all argument, no matter what, has to be supported by evidence.

All right. No. 3 is precluding arguments that plaintiff's injuries are unrelated to her fall at the defendants' casino. Okay. Well, it appears from what I've read that the plaintiff has an incredible number of complaints. I mean, I -- I saw some of the medicals where, you know, she claims that her pain is 10, you know, like, what, being burned alive because, right, is 10. And she's claiming that she has that, you know, when she goes to the doctor. And she has an amazing number of diagnoses from all these doctors that I don't -- she's apparently claiming all of this was caused by this fall?

MS. MORRIS: No, she's not claiming all of this was caused by this fall.

THE COURT: Well, see, I'm unclear as to what exactly she's going to claim.

MS. MORRIS: Correct.

THE COURT: And we won't know that --

MS. MORRIS: Her -- her medical providers will be the ones who testify as to what injuries were a result of this fall. She will testify as to the pain that she experienced as a result of this fall, but she obviously can't take the stand and say what injuries she has as a result of the fall.

THE COURT: Right. So I don't really know because I haven't seen the medical records and I know this is also a topic of other motions in limine. I don't know what the doctor, doctors, are going to testify about. Your disclosure doesn't say as to the treating physicians. The same disclosure is used for each and every medical provider, same exact language.

And while it does say -- let me go to it -- that the -- they will testify to the facts and opinions to which the expert is expected to testify include any and all facts and opinions in said medical records, okay, and that the medical treatment was reasonable, necessary, and caused by the incident set forth in the complaint. So it says and that the medical treatment the plaintiff received was reasonable, necessary, and caused. So the medical treatment was cause by the incident is --

MS. MORRIS: The medical treatment --

THE COURT: -- what you're claiming your --

MS. MORRIS: -- that they rendered. Correct. Specific to each medical provider.

THE COURT: Okay. So without actually seeing what the facts and opinions are in the medical records, I mean, your -- your treating physician experts --

MS. MORRIS: Correct.

THE COURT: -- will have to testify concerning the facts and opinions that are stated in the medical records. Additionally, you've said that they're going to say that the treatment that they received was caused -- the necessity for that treatment was caused by the incident. I guess it will remain to be seen as to whether they actually testified to that.

MS. MORRIS: Correct.

THE COURT: Okay. So the defense is going to have an expert potentially that's going to say that some of her complaints are unrelated and, of course, until -- I don't know if you're going to have that expert sit through her treating physician's testimony.

MR. SEMENZA: I guess we'll have to because --

THE COURT: Yeah, you may need to.

MR. SEMENZA: I mean, we did request that we have the ability to depose Dr. Dunn and Dr. Tingey and that request was declined. So, I mean, that we requested after the discovery period had expired because of these disclosures in all candor and fairness to opposing counsel. So I think that's ultimately going to be the case that Dr. Klossner

(phonetic) is going to have to sit here and watch all the testimony.

THE COURT: Okay. All right.

MS. MORRIS: My concern, though, is that I -- I only know the opinions that he expressed in his report, and those opinions are what he's limited to in his testimony at trial. And, additionally, he test -- in his report he opines as to malingering, which he is not qualified to --

THE COURT: Well, we're not there yet.

MS. MORRIS: Okay.

THE COURT: We're not there yet.

MS. MORRIS: So, I mean, my -- my concern is that it doesn't go outside the scope of what is contained in his expert report since we're, you know, less than 30 days to trial. He doesn't have the opportunity to supplement if he sits here, listens to their opinions, and then tries to opine as to anything different from his report, then obviously I've been prejudiced by that. If they wanted to take the depositions during the discovery period to provide that to their medical expert --

THE COURT: Well --

MS. MORRIS: -- so he could opine as to that.

THE COURT: -- you put them with no disclosure by -- I mean, they could -- yes, he could have -- they could have taken the -- every single medical provider, but -- who is it

you're actually going to call at trial?

MS. MORRIS: Dr. Tingey and Dr. Dunn.

THE COURT: Okay. All right.

MR. SEMENZA: And, Your Honor, with regard to Dr. Tingey, he was disclosed late. He was disclosed in August. Dr. Dunn was disclosed within the discovery period, but all of those requirements for treating physician expert testimony were not met until after the discovery deadline in this case. And that's the problem I have with limiting Dr. Klossner's testimony to the facts of his report. Because we don't know what either of these doctors are ultimately going to say. And that's the problem I have.

THE COURT: Okay. So was --

MS. MORRIS: Dr. Tingey was properly disclosed. I supplemented his CV and trial testimony at the request of defense counsel. He is a treating physician and he's going to testify as to the opinions he came to while doing his diagnosis and treatment of her and it's simply limited to that.

THE COURT: Okay. So he's just going to testify consistent with the medical chart?

MS. MORRIS: Consistent with his diagnosis and treatment. And, obviously, not all opinions are contained in that, but he's been disclosed to the opinion he's going to give. I've told them what he's going to give and that's the

purpose of --

THE COURT: Where?

MS. MORRIS: -- the disclosure.

MR. SEMENZA: And that's the problem --

MS. MORRIS: He's going to --

MR. SEMENZA: -- Your Honor.

MS. MORRIS: -- testify as to the causation. He recommended that she needs two meniscal tear repairs done. That's contained in his medical records. And I've told them that he is going to relate it to the cause, to the fall as the cause.

MR. SEMENZA: Well after the discovery deadline. And that's the problem I have is if she's -- if she's going to offer Dr. Dunn and Dr. Tingey in the four corners of their medical records, that I understand and that's fair game because I had those records. But now to say, well, they're going to be offering testimony relating to causation and -- and referencing, you know, whether she did or didn't have a preexisting condition, that transforms those treating physicians into expert witnesses.

And what happened here is Dr. Klossner was disclosed as an initial expert witness. They failed to disclose a rebuttal expert witness. Now knowing that, now what do they do? Now they're going to try and bootstrap Dr. Dunn and Dr. Tingey and expand their testimony as absolutely wide as they

can -- they can do in order to establish some sort of claim of causation relating to these subsequent injuries. And that's not appropriate and that's not fair.

MS. MORRIS: If I may address it, he has been disclosed and in the same fashion the entire time in litigation. There hasn't been any bootstrapping or --

MR. SEMENZA: Yeah.

MS. MORRIS: -- late disclosure of that. We had them disclosed in the fashion that they were disclosed throughout litigation. And their -- their documents were disclosed along with the 16.1 disclosure. So there wasn't any late surprise.

THE COURT: The disclosure that has always -- that was done in a timely fashion was what this -- this doc language that is for every provider? Is that right or no? I'm asking.

MR. SEMENZA: My understanding is that Dr. Dunn was disclosed within the discovery period. The language as far as what -- I don't know the answer to that question.

THE COURT: Okay. So that --

MR. SEMENZA: What I do know --

THE COURT: -- that makes a difference, so --

MR. SEMENZA: I don't know the answer to the question. What I do know is that Dr. Tingey was disclosed, I believe, in September of this year.

MS. MORRIS: Dr. Tingey was always disclosed. The language did not change. The only thing that I supplemented was a CV and fee schedule at the request of defense counsel, and that's the only thing I changed. And that was the only supplement that was done. I did not convert the language or change it in any fashion.

THE COURT: So on your initial disclosures Dr. Tingey was on the list and you used the same language that's in your fourth supplement?

MS. MORRIS: Correct. And to be fair, I came onto this case in February. And so whatever language since then has been consistent.

MR. SEMENZA: And, Your Honor, I'm looking at -- pardon me. Let me find it real quickly. I apologize. Exhibit 1 to our -- I'm sorry, to plaintiff's opposition to Wynn's Motion in Limine No. 2, which is plaintiff's fourth supplement to initial 16.1 disclosures. And this was filed or served on July 14th of 2015.

THE COURT: That's what I was looking at.

MR. SEMENZA: Right. Exactly.

THE COURT: But she's saying that any initial disclosures that would have been made initially was the same.

MR. SEMENZA: But, Your Honor --

THE COURT: Is that not true?

MR. SEMENZA: -- and the reason I point this to you

is Dr. Tingey is not identified anywhere in this document. And this was a month after the discovery deadline in this case, which was June 12th of 2015.

THE COURT: Okay.

MR. SEMENZA: That's the problem. And we can get to Dr. Dunn in a moment, but --

THE COURT: Is Dunn in here?

MR. SEMENZA: Yes, Dunn is listed at No. 17 --

THE COURT: Oh, I see.

MR. SEMENZA: -- but Dr. Tingey is not. Dr. Martin is not, who is another one that they produced medical records relating to.

THE COURT: Right. So what's the scoop?

MS. MORRIS: I mean, we'll have to look into this because I know all of them were disclosed and all of their medical records were disclosed. This was never briefed in their motion in limine. This is something new that is being presented. I don't have all my 16.1 disclosures with me.

MR. SEMENZA: And that's fine if counsel needs additional time to brief it. I mean, we can -- we can address it. But that's -- that's the problem that I have with Mr. -- Dr. Tingey. And Dr. Dunn, again, yes, he was disclosed within the period of time. Yes, we did have medical records relating to Dr. Dunn. But we made decisions not to depose him, okay.

And then after the discovery deadline is when they

supplement with Dr. Dunn's CV and his fee schedule and all of those required things that they're supposed to be doing in order to offer up treating physician testimony in this particular matter. That's the other issue I have.

THE COURT: Okay. Well, I notice that in your -- in your motion in limine concerning the same issue that you cited to the original -- let's see. Here it is. Instead of the updated version of *FCH1, LLC versus Rodriguez*, you know. So remember they had the first opinion. I think it was in June, the first version is at 326 P.3d 440, and then the second is at 335 P.3d 183.

Now, I went through it again yesterday to compare and see exactly what was changed. And in the relevant part of the opinions, both of them, what I found, which is really only one, two, three, four, five paragraphs for this issue that we're talking about.

MR. SEMENZA: Okay.

THE COURT: The only difference is that the first version said something about once they opined as to the cause of Rodriguez's condition and treatments, they testified as experts and should have been subject to the expert witness standards. And the change was once they opined as to the cause of Rodriguez's condition and treatments they should have been subject to the section's disclosure standards.

I think that what that very discrete change means,

although, you know, we don't really for sure know, is that they're alluding to the fact that the rule in 16.1(a)(2)(b) has that second paragraph that says where it's a treating physician they're not required to do a report if they're going to testify. You know, that -- that the disclosure has to be made as to what their -- the substance of their testimony will be and the facts and opinions that they're going to, you know. That's what needs to be disclosed.

And then the commentary to the rule says that it would be sufficient to say they're going to testify consistently with their medical chart. So anything that's in there. So, again, I get back to I haven't read the medical records, so I don't know what's in there.

MR. SEMENZA: Right.

THE COURT: So I -- if there's testimony that's going to be beyond -- if you believe that there's going to be testimony beyond, I may have to reserve this until the trial so --

MR. SEMENZA: That's fine, Your Honor.

THE COURT: And we'll hear the testimony outside the presence of the jury because I don't want them to hear it and then say, oh, yeah, disregard all that. That's no good. And see what they're going to testify to and whether there has been a proper disclosure under the rule.

MR. SEMENZA: And that's fine, Your Honor. I mean,

and reserving it is appropriate. I have no issue with that at all with regard to Dr. Dunn. Dr. Tingey, I think, is a different story, though, because, again, I don't think he was appropriately and timely disclosed and we may very well have done things differently had he been timely disclosed. So with regard to Dr. Dunn, I understand Your Honor's ruling. I'm certainly fine with taking that approach. But with regard to Dr. Tingey, I don't believe he's permitted to testimony.

THE COURT: Okay. So with Dr. Tingey we're going to need to continue that issue because we don't have the answers to -- because you weren't prepared to answer that question today as far as is he in the initial disclosure, which you didn't even do because you're new counsel.

MS. MORRIS: Correct.

THE COURT: So you'll know what's happened since you joined. But in any event, the --

Do we have somebody on -- what's going on?

THE CLERK: I don't know if you can put them on hold.

THE COURT: Oh, are they waiting?

THE CLERK: It's just Court Call.

THE COURT: Oh, okay. And that's for our calendar call; right?

THE CLERK: Yes.

THE COURT: Okay. So anyway, as to the Motion in

Limine No. 3, I'm denying that. I'm not -- if there -- if there is evidence that supports an argument that her injuries or her complaints, I think, is really what you mean to say. Her complaints are unrelated to the fall at defendants' casino and that would be fair argument. I mean, if that's -- this is not only a liability case, it's potentially a damages case, as well. So I'm not going to keep them from making that argument when they have -- they have expert testimony that supports that.

All right. No. 4, precluding references to prior accidents, injuries, lawsuits, or insurance claims. So my question was does the plaintiff have current complaints that she's attributing to the fall of which there is evidence that she had these same preexisting complaints?

MS. MORRIS: No, there's not. I mean, this -- the one thing -- the only history she has is something that occurred over 20 years ago where she was pushed and went to physical therapy. We have no medical records regarding it. She went there for, I think she said a month. I mean, she doesn't have any prior car accidents, slip and falls, pain management treatments, anything like that.

I mean, that's -- and I think she said she pulled something in her back 20 years ago which she needed physical therapy for. I mean, it's so attenuated. And though she has back complaints now, I mean, to try and link those two when

you have 20 years of medical records that are silent regarding that issue would just lead to confusion and doesn't have any kind of probative value toward the jury.

Other than that, she had a lawsuit where she had a bake shop and there was an issue with that and she also had a lawsuit for when she was a dental hygienist and had problems with her fingers. And that's, you know, been resolved. I think that was even further back than the ex-husband issue.

THE COURT: Is she -- is she claiming that she has problems as a result of this with her hands?

MR. SEMENZA: Yes.

MS. MORRIS: She's -- I don't believe that she's claiming -- she -- I don't know if she's seeing even a hand doctor.

MR. SEMENZA: I think it's part of the medical expenses that she's claiming damages relating to, just like her heart ailment, just like her eyes, just like her abdominal issues. I mean, that's the problem that we've got, Your Honor. I don't have any issue not getting into the specific underlying facts of how her preexisting conditions, preexisting injuries took place. I understand that there may have been a domestic violence issue. I'm not going to present that to the jury factually. It doesn't matter.

What does matter, however, is her preexisting symptomology and she has a laundry list of things that were

wrong with her. She had a history of fibromyalgia, she had a history of back pain, she had a history of hand pain, she has a significant history of abdominal pain, of irritable bowel syndrome, of GERD, of anxiety, of depression, stress disorder, Marfan's syndrome, which as I understand it is a genetic issue, and then Ehlers-Danlos syndrome, which is also a genetic condition which can lead to joint pain, which is what we have in this particular case. And the same holds true for Marfan's syndrome.

So all of those things were disclosed by the plaintiff in her medical history. So all of those things are likely going to come out at trial and be at issue at trial in evaluating whether the fall caused all of these issues of symptomology or whether she had all of these preexisting issues.

MS. MORRIS: And if I could just clarify, my motion in limine isn't about her preexisting medical condition. It's talking about prior injuries, prior insurance claims, prior lawsuits. And so if you want to say she had a back problem 20 years ago, the jurors are going to wonder why and so then we have to tell them because she got pushed by her husband so they're not confused and it's not relevant. And, I mean, I don't understand how -- how it would be or how a 20-year old back pull has anything to do with the pain. I mean, if he wants to talk about her preexisting conditions, which I'm sure

his medical expert is going to do so, okay --

THE COURT: I think what he's saying is that she's reporting in -- when the -- her treating physicians in this case take her medical history, she tells them all about all of these things.

MS. MORRIS: Of course. She's not denying any of those things.

THE COURT: Right. Okay.

MS. MORRIS: Yeah.

THE COURT: All right. So he's saying he's not going to --

MR. SEMENZA: The facts underlying --

THE COURT: -- get into -- yeah, the -- something that happened as far as how did she have these. Now, if you want to clarify that she didn't have it as she presented that day, but I -- again, I haven't read the medical records. So I think what we're going to have to do is he's already said, and obviously this is something you should have discussed because here we are in court having a dialogue that's supposed to happen before you come to court. And so there seems to be some mutual understanding here about really what he wants to do and you agree with.

MS. MORRIS: Well, I don't agree.

THE COURT: It goes beyond that.

MS. MORRIS: I don't think that any of her prior --

I don't think the prior lawsuit, I don't think the -- the pushing incident, I don't think that should be admissible.

THE COURT: But he's saying --

MS. MORRIS: I don't think it's appropriate.

THE COURT: -- he's not intending to ask her anything about a prior lawsuit or a prior --

MR. SEMENZA: I'm not.

THE COURT: -- disability claim.

MS. MORRIS: Okay.

THE COURT: Now, if she's claiming -- if she's claiming that she was permanently -- if she claimed previously that she was permanently disabled and -- and it's -- she's making the same claim for the same body part, because as I understand it, her claims with different treating physicians have -- have broadened. So initially she makes a claim that she fell on her -- on her buttocks in this fall and that's what she claims she hurts. And then years later she claims her knees were hurt in the fall, which makes not a lot of sense.

MS. MORRIS: Well, no, I mean, there's been consistent complaints of her knee pain throughout the medical records. There's no new complaint.

THE COURT: Okay. Well, so whatever. As I say, I only see what I have.

MS. MORRIS: I know. I know. I mean, your -- the

briefing. I know.

THE COURT: Okay. So if potentially there was something like that, then -- then that prior disability claim might be relevant. Because if you're saying I'm permanently disabled, permanent means permanent. It doesn't mean you get better. It means it's permanent.

MS. MORRIS: Right, but --

THE COURT: Okay. But --

MS. MORRIS: -- we don't have anything like that in this case.

THE COURT: If you don't have that, then that's --

MS. MORRIS: And discovery has gone on, so we know that's not --

THE COURT: Okay. Then that's --

MS. MORRIS: -- you know --

THE COURT: -- not going to come in. So I'm going to grant it only to the extent that prior accidents or lawsuits, insurance claims, aren't relevant. That's not relevant. What -- what is -- the only that is relevant is what were her preexisting complaints when she appeared with her treating physicians after this accident. That's what we need to focus on. That could be allowed. That obviously has to be allowed because it goes to the very crux of causation. Okay.

MR. SEMENZA: Thank you, Your Honor.

THE COURT: 5, excluding evidence in reference to the fact that plaintiff's medical bills were paid by insurance, that defense is not opposing this, so that's granted.

MR. SEMENZA: That's fine, Your Honor.

THE COURT: That's 5. Okay. 6, limiting defense experts to opinions expressed in their reports.

MR. SEMENZA: It's my understanding you're going to reserve on this depending on what we --

THE COURT: Right. Right. In fact, let's see.

MS. MORRIS: Can we do a conversation at least on the malingering issue based on Dr. Klossner's qualifications?

THE COURT: I -- I don't -- that hasn't really been very briefed for me.

MR. SEMENZA: There's been no motion to strike Dr. Klossner or limit his report.

THE COURT: Yeah.

MR. SEMENZA: What the motion in limine was to limit him to his report. So I'm not prepared to discuss that today. If that is a separate motion in limine, then I think the plaintiff can file that motion.

THE COURT: Well, not -- not now.

MR. SEMENZA: Right.

THE COURT: That ship has sailed.

MR. SEMENZA: That ship has sailed.

THE CLERK: That was No. 5?
THE COURT: No.
MS. MORRIS: That's No. 6.
THE CLERK: Okay. What happened with 5? I missed it. I'm sorry.
THE COURT: Granted.
MS. MORRIS: 5 was granted.
THE COURT: Granted.
MS. MORRIS: They didn't oppose it.
THE COURT: Okay. So as far as excluding their -- the defense expert from testifying about malingering and what not, well, I don't know whether he's qualified. He may be qualified. You're going to have to, you know, lay the foundation for that.
MS. MORRIS: Okay.
THE COURT: He may be qualified.
MS. MORRIS: As long as they have to lay the foundation for it prior to --
THE COURT: Yeah. I mean --
MS. MORRIS: That would be great.
THE COURT: -- you don't have to be a psychiatrist or a psychologist. Treating physicians of many kinds, especially orthopedic folks and orthopedic surgeons need to be aware of, and really pretty much any treating physician needs to know when somebody is showing signs of potentially

malingering or secondary gain or somatic disorder because it's relevant to how they're going to treat the patient. And they, I believe, are taught that in medical school because it's part of the diagnostic procedures. And so if that foundation for that is laid, then, you know, yes.

MS. MORRIS: Well, I mean, I think it needs to be laid according to 50. -- what is it -- 275. I mean, whether he has the formal schooling for it, the licensure for it, for him to give an expert testimony regarding it.

THE COURT: Right. Okay.

MR. SEMENZA: It's our obligation to qualify him as an expert at the time of trial and we will do so.

THE COURT: Okay. And -- and so you can make your objection. If you believe he is not qualified, then you'll make your objection after they, you know, laid their foundation. But remember that the Supreme Court keeps revisit -- having to revisit this constantly because counsel hang on to *Hallmark* like it's some kind of talisman. And that's what they've said, it is not talismanic.

Really look at the statute because, you know, is the expert going to -- is the expert qualified to offer testimony in the area that he seeks to offer opinion testimony in and will it assist the jury in coming to their conclusions. That is basically it. And all of this other focusing on the minutia the Court has backed away from ever since *Hallmark* was

written because it's only created more litigation for us. Okay. So we'll -- we'll see. You know, so it's denied without prejudice as far as that because I don't -- I don't know.

Let's see, and as far as -- let's see --

(Pause in the proceedings)

THE COURT: All right. Let's see.

MR. SEMENZA: No. 7 we don't have any --

THE COURT: Oh. And, all right, what about Neil Opfer? Did you want to talk -- because that's also in No. 6 that Neil Opfer is going to make general statements on Wynn's safety practices.

MR. SEMENZA: I think -- I mean, it's the same issue. I think it's going to be dependent upon what you do with Mr. Presswood's testimony.

THE COURT: Well, yeah, that's true. Okay. So we haven't gotten to that yet. Okay. No. 7, excluding evidence in reference as to whether plaintiff's recovery is subject to income tax and there was a limited opposition.

MR. SEMENZA: Your Honor, it's tangential as far as she was gambling immediately after the accident. To the extent that there might be some testimony discussion, I don't even know, frankly. I'm comfortable just allowing it.

THE COURT: Granting it?

MR. SEMENZA: Yeah, that's fine, Your Honor.

THE COURT: Because that's what I'm going to do. Because, yeah, I don't see that that's relevant.

Okay. No. 8, admit all properly disclosed medical records as authentic. I think we already dealt with this --

MS. MORRIS: Yeah, we did. We discussed that.

THE COURT: -- and I denied that. No. 9, adverse inference instruction. All right. So first of all, that's an issue for jury --

MS. MORRIS: Jury instruction.

THE COURT: -- instructions at the end as to --

MS. MORRIS: Yeah.

THE COURT: -- whether you would get that. Based upon what I've heard so far, I mean, there -- there seems to be a dispute as to certain factual things about whether there was an opportunity to take pictures or not and all of that. But you'll need to review that once we get all of the testimony in. But I'm not seeing it right now, but I don't know what will happen during the trial.

MS. MORRIS: Okay.

MR. SEMENZA: Thank you, Your Honor.

THE COURT: So that's just denied without prejudice.

MR. SEMENZA: That's fine, Your Honor. And to the extent we start to get into those issues at trial, then we'll have to revisit it because I think that any testimony relating to whether there was or wasn't video coverage, whether the

timeline as far as when the opportunity to take photographs was, all of those sorts of issues I don't think should come into trial. And that's the subject of one of our motions in limine.

THE COURT: I know.

MR. SEMENZA: And so that's fine if you'd like to reserve it and we can address it, obviously, before counsel may get into those particular issues.

THE COURT: Well, I think that certainly in -- if, for instance, the security people who responded or whoever it was that first got there, because I don't really understand what exactly happened, but I assume that you did find all of that out in -- in discovery. The timeline is -- is relevant as to that and -- but as far as arguing that they should have -- because -- because the whole spoliation issue is not that they have to create evidence.

MS. MORRIS: Correct. I understand.

THE COURT: There's no rule that says you have to take pictures. I mean, it might be nice, but there's nothing that says that. And, frankly, whether they have an internal policy that these folks violated, that's also irrelevant because -- to this case. It doesn't matter. That's not actionable that they violated, if there was, a risk management policy that they were supposed to take photos.

Certainly to say that they -- that they did

something bad by cleaning up a spill where somebody had fallen in a, as you've now told me, a heavily traveled area where there are people constantly, well, that would be -- that would be negligent to not clean it up.

MS. MORRIS: Of course. I wasn't asking if they don't clean it up. It's nothing in that line at all.

THE COURT: So -- yeah. So anyway, yeah, we'll take it as we -- we come at trial.

MS. MORRIS: Okay.

MR. SEMENZA: Thank you.

THE COURT: You know, you can't be arguing that they -- I'm not going to be allowing you to argue that, yes, there was video tape that they destroyed when -- if there's no evidence that there was. And my understanding of it is that while someone -- someone said because, remember, security doesn't -- doesn't necessarily know where all the cameras are, any individual security guard, surveillance and security are separate.

And sometimes surveillance is also further divided into gaming surveillance, which is completely separate from other public area surveillance. So those things aren't mixed up for good reason that don't have anything to do with this case. But just because some person from security that's on patrol gets a call and says, oh, well, we might have security -- or a surveillance video of this doesn't mean that there is.

Because with the hand tilt zoom cameras they're not necessarily looking at a particular area. There may be an ability to get coverage if they get an alert and they're told, you know, we're tracking a person and they can go to that part. But unless there's some evidence of destruction, you can't be arguing that to the jury. Of course, you're not going to be arguing anything to the jury that isn't supported by evidence.

MS. MORRIS: Correct.

THE COURT: So we'll see how that goes. All right. So we've finished, I think, the plaintiff's motions so we can move on to the defense motions.

MR. SEMENZA: Yes, Your Honor. And with regard to Motions in Limine 2 and 3, I think, frankly, we've already addressed those. Motion in Limine No. 2 related to the exclusion of any additional damages beyond the $1,425. And then Motion in Limine No. 3 related to the failure to preserve evidence or the spoliation argument that we've just gone over.

THE COURT: Okay.

MR. SEMENZA: So the only remaining motion in limine is Mr. Presswood.

THE COURT: Correct. But there was a countermotion for sanctions as to Motion in Limine No. 2 and a counter-countermotion for attorney's fees. Those are all denied.

MR. SEMENZA: Thank you.

THE COURT: Okay.

MR. SEMENZA: Fair enough.

THE COURT: No. 1 is to exclude the purported expert witness Gary Presswood. So here is my oral tentative ruling on this. So I guess I zeroed in, actually, even before reading the defense -- or the defense reply that, you know, on the plaintiff's opposition at page 4, line 26 through 27, quote, the concept of a wet floor being slippery and hazardous is universally understood. I agree with that.

I don't think that Mr. Presswood, who tested the area where the slip -- where the plaintiff had slipped, but found the results to be unreliable because I did read his report because that's the mosaic and they catch on the testing machinery. He did that. He -- he tested the floor in a dry condition when the floor was wet, and he's admittedly said that there is no credible standard for slip resistance for wet floor or for anything but leather on dry floor. The floor area where she didn't slip isn't relevant.

Where she landed doesn't matter. I mean, you can slip and go high in the air and fall outside where you slip. What's relevant is where she slipped. And it's -- he only -- he says he can't really offer anything about standards concerning the wet floor. And the plaintiff is saying, yeah, everybody knows a wet floor is slippery and hazardous and it's

universally understood.

Therefore, Mr. Presswood does not meet the assistance requirement because he has nothing to add to the jury's ability to decide whether or not the floor was hazardous, whether it's -- it's slippery -- whether a place where she didn't slip is slippery when it's dry is irrelevant to this case. She didn't slip there and it wasn't dry, so --

MS. MORRIS: Well, Your Honor, that's not where she testified that her foot slipped when it was directly on the mosaic --

THE COURT: That's what I read.

MS. MORRIS: -- tile. She circled where her feet were, and she said I couldn't tell you, and circled the general area which is a clear area. It's not on the mosaic tile. And so her testimony saying I slipped on mosaic tile, there's mosaic tile all over, but her own drawing shows where her -- where she was, which is on the clear area which we attached to our opposition. And Mr. Presswood tested the area where the plaintiff circled and that's where he conducted his testing.

THE COURT: But he tested it in dry conditions. He tested it in conditions that were not the conditions of that floor.

MS. MORRIS: He tested it in the conditions that is allowed by the ATMS. The condition -- there is no wet floor

testing. There is no such thing.

THE COURT: Okay.

MS. MORRIS: What he did was test the sip resistance of the floor upon which she fell.

THE COURT: And if she had fallen on a dry floor, that would be great. But she didn't.

MS. MORRIS: It's probative, though, however, because the jury wants to understand how the fall occurred; correct? So if they know the type of flooring that she was on, which says that that floor is below the standard for slip resistance. Now, is it assisting in the -- for the jury's mind to know that the floor, even before it had liquid on it, was a below standard floor? Yes, that's important for them to understand the conditions in which the plaintiff fell.

He can't do -- he is very candid about it and their own expert is candid about it. They can't do wet slip tests. Nobody can. But you don't need to in helping the jury understand. The standard is will it assist the trier of fact in understand the conditions of which were present when the plaintiff fell? No one can recreate an exact condition. That's understandable. But the floor upon which she fell was already below the standard for a slip resistance. And then it had liquid on top of it.

Is it assisting for the jury to understand that, yes, that increases the slipperiness of a floor that was

already below the standard? He has the proper education, training, licensure. He has testified before. This is probative to the case to say that just because he can't recreate the exact condition no expert can. That's saying -- saying, you know, an accident reconstructionist has to recreate the exact crash.

That's to say that you can never do a test on a floor where they slipped in liquid, they'd have to have slipped on a dry floor. And that's not helpful to the jury to eliminate it all because he cannot exactly recreate the condition. It's impossible to. But does it assist the trier of fact in understanding the floor that she was already on was already below the standard. Therefore, it's very important that you keep that floor dry since it's already less slip resistant that the standard would be, and then liquid is put on top of it.

So, yes, it's universally understood that a floor is more slippery when wet. I agree with that. He even said it in his statement. But the jury should have the opportunity to understand that the floor that she slipped on was already one that had less friction than what the standard is and, therefore, that liquid made it especially slippery for her.

THE COURT: He doesn't say that. That's not his opinion.

MS. MORRIS: It is his opinion. That's exactly his

opinion.

THE COURT: But that opinion is not supported by anything. He just as this -- this thing, well, kind of in my experience I have this rough guesstimate that it's 70 percent more slippery if there's -- if there --

MS. MORRIS: Well, then he doesn't --

THE COURT: -- if it's wet.

MS. MORRIS: -- have to say 70 percent, but he should be allowed to testify that the floor upon which she slipped was less resistant than the floor -- that the standard of the .05. I mean, that's what the standard is, and he went through all the protocols and did his testing on that location. And to say that that's not going to be probative for the jury to understand that simply because he can't recreate the condition doesn't give them the opportunity to understand what was -- where she was and what kind of floor she was on and the reason for the fall.

THE COURT: Do you have anything to add?

MR. SEMENZA: Just briefly, Your Honor. And she testified during her deposition, and this was me questioning her. "Okay, just so I'm clear and the record is clear, you started slipping on the portion of the floor that contained the mosaic which included the flowers; right?" Answer, "Yes."

Now, what Mr. Presswood did is he took samples of that mosaic, and lo and behold, those conclusions, those

calculations established that the floor was fine. And then he made the determination, oh, but that's unreliable because of the size of the mosaic tile.

THE COURT: Well, did he say that in a deposition or something. Because his report doesn't say that. His report says that when he tested the floor mosaic area, he thought it was unreliable because the thing which -- you know, you drag this thing across the floor. And so that it caught on the edges of the mosaics, it basically wasn't slippery.

MR. SEMENZA: Right. It wasn't slippery. That's the point. We obtained his claim file.

THE COURT: Okay.

MR. SEMENZA: And his calculations established that the floor wasn't slippery. And that's what Mr. Opfer has provided in his report is identifying that particular issue. And so what he did then is, well, if I'm -- if I'm not going to get the right numbers as far as the mosaic is concerned where she testified she fell, I'll just dry test next to it and see what I come up with.

There is no scientific basis for any of this. It doesn't help the jury. And, in fact, it's going to mislead the jury into thinking that there are issues here beyond what is simply -- is a -- I mean, whether it's more slippery when wet. We've established that that's the case. And in this particular setting there's testimony that the -- the liquid

was sticky, which is also going to affect the slip ratio of it. And so I don't think Mr. Presswood is entitled to testify at trial. I don't think he's going to assist the jury. And I think he's going to, in fact, mislead the jury on this one.

MS. MORRIS: Well, I think what he's established is --

THE COURT: Okay. I'm done. I'm don't. Thank you.

MS. MORRIS: He did --

THE COURT: I've heard --

MS. MORRIS: -- in fact, test the --

THE COURT: -- all your arguments.

MS. MORRIS: -- area where she fell.

THE COURT: I understand your position. But I agree that he's not going to assist the jury in understanding this case and that his testimony should be excluded and so the motion is granted.

MR. SEMENZA: Thank you.

THE COURT: All right. Thank you. So you're going to stay on for calendar call because that's what we're going to right now.

MR. SEMENZA: So, Your Honor, with regard to Dr. Tingey, do you want to set another hearing date or --

THE COURT: Yeah.

MR. SEMENZA: Okay.

THE COURT: Let's see. Well, let's --let's first

figure out --

MS. MORRIS: Yeah, that makes sense.

THE COURT: -- where you're going to be in the calendar call --

MR. SEMENZA: Okay.

THE COURT: -- and then we can set that date.

MR. SEMENZA: Thank you, Your Honor.

THE COURT: All right.

(Case trailed at 10:26 a.m., until 10:43 a.m.)

THE COURT: All right. Case No. A655922, Yvonne O'Connell versus Wynn.

MR. SEMENZA: Good morning, Your Honor. L.J. Semenza and Chris Kircher on behalf of defendant Wynn Las Vegas.

MS. MORRIS: Good morning, Your Honor. Christian Morris for the plaintiff.

THE COURT: Good morning. Okay. So --

MR. SEMENZA: I had an opportunity to speak with Ms. Morris outside as far as timing for trial. And what were the two weeks that worked for you?

MS. MORRIS: November 9th, which is -- is it still in the stack? And November 16th, but I don't know if that's still in the stack.

THE COURT: Nope, that's not in the stack. That's criminal. So the thing is you have to -- you have to be done

by the 13th. You have to wind this up because I don't want it bleeding into the criminal stack.

MR. SEMENZA: Would we be full days, close to full days?

THE COURT: No. I mean, nobody can give you fill days.

MR. SEMENZA: Okay.

THE CLERK: And the 11th is a holiday.

THE COURT: That's not on here. Okay. I didn't even notice that. You're right. Okay. So that's -- that's not good because now that means on Mondays you get half day because that's my criminal calendar. I can't start, really, until 1:30. Tuesdays you get a whole day. Wednesday you get, again, a half day. The earliest we might be able to start would be 1:00. But it's, you know, still a half day.

Oh, as far as -- oh, that Wednesday, the 11th, is a holiday anyway. Thursday's civil calendar we might be able to get started as early as 11:00. It really depends on the calendar and how much is there and I always have to play it by ear. So you kind of have to figure a half day there. Friday is always a full day. So you're guaranteed two full days each week, unless I have something, you know, some special setting on the Friday.

MR. SEMENZA: And what date was --

THE COURT: I don't know how you get this done in

what really amounts to three days.

MR. SEMENZA: Right.

THE COURT: Three full days.

MR. SEMENZA: I guess what other dates would be available, then, Your Honor?

THE COURT: Well, we could start it earlier. We could start it on Wednesday afternoon, the 4th, because this other case will be done by the 3rd.

THE CLERK: And, Judge, on the 12th, we have no civil set that day.

THE COURT: Oh. You'll get a full day, then, on the 12th, so that's good. But we could -- we could start -- or we could start Thursday at 9:00 on the 5th.

MS. MORRIS: I have a short trial on the 6th.

THE COURT: On the 6th. Okay. But we could still start on the 5th, pick a jury. Just plan on doing nothing but pick a jury.

MR. SEMENZA: If that works for her schedule. I don't want to overtax her schedule.

MS. MORRIS: Yeah, I mean, my client flies in for her short trial and I'm meeting with her on the 5th --

THE COURT: Oh. Oh, you are. Okay.

MS. MORRIS: -- to prep her for the short trial.

THE COURT: Well, so do you think you can get it done? You'll have three and a half days of actual work time.

MR. SEMENZA: I'm not one to make guarantees.
MS. MORRIS: I don't know. I mean --
THE COURT: Well, you've got to tell me because --
MS. MORRIS: Right.
THE COURT: -- if you can't -- because I will --
What do we have, do we have some firm settings for our November 16th?
THE CLERK: Let me look.
THE COURT: We have some -- a murder case or --
THE CLERK: Yes. We have, actually, two.
THE COURT: We have two firm trial settings to start on the 16th. So I'm already double booked for the 16th. So what would happen is I'm going to start like cutting -- giving you, okay, you've got a half an hour to, you know -- you've got 15 minutes and you've got -- and that -- you know, that would not be necessarily good for you if you're dragging your feet. Or sometimes I get lawyers who can't get a jury picked in less than two days.
MS. MORRIS: Right.
THE COURT: That's not good either.
MR. SEMENZA: Yeah, that won't -- I don't think that will be a problem, but -- and you need Thursday and Friday?
MS. MORRIS: Correct.
MR. SEMENZA: What about picking a jury on Wednesday and having them come in on Monday? I don't like --

THE COURT: Well, we could do that. We could pick -- pick the jury and then hope they all show up Monday. I don't swear them in just in case. We can do that. At least that would give you the rest of the time for actual testimony. Now, if you don't -- if we don't get the jury picked, you're only going to have a half day.

Now, if you want to stay late, you can do that in civil cases if you pay the overtime of staff to stay late, you agree to that. Otherwise, I have to -- I have to stop at 5:00.

MR. SEMENZA: I think if we picked a jury on Wednesday, I think we could get it done, especially if we have three full days and then the half on Monday.

THE COURT: So -- so what's going to happen is if you don't get them picked in that afternoon and we have to bleed over, we will bleed over into the morning of -- well, into Thursday, which -- to get the jury picked. We need to get them picked, at least. And you all will have a 1:30 start on the 4th. So that'll give you, you know, if you're willing to say, okay, we can go until 5:30, that gives you several hours --

MR. SEMENZA: Yeah.

THE COURT: -- to get the jury picked.

MR. SEMENZA: What do you think?

MS. MORRIS: I guess we can try it. I mean, is that

-- do you have any civil stacks in December?

THE COURT: No. Uh-huh.

MS. MORRIS: No.

THE CLERK: January is the next civil.

MS. MORRIS: January is good for me. I have a criminal trial starting on the 26th, but nothing earlier than that.

THE COURT: What else is on that January stack?

THE CLERK: You only have one firm setting, and this case would be second on that stack.

MS. MORRIS: When does that stack start?

THE CLERK: January 4th.

THE COURT: So what's your pleasure?

MR. SEMENZA: I'd like to go.

MS. MORRIS: Okay.

MR. SEMENZA: But, I mean, I don't have a problem going late if we have to pay for overtime. And why don't -- I mean, my suggestion would be let's set it, let opposing counsel and I chat and make sure that we think we can get it in and done.

MS. MORRIS: I'm just concerned with the half days and picking a jury midweek, and being able to get it done in the afternoon and coming back.

THE CLERK: There's only one half day.

THE COURT: Yeah, for the week that you'll be in

trial there's only going to be one half day. But we do have that holiday, so you won't -- you won't get -- you won't get Wednesday at all, but you'll get all day on Thursday because there's no civil calendar that day. There's nothing on it. So you'll get a half day Monday the 9th. You'll get --

(Pause in the proceedings)

THE COURT: And so you'll have a full day Tuesday, a full day Thursday, a full day Friday.

MS. MORRIS: I mean, I would prefer January just because I'm starting one trial, having another small trial, coming back, and it's incredibly disjointed. But, I mean --

MR. SEMENZA: If it's fine with Your Honor and fine with opposing counsel, let's go ahead and set it for commencing November 4th at 1:30. Staring on that Wednesday, following up on Monday, Tuesday, Thursday, and Friday. And then I will have an opportunity to talk to opposing counsel, make sure that that's going to work, and then we will notify the Court no later than first thing on Monday, if that's okay.

THE COURT: Okay. So we'll -- we'll block you there for that, but do I have my -- my bench trial folks are here? Yes? Okay. Let's see where they are, where I can fit them in.

MR. SEMENZA: Sure.

THE COURT: Because that's a bunch of time that I won't be able to plug them in.

MS. MORRIS: Gotcha.
MR. SEMENZA: Thank you, Your Honor.
THE COURT: Okay.
(Case trailed at 10:53 a.m., until 11:02 a.m.)
THE COURT: -- and say that we'll go ahead and give you this 4th date.
MR. SEMENZA: Thank you.
MS. MORRIS: Okay.
MR. SEMENZA: And, obviously, I'll work with opposing counsel to make sure our expert works and Dr. Dunn is available and those sorts of things.
THE COURT: And then you'll let me know if you don't want that time, but I think that these remaining bench trials I can fit in this first week anyway, so --
MS. MORRIS: Okay.
MR. SEMENZA: Okay.
THE COURT: -- we should be good.
MS. MORRIS: Excellent.
THE COURT: But let -- let me know, okay.
MR. SEMENZA: Okay. And then as far as a date to revisit the Dr. Tingey issues.
THE COURT: Yes. Okay. So we're going to start on the 4th. What does -- what's the least busy civil calendar?
THE CLERK: You're so cute. Before the 19th? I would just say do it on a Tuesday.

THE COURT: Not before the 19th.

THE CLERK: That's when their trial -- oh, no. Their trial is in November.

THE COURT: We've got the 15th, the 22nd, or the 29th. Is the 29th good?

MR. SEMENZA: Yeah.

THE COURT: 29th. Okay. Let's do it on the 29th.

MR. SEMENZA: Thank you, Your Honor. And what time?

THE COURT: At 9:00.

MR. SEMENZA: We'll be back.

MS. MORRIS: Thank you.

MR. SEMENZA: And then as far as briefs, when would you like briefs submitted?

Or do you want to do a brief, Chris?

MS. MORRIS: Yeah, I think briefs are --

THE COURT: For -- it's just supplemental briefing on this motion. You know, as soon as you can get them to me would be preferable, but I'll give you the drop deadline of the 27th.

MR. SEMENZA: Thank you, Your Honor.

THE COURT: I mean, I need the final everything done by the 27th.

MR. SEMENZA: Sounds good.

THE COURT: All right.

MR. SEMENZA: Thank you.

MS. MORRIS: Thank you.

THE COURT: Thank you.

(Proceedings concluded at 11:05 a.m.)

* * * * *

**CERTIFICATION**

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

**AFFIRMATION**

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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Julie Lord
JULIE LORD, TRANSCRIBER

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br>DEPT NO. V<br><br>**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** |

Defendant's Motion for Summary Judgment having come on for hearing before Honorable Judge Thompson at 9:00 a.m. on September 17, 2015, with Christian Morris, Esq., of NETTLES LAW FIRM appearing for the Plaintiff and Christopher Kircher, Esq., of LAWRENCE J. SEMENZA, III, P.C., appearing for the Defendant. Having considered the record and pleadings, and oral argument by Counsel, this Court finds:

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment is

....

....



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

**DENIED.**

DATED this 6th day of October, 2015.

DISTRICT COURT JUDGE

Submitted by:

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br>DEPT NO. V<br><br>**NOTICE OF ENTRY OF ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**<br><br>Hearing Date: 09/17/15<br>Hearing Time: 9:00 a.m. |

TO: WYNN LAS VEGAS, LLC, Defendant; and

TO: CHRISTOPHER D. KIRCHER, ESQ., LAWRENCE J. SEMENZA, III, P.C., Attorneys for Defendant:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the ***Order Denying Defendant's Motion for Summary Judgment*** was entered in the above-entitled matter on the

....

....



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9th day of October, 2015, a copy of which is attached hereto.

DATED this 12th day of October, 2015.

NETTLES LAW FIRM

/s/ Christian M. Morris
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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 12th day of October, 2015, I served the foregoing ***Notice of Entry of Order Denying Defendant's Motion for Summary Judgment*** to the following parties by electronic transmission through the Wiznet system:

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br>DEPT NO. V<br><br>**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** |

Defendant's Motion for Summary Judgment having come on for hearing before Honorable Judge Thompson at 9:00 a.m. on September 17, 2015, with Christian Morris, Esq., of NETTLES LAW FIRM appearing for the Plaintiff and Christopher Kircher, Esq., of LAWRENCE J. SEMENZA, III, P.C., appearing for the Defendant. Having considered the record and pleadings, and oral argument by Counsel, this Court finds:

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment is

....

....

**DENIED.**

DATED this 6th day of October, 2015.

DISTRICT COURT JUDGE

Submitted by:

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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

**DEFENDANT'S SUPPLEMENTAL BRIEF TO EXCLUDE PLAINTIFF'S TREATING PHYSICIAN EXPERT WITNESSES**

**Date of Hearing: October 29, 2015**
**Time of Hearing: 9:00 a.m.**

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## I. INTRODUCTION

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn") hereby submits its supplemental brief in support of its Motion in Limine [#2] (the "Motion"). At the hearing on Wynn's Motion, Plaintiff Yvonne O'Connell ("Plaintiff") specifically identified that she only intended to call two of her treating physicians as witnesses, Dr. Craig T. Tingey and Dr. Thomas Dunn. The Court requested the parties provide supplemental briefing regarding the disclosure of Dr. Tingey. For the reasons set forth below, the Court should not permit Dr. Tingey to testify at trial because Plaintiff untimely and improperly disclosed him. Moreover, the Court should not permit testimony from Dr. Dunn because he was likewise improperly disclosed. In short, Plaintiff

utterly failed to meet the minimal requirements of Rule 16.1 regarding the disclosure of treating physician expert witnesses.

## II. ARGUMENT

### A. The Disclosure Requirements of Expert Testimony under Nevada Rule of Civil Procedure 16.1

Nevada law is unambiguous regarding the disclosure of expert witnesses. Rule 16.1 states: "[i]n the absence of extraordinary circumstances, and except as otherwise provided in subdivision (2), the court shall direct that the disclosures ***shall*** be made at least 90 days before the discovery cut-off date." Nev. R. Civ. P. 16.1(a)(2)(C)(i) (emphasis added). This rule applies to purported treating physician experts as well. *Id.*

Furthermore, "[w]hile a treating physician is exempt from the report requirement, this exemption only extends to 'opinions [that] were formed during the course of treatment.'" *FCH1, LLC v. Rodriguez*, 335 P.3d 183, 189 (Nev. 2014) (amended opinion). Even though a true treating physician expert witness is not required to provide a written report, the party's disclosure of the treating physician expert witness "***must state***" the following:

> 1. The subject matter on which the witness is expected to present evidence under NRS 50.275, 50.285 and 50.305;
>
> 2. A summary of the facts and opinions to which the witness is expected to testify;
>
> 3. The qualifications of that witness to present evidence under NRS 50.275, 50.285 and 50.305, which may be satisfied by the production of a resume or curriculum vitae; and
>
> 4. The compensation of the witness for providing testimony at deposition and trial, which is satisfied by production of a fee schedule.

Nev. R. Civ. P. 16.1(a)(2)(B) (emphasis added).

Additionally, while a treating physician may under certain circumstances testify about "diagnosis, prognosis, or causation of the patient's injuries," and review documents outside his medical chart in the course of providing treatment, "***any opinions and any facts or documents supporting those opinions must be disclosed in accordance with subdivision (a)(2)(B)***." Nev. R.

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Civ. P. 16.1 Drafter's Note (2012 amendment) (emphasis added); *see also FCH1, LLC*, 335 P.3d at 190 (stating the plaintiff's treating physician "could only properly testify as to those opinions he formed based on the documents he disclosed to [the defendant]").

Importantly, the Nevada Supreme Court has held that allowing a treating physician to testify and opine regarding the cause a plaintiff's condition and treatment "without requiring an appropriate NRCP 16.1(a)(2)(B) disclosure" is an abuse of the district court's discretion.[1] *FCH1, LLC*, 335 P.3d at 189 (citing Nev. R. Civ. P. 16.1(a)(2)(B)); *see also Grover C. Dils Med. Ctr. v. Menditto*, 121 Nev. 278, 288, 112 P.3d 1093, 1100 (2005) ("because an injury is a subjective condition, an expert opinion is required to establish a causal connection between the incident or injury and disability").

As forth in more detail below, Plaintiff has failed to satisfy the expert disclosure requirements under Rule 16.1. For example, Plaintiff has never disclosed a summary of the facts and opinions to which any of her treating physicians, including Dr. Tingey and Dr. Dunn, are purportedly expected to testify. This has severely prejudiced Wynn because, *inter alia*, it still does not know the subject matter of her treating physician's testimony even now, which is approximately one week before trial. Consequently, the Court should not permit any of Plaintiff's treating physicians to testify at trial.

**B. Dr. Tingey Should be Prohibited from Testifying at Trial because Plaintiff Untimely Disclosed Him**

At the last hearing, Dr. Tingey is one of the two treating physicians that Plaintiff identified she intended to call at trial to testify on her behalf. However, Plaintiff failed to timely and

[1] At the October 1, 2015 hearing on this matter, the Court correctly identified that the amended opinion of *FCH1, LLC v. Rodriguez* states: "Allowing [the treating physicians] to so testify without requiring an appropriate NRCP 16.1(a)(2)(B) disclosure was also an abuse of the district court's discretion—once they opined as to the cause of [the plaintiff's] condition and treatments **they should have been subject to the section's disclosure standards**." *FCH1, LLC*, 335 P.3d at 190 (emphasis added) (citing NRCP 16.1(a)(2)(B)). As the Court stated, the initial opinion from the Nevada Supreme Court stated: "Allowing [the treating physicians] to so testify without requiring them to disclose expert reports was also an abuse of the district court's discretion—once they opined as to the cause of [the plaintiff's] condition and treatments they testified as experts and **should have been subject to the expert witness standards**." *FCH1, LLC v. Rodriguez*, 326 P.3d 440, 446 (Nev. 2014) (emphasis added) (citing *Brooks v. Union Pac. R. Co.*, 620 F.3d 896, 900 (8th Cir. 2010)). In the case at hand, Plaintiff did not meet the disclosure standards under Rule 16.1.

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properly disclose Dr. Tingey. To start, the following timeline proves that Plaintiff untimely disclosed Dr. Tingey:

| | |
|---|---|
| Extended Expert Disclosure Deadline | April 13, 2015 |
| Extended Rebuttal Expert Deadline | May 13, 2015 |
| Extended Discovery Deadline | June 12, 2015 |
| Plaintiff's Disclosure of Dr. Tingey's Medical Records[2] | July 14, 2015 |
| Plaintiff's Disclosure of Dr. Tingey as a Witness[3] | August 27, 2015 |
| Plaintiff's Disclosure of Dr. Tingey's CV, Fee Schedule and Trial History[4] | September 28, 2015 |

In fact, Plaintiff did not disclose Dr. Tingey until after Wynn filed its motions in limine on August 13, 2015. Due to Plaintiff's untimely disclosure of Dr. Tingey, the Court should not permit him to testify at trial.

More reason exists to exclude Dr. Tingey from testifying at trial. Plaintiff has never disclosed a summary of the facts and opinions Dr. Tingey is purportedly expected to testify.[5] *See* Nev. R. Civ. P. 16.1(a)(2)(B) (the party's disclosure of a treating physician expert witness "must state" a "summary of the facts and opinions to which the witness is expected to testify"). Rather, as the Court astutely remarked at the previous hearing, Plaintiff utilizes the same boilerplate disclosure language for Dr. Tingey as she did for her other twenty (20) purported treating physician experts:

> 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,

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[2] Dr. Tingey's Medical Records as produced by Plaintiff are attached hereto as **Exhibit 1**.

[3] Plaintiff's Amended Fourth Supplement to Initial 16.1 Disclosures dated 8/27/15 (minus supplemental documents) is attached hereto as **Exhibit 2**, which includes Dr. Tingey as a witness for the first time. Dr. Tingey is not identified in Plaintiff's Fourth Supplement to Initial 16.1 Disclosures. (Plaintiff's Fourth Supplement to Initial 16.1 Disclosures dated 7/14/15 (minus supplemental documents), attached hereto as **Exhibit 3**.)

[4] Plaintiff' Sixth Supplement to Initial 16.1 Disclosures dated 9/28/15 is attached hereto as **Exhibit 4**.

[5] Dr. Tingey's medical records, which consists of 17 pages, do not indicate that he reviewed or considered any other medical records or information in his treatment of Plaintiff other than what Plaintiff told him. (Ex. 1.) Not surprisingly, the information Plaintiff provided Dr. Tingey contradicts her previous medical history. (*Id.*) Dr. Tingey only diagnosis Plaintiff with a meniscus tear. (*Id.*)

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> 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.

(See Exhibits 1, 2 and 3.) Clearly, Plaintiff's disclosure violates the letter and spirit of Rule 16.1. There are no facts or specific opinions that related to the instant case, which fails to satisfy the minimal requirements of Rule 16.1(a)(2)(B). Further, it is Plaintiff's burden, not Wynn's, to satisfy the expert disclosure requirements.

Without a doubt, Plaintiff's untimely disclosure has severely prejudiced Wynn. For instance, Wynn's medical expert could not review Dr. Tingey's medical records prior to preparing his expert report because of Dr. Tingey's late disclosure and Wynn still does not have an understanding as to what Dr. Tingey's testimony may entail. Therefore, the Court should not permit Dr. Tingey to testify at trial.

**C. <u>Dr. Dunn Should be Excluded at Trial or His Testimony Must be Limited to His Treatment Identified in His Disclosed Medical Records</u>**

Dr. Dunn is the second treating physician that Plaintiff identified she intended to call at trial to testify on her behalf. Like Dr. Tingey, Plaintiff has never disclosed summary of the facts and opinions that Dr. Dunn is purportedly expected to testify as mandated by Rule 16.1(a)(2)(B). In addition, Plaintiff untimely disclosed Dr. Dunn's CV, Fee Schedule and Trial History. Plaintiff disclosed this information on September 18, 2015, despite the extended expert disclosure deadline being five months earlier.

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Furthermore, Plaintiff utilized the same boilerplate disclosure language set forth above for Dr. Dunn that she used for every one of the twenty-one purported treating physician expert witnesses disclosed. (*See* Exhibits 2, 3 and 4.) Again, this boilerplate disclosure violates the letter and purpose of Rule 16.1(a)(2)(B). For these reasons, the Court should exclude Dr. Dunn from testifying at trial.

If the Court does not exclude Dr. Dunn at trial, his testimony must be limited to his medical records and the tests he ordered, which totals 19 pages.[6] Notably, Dr. Dunn's medical records do not address anything set forth in Plaintiff's deficient Rule 16.1(a)(2)(B) disclosure, such as: 1) causation; 2) the injuries sustained directly as a result of the incident at issue in this lawsuit; 3) that totality of Plaintiff's alleged past, present and future medical treatment; or 4) Plaintiff's pain and suffering, and disfigurement. As such, Dr. Dunn may not offer an opinion on these matters. Simply put, Wynn would be severely prejudiced by any such testimony.

## III. CONCLUSION

Based on the foregoing and Wynn's Motion, the Court should not permit Dr. Tingey or Dr. Dunn from testifying at trial.

DATED this 27th day of October, 2015.

LAWRENCE J. SEMENZA, III, P.C.

/s/ Christopher D. Kircher
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[6] Dr. Dunn's Medical Records are attached hereto as **Exhibit 5**.

**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 27th day of October, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT'S SUPPLEMENTAL BRIEF TO EXCLUDE PLAINTIFF'S TREATING PHYSICIAN EXPERT WITNESSES** to the following registered e-mail addresses:

NETTLES LAW FIRM
christianmorris@nettleslawfirm.com
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*Attorneys for Plaintiff*

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

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# EXHIBIT 1

# EXHIBIT 1

2747716-RF10F

Brian D. Nettles, Esq.
Christian M. Morris, Esq.*
*Also licensed in California and New Jersey

The Nettles Law Firm

William R. Killip, Jr., Esq.
Joel S. Hengstler, Esq.
Janice L. Madrid, J.D.

Exclusively representing injured victims and their families.

June 10, 2015

731-0741

*Via facsimile Only: (702) 697-7202*

***URGENT REQUEST***

**Thomas Dunn, M.D.**
Desert Orthopaedic Center
2930 W. Horizon Ridge Pkwy., #100
Henderson, NV 89052
**Attention: Records & Billing Dept.**

| | | | |
|---|---|---|---|
| **Re:** | **My client** | : | **Yvonne O'Connell** |
| | **DOB** | : | [redacted] |
| | **Date of Loss** | : | |
| | **Dates of Service** | : | **06-16-14 to 10-13-14** |

Dear Sir or Madam:

This firm represents Yvonne O'Connell for damages arising from personal injuries sustained in the above-referenced accident.

Our records indicate that we received the medical records for Ms. O'Connell's treatment at your facility but we have not yet received the itemized billing statement. This itemized billing must be submitted in this case no later than Friday, June 12, 2015. Would you kindly "fax" to our office the complete itemized billing for the above referenced dates of service, to include any amounts paid as soon as conveniently possible so that we may submit the same by or before our deadline of June 12, 2015. I have enclosed a fully executed authorization by our client permitting us to obtain this information.

Also, to avoid an appearance in court at the time of trial herein, please sign the enclosed Certificates of Custodian of Medical and Billing Records and attach the same to the copies so they may be admitted into court.

I apologize for this last minute request, however your assistance in this matter is greatly appreciated. In the interim should you have any questions, do not hesitate to contact me.

Sincerely yours,
NETTLES LAW FIRM

Michelle Haney

Thank You!

Michelle Haney
MH/ch

# NETTLES LAW FIRM

1389 Galleria Drive, Suite 200
Henderson, Nevada 89014

REDACTED

Telephone: (702) 434.8282 Facsimile: (702) 434.1488

## AUTHORIZATION FOR MEDICAL AND EMPLOYMENT INFORMATION
(HIPAA Compliant)

TO: THOMAS DUNN, M.D. - DESERT ORTHOPEDIC CENTER

This is to authorize, for use and disclosure, my physician, hospital, medical attendant, pharmacist, pharmacy, employer or others to furnish my attorneys, Nettles Law Firm, and my attorneys' representatives and/or medical consultants, upon presentation of this authorization, whether an original or a copy, any and all information or opinions they may request regarding the undersigned's physical condition and treatment rendered therefore, and/or employment records, and to allow them to see or copy any records, including diagnostic testing, pharmaceutical records, and all itemized billing in your possession regarding the undersigned's condition or treatment, with the understanding that this is protected health information regarding myself. My said attorneys have been retained by the undersigned to prosecute a claim against the insurance carrier or others for injuries sustained and your full cooperation with my attorneys is respectfully requested.

I understand that the information used or disclosed may be subject to re-disclosure by the person, class of persons and/or facility receiving such, and would then no longer be protected by federal privacy regulations. **I further understand that the records may include information about mental health, substance abuse/treatment records and HIV/AIDS testing or treatment.**

I may revoke this Authorization by notifying the above office in writing of my desire to revoke such. However, I understand that any action already taken in reliance on this Authorization cannot be reversed, and my revocation will not affect those actions. I understand that the medical provider to whom this Authorization is furnished may not condition its treatment of me on whether not I sign the Authorization.

You are further requested to disclose no information to any insurance representative or other persons without written authority from me to do so (pursuant to privileged and confidential communications statutes, codes and/or regulations). All authorizations previously given are hereby canceled and withdrawn. I hereby waive any privileges and confidentiality to my attorneys.

This Authorization expires within two (2) years of the date hereof, OR upon the resolution of the matter that underlies this Authorization.

| | |
|---|---|
| YVONNE O'CONNELL | Yvonne O'Connell |
| PRINTED NAME | SIGNATURE |
| 6-10-15 | [redacted] |
| DATE | DATE OF BIRTH |
| Dorothy A. Allen | 6-16-14 to 10-13-14 |
| NOTARY PUBLIC STATE OF NEVADA<br>COUNTY OF CLARK | DATES OF SERVICE |

DOROTHY A. ALLEN
Notary Public, State of Nevada
Appointment No. 00-63628-1
My Appt. Expires Apr 25, 2018

www.nettleslawfirm.com

PLTF 000730 -Suffix

## CERTIFICATE OF CUSTODIAN OF BILLING RECORDS

Under penalty of perjury, the undersigned deposes and says:

1. That the deponent is the Custodian of Billing Records of **Thomas Dunn, M.D.** and in such capacity is the custodian of the billing records of the office or institution.

2. That the deponent has examined the original of the billing records of **Yvonne O'Connell** and has made a true and exact copy thereof; that the reproduction of said billing records attached hereto is true and correct.

3. That the originals of those records were made at or near the time of the acts, events, conditions, opinions and diagnosis recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity of the deponent or the office or institution in which the deponent is engaged.

_____

STATE OF_____)
) ss.
COUNTY OF_____)

On this _____ day of_____, 2015, then and there personally appeared before me, the undersigned, a Notary Public in and for said County, State and Country, known to me to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

| Account: Yvonne Louise O'Connell, 2742716 | | | | | Demographics Transactions Eligibility |
|---|---|---|---|---|---|
| P Bal | I Bal | W Bal | C Bal | Total | Appointments Documents Comments Referrals |
| .00 | 17.77 | .00 | .00 | 17.77 | New Search Cancel Help |

Search criteria: DOC; Account: 2742716; Date of Service: Ending 10/14/2014; All; Payer Status: All; Pymt Status: All; Summary; Sort by: Date of Service, Ascending; Separate Open and Paid; Exclude Corrections, ATR0;

Change Search

**Transactions**

| Charge # | Date | Patient | Prov | POS | Trans/Mod | Pri Dx | Amount | P/A Total | Due | Due From | Set/Hist | Cur C |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2725704 | 06/16/2014 | Yvonne | 70 | 4 | 99245 | 7243 | 452.00 | 452.00 | .00 | /PS | 1/1 | |
| 2725705 | 06/16/2014 | Yvonne | 70 | 4 | 72114 | 7243 | 220.00 | 220.00 | .00 | /PS | 1/1 | |
| 2725706 | 06/16/2014 | Yvonne | 70 | 4 | 72050 | 7234 | 180.00 | 180.00 | .00 | /PS | 1/1 | |
| 2740572 | 07/14/2014 | Yvonne | 70 | 4 | 99214 | 7224 | 161.00 | 161.00 | .00 | 2693/IB | 1/1 | 08/19/ |
| 2758377 | 08/13/2014 | Yvonne | 40 | 4 | 73562/RT | 8360 | 109.00 | 109.00 | .00 | /PS | 1/8 | |
| 2758378 | 08/13/2014 | Yvonne | 40 | 4 | 73510/RT | 8360 | 141.00 | 141.00 | .00 | /PS | 1/8 | |
| 2758379 | 08/13/2014 | Yvonne | 40 | 4 | 99213 | 7243 | 108.00 | 108.00 | .00 | /PS | 1/8 | |
| 2775083 | 09/10/2014 | Yvonne | 40 | 4 | 99213 | 8360 | 108.00 | 108.00 | .00 | /PS | 1/8 | |
| 2794782 | 10/13/2014 | Yvonne | 70 | 4 | 99214 | 7224 | 161.00 | 161.00 | .00 | 2693/IB | 1/8 | 11/18/ |
| | | | | | **Totals** | | **1640.00** | **1640.00** | **.00** | | | |

9 matches found



PLTF 000732 -Suffix

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900

REDACTED



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

**05/11/2015 - Office Visit: 15th Room,Complete**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed
- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

## Chief Complaint
Bilateral knee pain.

## History of Present Illness
**Referred by:** Thomas Dunn
**Previous Studies:** X-rays, MRI

Yvonne Louise O' Connell is a 63 year old female who comes in for a new problem today. The patient is retired. She presents for evaluation of bilateral knee pain after a slip/fall injury. Her symptoms have been present for 5 years. Her injury occurred on 2/08/2010, when walking she slipped on a liquid and fell backwards. She states she twisted to the right with parts of her body striking a raised divider. This happened on the Las Vegas Strip. Her pain was immediate. She describes the pain as being specifically located in the anterior and medial region of her knees. She has pain when twisting, going from sitting to standing, or climbing stairs. She experiences locking and swelling in the knees. She has undergone physical therapy without improvement. Patient denies any past problems to her knees before the slip and fall in 2010. Other physicians the patient has seen for this problem include another Dr. Andrew Martin. Previous studies performed to evaluate this condition include X-rays and MRI's done at Las Vegas radiology.

She describes her pain as sore, sharp, throbbing, stabbing and severe. Her pain is worse with activities, and since acknowledging the onset, her pain level has worsened. On a scale of 0-10, with 0 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. She is also experiencing clicking, instability, locking, catching, snapping/popping, swelling, pain with sports/activities, radiating pain, and daytime pain with rest. Her symptoms are worse when driving, squatting, kneeling, bending lying supine, lifting, standing from sitting, when twisting the knees, and walking up and down steps.

Treatments tried previously to relieve symptoms include rest, elevation, physical therapy, assistive device, immobilization, and home exercise.

## Allergies
ANTIBIOTICS (Moderate)

## Medications
CVS OMEGA-3 CAPS (FLAX OIL-FISH OIL-BORAGE OIL)
A THRU Z ADVANCED TABS (MULTIPLE VITAMINS-MINERALS)
VITAMIN C

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REDACTED



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

## Past Medical History

Past medical history noted by patient includes depression
She states she had a mini-stroke 2 days after the slip and fall.

## Problems recorded as Dx. codes:

TEAR MEDIAL CARTILAGE OR MENISCUS KNEE CURRENT (ICD-836.0)
PAIN IN JOINT, LOWER LEG (ICD-719.46) (ICD10-M79.606)
SCIATICA (ICD-724.3) (ICD10-M54.30)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4) (ICD10-M54.13)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4) (ICD10-M50.30)

Information obtained by patient via web portal: depression, neuropathy, stroke, Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands.

## Past Surgical History

Patient denies any problems related to previous surgery
Information obtained by patient via web portal: removal of wisdom teeth, removal of tonsils, Breast biopsy. Okay.

## Family Medical History

There is a reported family history of cancer
Mother (biol.): Deceased
Father (biol.): Cancer; Deceased
Information obtained by patient via web portal: diabetes, cancer

## Social History

**Tobacco use:** never smoker
**Alcohol Use:** (occasional (weekly 1-6 drinks))
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none
**Occupation:** retired
**Work Status:** retired

## Review of Systems

**General: none**
**Cardiovascular: murmur**
**Respiratory: cough**
**Ears/Nose/Throat: dizziness**
**Gastrointestinal: nausea, abdominal pain**
**Skin: none**
**Neurologic: weakness, numbness, headache**
**Genitourinary: night time urination**
**Endocrine: cold intolerance**

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REDACTED



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

**Heme/Lymphatic:** denies abnormal bruising, bleeding, enlarged lymph nodes
**Allergic/Immunologic:** none
**Psychiatric:** anxiety, depression, difficulty sleeping
**Musculoskeletal:** stiffness, joint pain or swelling, back pain, weakness, muscle cramping, arthritis
**Possibly Pregnant:** no
**Pregnant:** no
**Infectious Diseases** None

## Physical Exam

**Vital Signs**
**Height:** 64 in **Weight:** 155 lb **Pulse rate:** 65 **Rhythm:** regular
**BP:** 137/83 **Possibly Pregnant:** no
**Pregnant:** no
**Body Mass Index:** 26.70

**Right Knee Exam**
**Inspection**
Effusion: none
**Pain/Tenderness:**
medial joint line
**Active Range of Motion**
Flexion: 120°
Extension: 0
**Stability**
Lachman test: normal
Anterior drawer sign: normal
Medial/MCL: normal
Lateral/LCL: normal
Posterior drawer: normal
Ext Rotation Dial Test:

Left knee exam is symmetric

**Magnetic Resonance Imaging * RIGHT KNEE*** was performed on 08/29/2014
Tear of the posterior horn of the medial meniscus.

**Magnetic Resonance Imaging * LEFT KNEE*** was performed on 09/22/2014
Truncated appearance of the body and posterior horn of the medial and lateral menisci consistent with tears.

**Right Knee X-ray**

Radiographs of the right knee reviewed today reveal minimal joint-space narrowing.

REDACTED

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**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

## Impression
Bilateral knee meniscus tears

## Plan
Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered. I discussed all treatment options including non-surgical and surgical interventions.

**After discussion with the patient, I have recommended bilateral knee arthroscopy with partial medial meniscectomy of the right knee and partial medial and lateral meniscectomy of the left knee. She understands that surgery is not a guarantee for cure of her symptoms, and specifically arthroscopic surgery cannot cure arthritis. The patient would like to review their options and will contact us if they wish to move forward with the procedure.**

## Follow up
Patient will follow up for pre-operative visit.

**Electronically Signed by Craig T Tingey MD on 05/11/2015 at 6:53 PM**

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

**05/09/2015 - Transcription: (P) DOC History and Review of Systems**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

| DOC HISTORY AND REVIEW OF SYSTEMS | |
|---|---|
| GENERAL | |
| Visit due to injury | Yes |
| Visit due to injury (Yes)Injury description | Walking, slipped and fell backwards on liquid, twisted to the right, with parts of my body striking a raised divider before my head hit the ground. Immediate injuries and pain. |
| Visit due to injury (Yes)Injury | Slip or fall |
| Visit due to injury (Yes)Date of injury | Feb 8th 2010 |
| Is injury/problem on the right or left side of the body? | Left |
| Length of symptoms | 1-12 Years |
| Length of symptoms (1-12 Years)Years | 5 |
| Previous procedure to treat chief complaint or problem | No |
| Experiencing pain or discomfort due to your chief complaint or problem | Yes |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Characteristics of pain or discomfort | Sore, Sharp, Throbbing, Stabbing |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Intensity of pain or discomfort | Severe |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Frequency of pain or discomfort | Worse with activities |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Current level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Average level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Lowest level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Highest level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Level of pain or discomfort as compared to originally noticing the problem | Worsened |
| Pharmacy | Tricare, CVS? |
| Appointment today to remove the following | No |
| Procedures undergone related to the chief | X-rays, MRI |

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**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

| | |
|---|---|
| complaint or problem | |
| Seen another physician for this problem | Yes |
| Seen another physician for this problem (Yes)Other physician seen | another orthopaedic surgeon |
| Tried treatments for this problem | Yes |
| Tried treatments for this problem (Yes)Treatments tried | Rest, Elevation, Physical therapy, Assistive device, Immobilization, Home exercise |
| SOCIAL HISTORY | |
| Work status and occupation | Retired |
| Marital status | Widowed |
| Live alone | Yes |
| Children | None |
| Tobacco use | Never smoker |
| Alcohol | Occasional (weekly 1-6 drinks) |
| Recreational drug use | No |
| Currently pregnant | No |
| MEDICAL CONDITIONS | |
| Hx | [redacted] |
| Alcohol abuse | No |
| Anemia | No |
| Asthma | No |
| Bleeding Disorder | No |
| Blood clots/DVT | No |
| Breastfeeding | No |
| Cancer | No |
| Cerebral Palsy | No |
| Chronic Bronchitis | No |
| COPD | No |
| Dementia | No |
| Depression | [redacted] |
| Diabetes | No |
| Drug Abuse | No |
| Fracture/Broken Bone | No |
| Gout | No |
| Heart Disease | No |
| Hepatitis | No |
| High Blood Pressure | No |
| High Cholesterol | No |
| HIV/AIDS | No |
| Kidney Disease | No |
| Liver Disease | No |
| MRSA | No |
| Neuropathy | [redacted] |
| Osteoarthritis | No |
| Osteoporosis | No |
| Pregnant | No |
| Pulmonary Embolism | No |
| Rheumatoid Arthritis | No |
| Scoliosis | No |
| Seizure Disorder | No |

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**Yvonne Louise O'Connell**
Female DOB [redacted]

[redacted]

| | |
|---|---|
| Sickle Cell Trait/Disease | No |
| Stroke | [redacted] |
| Thyroid Disorder | No |
| Other: | [redacted] |
| Other: (Yes)Please specify "other" condition. | Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands. |
| SURGICAL HISTORY | |
| Please indicate if you have had any of the following surgeries. If none apply, select "continue." | [redacted] |
| Removal of Appendix | No |
| Removal of Lump from Breast | No |
| Breast Surgery | No |
| Brain Surgery | No |
| Removal of Wisdom Teeth | [redacted] |
| Cosmetic Surgery | No |
| Tubes in Ears | No |
| Removal of Gall Bladder | No |
| Removal of Cataract from eye | No |
| Hernia Repair | No |
| Hemorrhoidectomy | No |
| Lasik Eye Surgery | No |
| Heart Surgery | No |
| Pacemaker Placement | No |
| Gastric Surgery | No |
| Colon Surgery | No |
| Kidney Stone Removal | No |
| Removal of Tonsils | [redacted] |
| Removal of Tonsils and Adenoids | No |
| Thyroid Surgery | No |
| Female Surgery - Tubes Tied | No |
| Female Surgery - Dilation & Curretage | No |
| Female Surgery - Hysterectomy | No |
| Female Surgery - Cesarean Section | No |
| Male Surgery - Vasectomy | No |
| Male Surgery - Prostate Surgery | No |
| Other | [redacted] |
| Other (Yes)Please specify "other" surgery. | Breast biopsy. Okay. |
| FAMILY HISTORY | |
| Please let us know if you have or have had immediate family (parents, siblings, or children) with any of the following conditions. Please check all that apply. If none apply, select "continue." | [redacted] |
| Bleeding disorders | No |
| Cancer | [redacted] |
| Connective tissue disorder | No |
| Diabetes | [redacted] |

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(702)731-1616 Fax: (702)734-4900

REDACTED



**Yvonne Louise O'Connell**
Female DOB [redacted]

[redacted]

| | |
|---|---|
| Heart disease | No |
| Muscular dystrophy | No |
| Rheumatoid arthritis | No |
| REVIEW OF SYSTEMS | |
| Please indicate if you currently have any of the following conditions. Select all that apply. If none apply, select "None." | |
| Fever | No |
| Chills | No |
| Fatigue | No |
| Weight gain | No |
| Weight loss | No |
| Sweating | No |
| None | |
| Eye symptoms. Select all that apply. If none apply, select "None." | |
| Discharge | No |
| Irritation | No |
| Light sensitivity | |
| Pain | |
| Vision change | |
| None | No |
| Ears, Nose, Throat symptoms. Select all that apply. If none apply, select "None." | |
| Impaired hearing | No |
| Nosebleeds | No |
| Sneezing | No |
| Dizziness | |
| None | No |
| Cardiovascular symptoms. Select all that apply. If none apply, select "None." | |
| Fainting | No |
| Ankle swelling | No |
| Leg swelling | No |
| Shortness of breath with exercise | No |
| Murmur | |
| None | No |
| Respiratory symptoms. Select all that apply. If none apply, select "None." | |
| Cough | |
| Cold | No |
| Wheezing | No |
| Painful breathing | No |
| Tuberculosis | No |
| Asthma | No |
| None | No |
| Digestive symptoms. Select all that apply. If none apply, select "None." | |
| Nausea | |
| Vomiting | No |
| Changes in bowel movements | No |

DOC History and Review of Systems

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900

REDACTED



[redacted]

**Yvonne Louise O'Connell**
Female DOB: [redacted]

| | |
|---|---|
| Blood in stool | No |
| Black stool | No |
| Hemorrhoids | No |
| Diarrhea | No |
| Ulcer | No |
| Heartburn | No |
| Painful bowel movements | No |
| Abdominal pain | |
| None | No |
| Musculoskeletal symptoms. Select all that apply. If none apply, select "None." | |
| Stiffness | |
| Joint pain or swelling | |
| Back pain | |
| Weakness | |
| Muscle cramping | |
| Arthritis | |
| Fracture | No |
| Sprain | No |
| None | No |
| Urinary symptoms. Select all that apply. If none apply, select "None." | |
| Loss of urine | No |
| Frequent urination | No |
| Painful urination | No |
| Blood in urine | No |
| Kidney stones | No |
| Night time urination | |
| None | No |
| Endocrine symptoms. Select all that apply. If none apply, select "None." | |
| Cold intolerance | |
| Heat intolerance | No |
| Weight change | No |
| Excessive urination | No |
| Diabetes | No |
| Fatigue | No |
| Thyroid problems | No |
| None | No |
| Blood/Lymphatic symptoms. Select all that apply. If none apply, select "None." | |
| Slow healing cuts | No |
| Anemia | No |
| Abnormal bruising | No |
| Bleeding | No |
| Enlarged lymph nodes | No |
| None | No |
| Allergic/Immunologic symptoms. Select all that apply. If none apply, select "None." | |
| Hives | No |
| Persistent infections | No |

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**Yvonne Louise O'Connell**
Female DOB [redacted]

[redacted]

| | |
|---|---|
| HIV exposure | No |
| Past blood transfusion | No |
| None | [redacted] |
| Skin symptoms. Select all that apply. If none apply, select "None." | [redacted] |
| Changing moles | No |
| Rash | No |
| Itching | No |
| Dryness | No |
| Yellowing of skin | No |
| Hives | No |
| Discoloration | No |
| None | [redacted] |
| Emotional symptoms. Select all that apply. If none apply, select "None." | [redacted] |
| Anxiety | [redacted] |
| Depression | [redacted] |
| Tension | No |
| Memory loss | No |
| Difficulty sleeping | [redacted] |
| None | No |
| Neurologic symptoms. Select all that apply. If none apply, select "None." | [redacted] |
| Weakness | [redacted] |
| Numbness | [redacted] |
| Temporary paralysis | No |
| Fainting | No |
| Seizures | No |
| Stroke | No |
| Blackout | No |
| Headache | [redacted] |
| Tremor | No |
| Slurred speech | No |
| None | No |

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

DOC History and Review of Systems

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**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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[redacted]

**Yvonne Louise O'Connell**
Female DOB: [redacted]

**05/09/2015 - Lab Report: (P) DOC History and Review of Systems**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

Patient: YVONNE LOUISE O'CONNELL
ID: OBERD 4026785
Note: All result statuses are Final unless otherwise noted.

Tests: (1) DOC History and Review of Systems (7_27168667)

| | |
|---|---|
| WORK STATUS | retired |
| WKRELINJURY | <No Reported Value> |
| HPISPORTMED | <No Reported Value> |
| HX FALLS | yes |
| ACCT TYPE | <No Reported Value> |
| TRAINERNAME | <No Reported Value> |
| DO SPORTS | <No Reported Value> |
| DATEOFINJURY | Feb 8th 2010 |
| PAINSIDE | left |
| MECHANISM | "Result Below..." |
| RESULT: Walking, slipped and fell backwards on liquid, twisted to the right, with parts of my body striking a raised divider before my head hit the ground. Immediate injuries and pain. | |
| ACTIVITYASSM | <No Reported Value> |
| PAIN DURATIO | year |
| HPI DURATION | 5 |
| NOPAIN | <No Reported Value> |
| HPI QUALITY | "Result Below..." |
| RESULT: sore, sharp, throbbing, stabbing | |
| PREVTRTMNTRC | <No Reported Value> |
| DATEOFSURG | <No Reported Value> |
| PAINPOSTOP | <No Reported Value> |
| REMOVALOF | <No Reported Value> |
| PREV STUDIES | X-rays, MRI |
| HPI SEVERITY | severe |
| HPI TIMING | "Result Below..." |
| RESULT: worse with activities | |
| PAINASSESMNT | 10 |
| AVERAGE PAIN | 5 |
| PAINBEST | 1 |
| PAINWORST | 10 |
| PAIN STATUS | worsened |
| OTHRMD#1 NAM | "Result Below..." |
| RESULT: another orthopaedic surgeon | |
| COM PT | "Result Below..." |
| RESULT: rest, elevation, physical therapy, assistive device, immobilization, home exercise | |
| PHARM NAME | Tricare, CVS? |
| SCHOOL | <No Reported Value> |
| OCCUPATION#1 | <No Reported Value> |
| PREGNANT | no |
| MARITAL STAT | widowed |
| LIVE ALONE | yes |
| # CHILDREN | none |
| SMOK STATUS | never smoker |
| SMKYRSTRT | <No Reported Value> |

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**REDACTED**



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

| | |
|---|---|
| CIGARET SMKG | <No Reported Value> |
| CIGAR USE | <No Reported Value> |
| ORALTOBACUSE | <No Reported Value> |
| SMOK HX PPD | <No Reported Value> |
| CIGARS WEEK | <No Reported Value> |
| ORAL TOBAC/D | <No Reported Value> |
| SMOK YR Q | <No Reported Value> |
| HX CIGARETTE | <No Reported Value> |
| ETOH ABUSE | "Result Below..." |
| RESULT: occasional (weekly 1-6 drinks) | |
| DRUG USE | no |
| DRUGAB HOW | <No Reported Value> |
| LSTDRUGUSE | <No Reported Value> |
| DRUGAB WHAT | <No Reported Value> |
| DEP PMH | "Result Below..." |
| RESULT: depression, neuropathy, stroke, Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands. | |
| DEP SURGERY | "Result Below..." |
| RESULT: removal of wisdom teeth, removal of tonsils, Breast biopsy. Okay. | |
| FH COMMENTS | <No Reported Value> |
| DEP FAM PMH | diabetes, cancer |
| ROS:GENERAL | none |
| ROS EYES | "Result Below..." |
| RESULT: light sensitivity, pain, vision change | |
| ROS ENT | dizziness |
| ROS: CARDIAC | murmur |
| ROS:PULMON | cough |
| ROS: GI | "Result Below..." |
| RESULT: nausea, abdominal pain | |
| ROS:MUSCSKEL | "Result Below..." |
| RESULT: stiffness, joint pain or swelling, back pain, weakness, muscle cramping, arthritis | |
| ROS: GU | "Result Below..." |
| RESULT: night time urination | |
| ROS ENDO | cold intolerance |
| ROS HEME | <No Reported Value> |
| ROS ALLERG | none |
| ROS SKIN | none |
| ROS: PSYCH | "Result Below..." |
| RESULT: anxiety, depression, difficulty sleeping | |
| ROS: NEURO | "Result Below..." |
| RESULT: weakness, numbness, headache | |
| SPORT LEVEL | <No Reported Value> |
| SURGOUTCOME | <No Reported Value> |

Note: An exclamation mark (!) indicates a result that was not dispersed into the flowsheet.
Document Creation Date: 05/10/2015 12:46 AM

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(1) Order result status: Preliminary
Collection or observation date-time: 05/09/2015 23:40:09
Requested date-time: 05/10/2015 02:46:02
Receipt date-time: 05/09/2015 23:40:09

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**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB [redacted]

[redacted]

Reported date-time:
Referring Physician:
Ordering Physician:
Specimen Source:
Source: CBERD
Filler Order Number: 198556-2854001
Lab site:

---

The following tests had no related values for dispersal to the flowsheet:

MLI-91192, [No Value Reported], (F)
MLI-137094, [No Value Reported], (F)
MLI-36127, [No Value Reported], (F)
MLI-113812, [No Value Reported], (F)
MLI-31798.21, [No Value Reported], (F)
MLI-53484, [No Value Reported], (F)
MLI-161429, [No Value Reported], (F)
MLI-153254, [No Value Reported], (F)
MLI-4003.38, [No Value Reported], (F)
MLI-161426, [No Value Reported], (F)
MLI-161428, [No Value Reported], (F)
LOC-200211, [No Value Reported], (F)
LOC-360035, [No Value Reported], (F)
MLI-161453, [No Value Reported], (F)
SNO-S-32030, [No Value Reported], (F)
SNO-S-32020, [No Value Reported], (F)
SNO-S-32060, [No Value Reported], (F)
AS4-2000.31, [No Value Reported], (F)
MLI-43531, [No Value Reported], (F)
MLI-16032, [No Value Reported], (F)
RHS-11, [No Value Reported], (F)
MLI-16025, [No Value Reported], (F)
MLI-156242, [No Value Reported], (F)
MLI-27580, [No Value Reported], (F)
MLI-156243, [No Value Reported], (F)
MLI-18874, [No Value Reported], (F)
MLI-4398.95, [No Value Reported], (F)
MLI-67111, [No Value Reported], (F)
MLI-161427, [No Value Reported], (F)

---

The following non-numeric lab results were dispersed to
the flowsheet even though numeric results were expected:

MLI-111197.2, none

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

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**Desert Orthopaedic Center**
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REDACTED



[redacted]

**Yvonne Louise O'Connell**
Female DOB: [redacted]

**05/08/2015 - Transcription: (P) DOC History of Present Illness**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

| CHIEF COMPLAINT | |
|---|---|
| Current problem | Knee |
| Knee | |
| What is your specific location of pain in your knee? | Anterior (in front of, towards the front of the body) |
| What other symptoms are you experiencing in your knee? | Clicking, Instability, Locking, Catching, Snapping/popping, Swelling, Pain with sports/activities, Radiating pain (radiating or spreading from a common point) |
| Is your problem in your knee related to a prior injury? | Yes |
| Additional knee complaints | Yes |
| Additional knee complaints<br>(Yes)Additional knee complaint | Both knees were injured in the same accident. I must move carefully, straight and not twist. Knees hurt when I sit and get up, and climb up and down my stairs. If I move wrong, my knees hurt so much that I can't walk until I rest and let the pain subside. Knees (and leg) give out on me. They hurt at night if I don't move and position them carefully. Pain is also on the side. |

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

**Desert Orthopaedic Center**
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**REDACTED**



**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

**05/08/2015 - Lab Report: (P) DOC History of Present Illness**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

Patient: YVONNE LOUISE O'CONNELL
ID: OBERD 4026785
Note: All result statuses are Final unless otherwise noted.

Tests: (1) DOC History of Present Illness (7_27168665)

| | |
|---|---|
| CHIEF CMPL#4 | "Result Below..." |

RESULT: anterior, clicking, instability, locking, catching, snapping/popping, swelling, pain with sports/activities, radiating pain, Both knees were injured in the same accident. I must move carefully, straight and not twist. Knees hurt when I sit and get up, and climb up and down my stairs. If I move wrong, my knees hurt so much that I can't walk until I rest and let the pain subside. Knees (and leg) give out on me. They hurt at night if I don't move and position them carefully. Pain is also on the side.

| | |
|---|---|
| HANDEDNESS | <No Reported Value> |
| PRIORINJ | yes |
| PMH DISCLOC | <No Reported Value> |
| REDUCEDBY | <No Reported Value> |
| NUMDISLOC | <No Reported Value> |
| LOCDISLOC | <No Reported Value> |
| PAINRADIATIO | <No Reported Value> |
| PAINRADTO | <No Reported Value> |
| PMHNECKSURG | <No Reported Value> |
| PMH HIP SURG | <No Reported Value> |
| DIGITPAIN | <No Reported Value> |
| OTHERPAIN | <No Reported Value> |

Note: An exclamation mark (!) indicates a result that was not dispersed into the flowsheet.
Document Creation Date: 05/09/2015 11:42 PM

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(1) Order result status: Preliminary
Collection or observation date-time: 05/08/2015 14:08:14
Requested date-time: 05/10/2015 01:42:02
Receipt date-time: 05/08/2015 14:08:14
Reported date-time:
Referring Physician:
Ordering Physician:
Specimen Source:
Source: OBERD
Filler Order Number: 198556-2854001
Lab site:

---

The following tests had no related values for dispersal to the flowsheet:

MAY-1319, [No Value Reported], (F)
MLI-124599, [No Value Reported], (F)
MLI-246936, [No Value Reported], (F)

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900

**REDACTED**


**Yvonne Louise O'Connell**
Female DOB: [redacted]

[redacted]

MLI-246937, [No Value Reported], (F)
MLI-246935, [No Value Reported], (F)
MLI-125444, [No Value Reported], (F)
MLI-247443, [No Value Reported], (F)
MLI-29737, [No Value Reported], (F)
MLI-14337, [No Value Reported], (F)
MLI-246939, [No Value Reported], (F)
MLI-161421, [No Value Reported], (F)

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

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# EXHIBIT 2

# EXHIBIT 2

ELECTRONICALLY SERVED
08/27/2015 03:47:40 PM

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
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
brian@nettleslawfirm.com
christian@nettleslawfirm.com
Attorneys for Plaintiff

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

# DISTRICT COURT
# CLARK COUNTY, NEVADA

| | |
|---|---|
| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br><br>DEPARTMENT NO. V<br><br>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*

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

*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

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

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*

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

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.

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

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.

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

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

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*

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

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.

11. Edson Erkolvrawatr, 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

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.

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

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

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.

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

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.

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

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

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 Prahbu, 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,

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Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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. Thomas Dunn, M.D.
**Craig T. Tingey, M.D.**
**Andrew S. Martin, M.D.** and/or
Person Most Knowledgeable/Custodian of Records
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Phone: (702) 731-1616

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. Yakov Shaposhnikov, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Gastrointestinal and Liver Diseases
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,

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Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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

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.

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

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.

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

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

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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.

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.

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Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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

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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.

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

This individual is expected to testify as a treating physician and as an expert regarding the injuries sostained, 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.

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

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

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

*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 PLTF000018and attached hereto.

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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.

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

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, NV89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

12. Medical Records and Billing Statement
Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710W. 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 PLTF00627 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 PLTF00628 through PLTF000649 and attached hereto.

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Henderson, NV 89014
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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 Ophthamology
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

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

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 NRCP 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:*

...

...

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A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|---|---|
| Jon Sorelle, M.D.<br>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.<br>Advanced Orthopedic & Sports Medicine | $ 181.00 |
| John A. Thompson, M.D.<br>Desert Oasis Clinic | $ 250.00 |
| Christopher Milford, M.D., P.C.<br>Silver State Neurology | $ 1,580.00 |
| Edwin Suarez Physical Therapy | $ 670.00 |
| Southern Nevada Pain Center | $ 680.00 |
| Leo Germin, M.D.<br>Clinical Neurology Specialists | $ 2,510.00 |
| Andrew Cash, M.D.<br>Desert Institute of Spine Care | $ 3,034.42 |
| Lee Wittenberg, DPM<br>Apache Foot & Ankle | $ 310.00 |
| Suresh Prahbu, M.D.<br>Ascent Primary Care | $ 270.00 |
| Thomas Dunn, M.D.<br>Desert Orthopaedic Center | $ 1,640.00 |
| Yakov Shaposhnikov, M.D.<br>Gastrointestinal and Liver Diseases | $ 828.00 |
| Enrique Lacayo, M.D. | $ 175.00 |

| | |
|---|---|
| Nanjunda Subramanyam, M.D.<br>Nevada Heart and Vascular Center | $ 1,440.00 |
| Scott Manthei, M.D.<br>Nevada Eye and Ear | $ 750.00 |
| Tyree Carr, M.D.<br>Nevada Institute of Ophthamology | $ 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 24th day of August, 2015.

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**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.
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Fax: (702) 920-8669
*Attorneys for Defendant*
*Wynn Las Vegas, LLC dba*
*Wynn Las Vegas*

Cheree R. Honey
An Employee of Nettles Law Firm

*In the*

# Supreme Court

*for the*

# State of Nevada

Electronically Filed
May 01 2017 12:57 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.*

*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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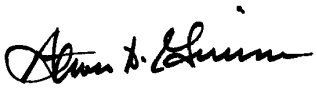

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| YVONNE O'CONNELL, individually,<br><br>Plaintiff,<br>v.<br><br>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;<br><br>Defendants. | Case No. A-12-655992-C<br>Dept. No. V<br><br>**REPLY IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE [#2] TO EXCLUDE UNRELATED MEDICAL CONDITIONS; OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS**<br><br>**Date of Hearing: September 17, 2015**<br>**Time of Hearing: 9:00 a.m.** |

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## I. INTRODUCTION

Plaintiff Yvonne O'Connell's ("Plaintiff") strategy is readily apparent now: at all costs ignore her preexisting medical conditions in hopes they will cease to exist for purposes of this case. Not so. Plaintiff has an extensive history of physical issues, including fibromyalgia, back pain, hand pain, abdominal pain, anxiety, stress disorder and Marfan syndrome. To prove the majority of her medical damages, Nevada law therefore requires expert medical testimony but Plaintiff failed to disclose any expert(s) in this case. Moreover, none of the treating physicians identified in Plaintiff's Opposition conclude in the medical records that her alleged injuries, which she claims have lasted for five years, were caused by her alleged slip and fall (the "Incident") at Defendant Wynn Las Vegas, LLC's ("Wynn") property. Further, Plaintiff's treating physicians

cannot testify as to causation or aggravation of a preexisting condition because they clearly did not form these (alleged) opinions during the course of treatment. Thus, the Court should grant Wynn's Motion in Limine #2 in its entirety.

In addition, the Court should deny Plaintiff's purported motion for sanctions and, instead, award Wynn the attorneys' fees and costs it has incurred on this issue. Simply put, Plaintiff's one paragraph motion for sanctions is frivolous, brought for an improper purpose and completely unsupported by the law.

## II. ARGUMENT

### A. Nevada Law Mandates Expert Medical Testimony to Prove Causation in This Case and Plaintiff Continues to Ignore Her Numerous Preexisting Conditions

Plaintiff completely ignores the Nevada case law in Wynn's Motion in Limine [#2] for obvious reasons.[1] It is well-settled that Plaintiff is required to provide expert medical testimony to prove causation under the circumstances of this case. *Grover C. Dils Med. Ctr. v. Menditto*, 121 Nev. 278, 288, 112 P.3d 1093, 1100 (2005). Since Plaintiff completely ignores the *Menditto* case, it is worth repeating here. The Nevada Supreme Court held "because injury is subjective condition, an expert opinion is required to establish a causal connection between the incident or injury and disability. Evidence that an injury is merely worsened is not sufficient to prove aggravation." *See Grover C. Dils Med. Ctr. v. Menditto*, 121 Nev. 278, 288, 112 P.3d 1093, 1100 (Nev. 2005) (internal citations and quotations omitted). Put differently, proving causation is too complex and beyond the capability of a layperson to decide in these situations; thus expert testimony is required. *Id.* at 288, 112 P.3d at 100. Moreover, Plaintiff cannot show aggravation or exasperation of a preexisting condition without an expert medical witness. *Id.* ("[e]vidence that an injury merely worsened is not sufficient to prove aggravation").

Here, Plaintiff falsely states there is no relevant history of prior illnesses or incidents related to the injuries she sustained from the Incident. This is untrue, as delineated in Wynn's

[1] Wynn incorporates the arguments from its Opposition to Plaintiff's Omnibus Motion in Limine on this issue.

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Motion.[2] In reality, Plaintiff has an extensive history of preexisting medical conditions that she outrageously misrepresents to the Court. Expert medial testimony, therefore, is required in this case, but Plaintiff failed to retain an expert medical witness.

As such, almost none of Plaintiff's medical issues can be related to her alleged slip and fall at Wynn's property.[3] This is especially true given that she declined medical attention after the Incident, walked out of Wynn's property on her own accord, continued to gamble for hours and her early medical evaluations found nothing more than contusions. Furthermore, it is suspect that five years after the Incident that Plaintiff is diagnosed with knee problems that she alleges were caused by the Incident. Before she found a doctor that provided her with a diagnosis she liked, Plaintiff had seen numerous medical providers and had numerous tests completed that found no objective evidence to suggest an injury related to the Incident. Clearly, a layperson would deeply question the relatedness of Plaintiff's alleged injuries diagnosed five years after the Incident.

Consequently, the Court should not permit Plaintiff to introduce any evidence, references to evidence, testimony or argument relating to the medical treatment that lacks any causal connection between the Incident and the purported injuries and conditions.

**B. Plaintiff's Treating Physicians Cannot Testify as to Causation in This Case**

Because they did not prepare and disclose expert reports, Plaintiff's treating physicians can only testify as to the treatment they provided as set forth in the medical records disclosed by Plaintiff to Wynn. *FCH1, LLC v. Rodriguez*, 326 P.3d 440, 445 (Nev. 2014) ("While a treating physician is exempt from the report requirement, this exemption only extends to opinions [that] were formed during the course of treatment.") (citations and internal quotations omitted). When a

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[2] According to her medical records and Wynn's expert medical witness, Plaintiff has an extensive history of medical problems prior to the Incident at Wynn such as low back and hand pain, IBS, GERD, anxiety, stress disorder, Marfan syndrome, fibromyalgia and abdominal pain. (*See* Wynn's Expert Report of Victor Klausner, D.O.) Plaintiff attributes all of these purported health issues, and many others, to the Incident even though numerous of her medical providers found no objective symptoms of injury after performing countless examinations and tests on her. (*Id.*)

[3] Based on the undisputed medical expert evidence in this case, at most Plaintiff suffered a minor contusion as a result of the Incident. (*See* Wynn's Expert Report of Victor Klausner, D.O.) The rest of her claimed medical issues are completely unrelated to the Incident. Dr. Klausner attributes her numerous medical conditions to preexisting pathology and/or symptom magnification syndrome, which he discusses in detail in his expert report. (*Id.*)

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treating physician's testimony exceeds that scope, they must provide an expert report under Rule 26(e). *Id.*

Expert reports are mandated to avoid trial by surprise. *See Washoe Cnty. Bd. of Sch. Trustees v. Pirhala*, 84 Nev. 1, 5, 435 P.2d 756, 758 (1968) (noting that the purpose of discovery is to take the "surprise out of trials of cases so that all relevant facts and information pertaining to the action may be ascertained in advance of trial"); *see also Ghiorzi v. Whitewater Pools & Spas Inc.*, No. 2:10-cv-01778-JCM-PAL, 2011 U.S. Dist. LEXIS 125329, 2011 WL 5190804 (D. Nev. Oct. 28, 2011) ("Expert reports are required in order to eliminate "unfair surprise to the opposing party and [to conserve] resources.") (citations omitted).

Here, none of Plaintiff's treating physicians prepared an expert report under Rule 26(e), including Dr. Dunn, Dr. Tingey or any of the other treating physicians identified in Plaintiff's Opposition. Whichever of her treating physicians that Plaintiff intends to testify at trial, which is still not fully clear to Wynn, they cannot testify as to, among other things "past, present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation" as Plaintiff asserts.[4] (Opp., 4:5-21.) This clearly goes beyond the scope of the treating doctor's treatment. In fact, the Ninth Circuit has held that "when a treating physician morphs into a witness hired to render expert opinions that go beyond the usual scope of a treating doctor's testimony, the proponent of the testimony must comply with [the expert report requirement]." *Goodman v. Staples the Office Superstore, LLC*, 644 F.3d 817, 819-20 (9th Cir. 2011).

Despite this, without citing to any evidence such as her medical records, Plaintiff boldly asserts that Dr. Dunn and Dr. Tingey with Desert Orthopedic Center "directly relate the injuries sustained and the need for [spine and knee] surgery to the fall at Wynn[] and have been disclosed accordingly." (Opp., 3:21-22.) However, nowhere in Plaintiff's medical records do any of her treating physicians conclude that her alleged injuries were caused by the Incident, including Dr. Dunn or Dr. Tingey.

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[4] Wynn did not even know which doctors Plaintiff believes would supposedly testify as to causation until receiving her Opposition brief. Even now, Wynn questions whether her recent medical providers will actually be willing and able to testify in the manner that Plaintiff claims.

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According to her medical records, Plaintiff visited Dr. Dunn at for the first time on June 16, 2014 - ***over four years after the Incident at Wynn***. (Desert Orthopedic Center Medical Records Produced by Plaintiff, Bates Number PLTF000601, attached hereto as **Exhibit 1**.) After four years of doctor shopping, it appears an MRI ordered by Dr. Dunn found a meniscus tear in the left knee. (*Id.* at PLTF000617.) Further, Dr. Dunn apparently diagnosed her with "degenerative disc disease of the cervical spine, and cervical radiculopathy, and lumbar disc disease, and sciatica." (*Id.* at PLTF000618-619.) Plaintiff visited Dr. Tingey on May 11, 2015 – ***over five years after the Incident at Wynn***. (*Id.* at PLTF000733) By this time, Plaintiff was complaining of pain in both her knees – which appears to be the first time she has had this complaint according to her previous five years of medical records. (*See id.*) Shockingly, though, Dr. Tingey's narrative states that Plaintiff describes the pain to both her knees as "immediate" after the Incident. (*Id.* at PLTF000733, 746) This is obviously untrue.

Importantly, Dr. Dunn and Dr. Tingey's medical records do not attribute Plaintiff's recent and alleged medical issues to the Incident at Wynn. In fact, Plaintiff visited her first orthopedic doctor on February 12, 2012, and he only diagnosed her with fibromyalgia, complex regional pain syndrome and found "no obvious organic problems of the hip or the knee." (Advanced Orthopedics Medical Records, Bates Number PLTF000378-79, cited portion attached hereto as **Exhibit 2**.)

Thus, Plaintiff's treating physicians cannot reasonably testify as to causation or aggravation of a preexisting condition because they did not form these (alleged) opinions during the course of their treatment. *Rodriguez*, 326 P.3d at 445.

### C. The Treating Physicians Identified in Her Opposition Have Unreliable Opinions Because She Intentionally Failed to Inform Them About, and They Failed to Consider, Her Preexisting Medical Conditions

The medical records of the treating physicians Plaintiff alleges, and hopes, will testify as to causation did not consider Plaintiff's preexisting conditions as the sole or contributing factor to her medical conditions. Indeed, Plaintiff consciously failed to inform her most recent treating physicians about her numerous preexisting medical conditions. For example, Dr. Dunn and Dr.

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Tingey's medical records do not include any reference to Plaintiff's preexisting medical conditions, such as fibromyalgia, back pain, hand pain, abdominal pain, GERD, anxiety, stress disorder and Marfan syndrome. Her medical records from Dr. Dunn merely state a "[p]ast medical history noted by patient includes diabetes, depression [and] [s]he states she had a mini-stroke 2 days after the slip and fall."[5] (Ex. 1 at PLTF000602). The medical records from Dr. Tingey also exclude any reference to the majority of her preexisting conditions.

Obviously, Plaintiff failed to tell Dr. Dunn and Dr. Tingey the full story regarding her medical history. Plaintiff did this because the previous medical providers she had sought treating from over the past four years found no objective findings to suggest Plaintiff was injured from the Incident. Quite tellingly, Plaintiff failed to retain an expert medical witness because she likely could not find a doctor that would testify on her behalf due the absurdness of her injury claims and continual effort to ignore her preexisting conditions.

Therefore, Plaintiff's treating physicians cannot testify as to causation in the manner Plaintiff alleges they will. Simply put, there is no evidence that Plaintiff's alleged medical issues are related to the Incident and Plaintiff cannot provide the requisite expert testimony to satisfy her burden.

### D. Plaintiff's Motion for Sanctions Is Frivolous and Wynn Should Be Awarded Its Attorneys' Fees and Costs

In her Opposition, Plaintiff includes a one paragraph "motion for sanctions" apparently because Plaintiff's expert medical report that was filed with the Court includes her date of birth and "embarrassing details" about her medical treatment. Plaintiff claims that Wynn should be sanctioned for purportedly violating "NRS Chapter 239B" and the "HIPAA Omnibus Rule.[6]" Not surprisingly, Plaintiff fails to cite to any specific statute or case law that would support her completely frivolous motion.

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[5] There is no medical evidence that Plaintiff suffered a "mini-stroke" as she falsely claims, which is telling here.

[6] Telling of the time Plaintiff spent evaluating her frivolous motion for sanctions, Plaintiff refers to the Health Insurance Portability and Accountability Act, more commonly known as HI**PAA**, as "HI**PPA**."

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### 1. Wynn Did Not Violate NRS 239B.030

NRS 239B.030(1) states that a "person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007." Under Nevada law, "personal information" is defined as "a natural person's first name or first initial and last name in combination with" the person's 1) social security number, 2) driver's license number or identification card number, 3) account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account. NRS 603A.040.

Here, Plaintiff alleges that Wynn merely filed her birth date with "embarrassing details" about her medical treatment. Therefore, Wynn has clearly not violated NRS 239B.030.

### 2. HIPAA Does Not Provide a Private Right of Action

Plaintiff utterly fails to provide any analysis or explain how Wynn violated HIPAA because she cannot.[7] Therefore, Wynn has not violated HIPAA and, regardless, HIPAA itself does not provide a private right of action. *Webb v. Smart Document Solutions*, 499 F.3d 1078 (9th Cir. 2007); *Abdale v. N. Shore Long Island Jewish Health Sys., Inc.,* No. 2367/13, 2015 WL 4879587 (N.Y. Sup. Ct. Aug. 14, 2015) (dismissing plaintiff's claim for negligence per se based on HIPAA because "HIPAA and its regulations do not create a private right of action") (citations omitted).

### 3. The Court Should Award Wynn Its Attorneys' Fees and Costs

Plaintiff's one paragraph motion for sanctions is obviously an attempt by Plaintiff to distract from the important issues addressed in Wynn's Motion in Limine [#2] and her specious claims generally. It is undisputed that Plaintiff placed her medical history at issue in this litigation and has produced her medical records to Wynn during discovery. Moreover, it is Plaintiff's burden, not Wynn's, to seek to seal her medical records and/or propose the parties enter into a stipulated protective order if she truly has an issue with the public disclosure of her medical

[7] Furthermore, Wynn's counsel engaged in reasonable efforts to address this issue with Plaintiff's counsel to no avail.

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history. Indeed, Wynn's counsel attempted to discuss this issue with Plaintiff's counsel numerous times after receiving the frivolous motion for sanctions, mentioning to her office that Wynn would be willing to seal the expert medical report at issue. Tellingly, Plaintiff failed to make any efforts to discuss this issue with Wynn's counsel.[8]

Because Plaintiff brought her motion for sanctions for an improper purpose and is completely unsupported under the Nevada and federal law, the Court should award Wynn the attorneys' fees and costs it has incurred addressing this issue.[9]

## III. CONCLUSION

Based on the foregoing and Wynn's Motion, the Court should enter an Order excluding any and all evidence, references to evidence, testimony or argument relating to the majority of Plaintiff's claimed medical injuries, conditions and damages because she cannot prove a causal connection between the Incident and her alleged injuries and conditions. Further, her treating physicians cannot testify in the manner Plaintiff seeks to satisfy her burden in this case. Finally, the Court should deny her unfounded motion for sanctions and instead award Wynn its attorneys' fees and costs.

DATED this 10th day of September, 2015.

LAWRENCE J. SEMENZA, III, P.C.

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[8] If Plaintiff truly believes Wynn has violated the law and is able to provide any legal justification to support her position, Wynn would request that the parties fully brief this issue.

[9] At the Court's request, Wynn's counsel will provide a declaration setting forth the attorneys' fees and costs it incurred researching and briefing this issue.

**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 [#2] TO EXCLUDE UNRELATED MEDICAL CONDITIONS; OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS** to the following registered e-mail addresses:

NETTLES LAW FIRM
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*Attorneys for Plaintiff*

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

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

# EXHIBIT 1

# EXHIBIT 1

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB[redacted] Patient ID: [redacted] Home: [redacted]

**06/16/2014 - Office Visit: 2nd Room,Complete**
**Provider: Thomas Dunn MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed
- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

**Chief Complaint** pain in the low back radiating to the butt and the right leg to the heal & pain in the neck radiating to bilateral arms down to the hands . She is also having in the chest area

## History of Present Illness
**Referred by:** Andrew Cash MD
**Previous Studies:** X-rays, CT scan, MRI

Yvonne O"Connell is a 62 year old right had dominant female who comes in for evaluation of left neck and low back pain after a slip/fall injury on 02/08/2010. While walking in the Wynn Hotel and Casino, she slipped and fell backwards, twisting to the right, striking her right buttock and leg on a raised divider before hitting the ground. She did not lose consciousness. After the fall she was picked up by bystanders and taken to a slot machine to sit down. Security came over and a report was taken. She did not go to the hospital and did not see any doctors until 2 days later on 02/10/2010 at UMC Quick Care. .She describes the pain as being specifically located in the posterior region of her neck. The pain radiates to her right arm. Other physicians the patient has seen for this problem include a primary care physician, a neurologist, a spine surgeon, and a pain management physician. Previous studies performed to evaluate this condition include X-rays, CT scan, and MRI.

She describes her pain as sore sharp burning stabbing and severe. Her pain is intermittent, and since acknowledging the onset, her pain level has worsened. On a scale of 0-10, with 0 being no pain and 10 being the worst pain imaginable, her pain level today is a 9. At its least, her pain is a 2, and at its worst it is a 10. Her average pain is 8. She is also experiencing numbness, night pain, daytime pain with rest, and radiating pain down right arm. Her symptoms are worse when driving, turning head side to side, moving head up or down, lifting, typing, and reaching. She has done her best to endure symptoms over the years but expresses increasing difficulty and enduring symptoms of both neck and low back pain.

Treatments tried previously to relieve symptoms include ice, heat, muscle relaxants, physical therapy, narcotic medication, NSAIDS, TENS unit, and home exercise.

The patient is retired.

Her principle problem is that of neck pain that rates down her left arm, ongoing right-sided chest pain along the breast bone and low back pain with intermittent "jolts" down the right buttock and leg.

## Allergies
ANTIBIOTICS (Moderate)

**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

## Medications

## Past Medical History

Past medical history noted by patient includes diabetes, depression
She states she had a mini-stroke 2 days after the slip and fall.

## Past Surgical History

Patient denies any problems related to previous surgery

## Family Medical History

There is a reported family history of cancer

## Social History

**Tobacco use:** never smoker
**Alcohol Use:** (never)
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none
**Occupation:** retired
**Work Status:** retired

## Review of Systems

**General: fatigue**
**Cardiovascular:** denies fainting,ankle swelling,leg swelling,shortness of breath with exercise or murmur
**Respiratory: cough**
**Ears/Nose/Throat: dizziness**
**Gastrointestinal: nausea**
**Skin:** denies rash,itching,dryness,mole changes, jaundice, hives or abnormal pigmentation
**Neurologic: weakness numbness headache**
**Genitourinary: night time urination**
**Endocrine: cold intolerance**
**Heme/Lymphatic:** denies abnormal bruising, bleeding, enlarged lymph nodes
**Allergic/Immunologic:** denies hives,persistent infections,HIV exposure
**Psychiatric: anxiety depression difficulty sleeping**
**Musculoskeletal: stiffness joint pain or swelling back pain weakness**
**Pregnant:** no

## Physical Exam

**Vital Signs**
**Height:** 68 in **Weight:** 155 lb **Pulse rate:** 60 **BP:** 151/86 **Body Mass Index:** 23.65

**Constitutional:**

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

General appearance: moderate distress
Comments: Complaining of neck pain.

**Cardiovascular:**
Pedal pulses: pulses 2+, symmetric
Periph. circulation: no cyanosis, clubbing or edema

**Skin:**
Skin Inspection: no rashes, lesions in area of examination
Skin Palpation: no subcutaneous nodules or induration in area of examination

**Neurologic:**
Cranial nerves: II-XII grossly intact
Reflexes grossly intact, symmetric
Sensation: intact to touch

**Psychiatric:**
Orientation: oriented to person, place and time
Mood and affect: no depression, anxiety

**Lumbar Spine Exam**
Coordination/balance: normal
Posture: standing erect
Assistive Device: walker
Tenderness to palpation: bilateral
Radiates down: left
Facet tenderness: none
Spasms: mild
Spurling Test: negative
L'Hermitte Sign: negative
Hoffman's Sign: negative
**Cervical ROM**
Flexion: decreased
Extension: decreased
Rotation: Right: decreased Left: decreased
Lateral Flexion: Right: decreased Left: decreased

Sensation to touch is normal from C2-C8. Motor function is normal in the deltoid, elbow flexors, elbow extensors and finger flexors. Reflexes intact and symmetrical in the biceps, triceps and supinator. Positive Tinel's at the wrist bilaterally.
Examination of the anterior chest over the area of the patient indicates that the source of the pain demonstrates tenderness to the costal manubrial joints on the right.

**Magnetic Resonance Imaging cervical** was performed on 05/08/2010
Cervical spondylosis C4-C7 without significant neural compression.

**Magnetic Resonance Imaging lumbar** was performed on 04/08/2010
Degenerative disc disease with collapse at L3-4 and moderate at L4-5 and L5-S1
RAD Spine Cervical Complete Min 4 Views [72050]

There is severe disc space narrowing at C4-5, C5-6, and C7-T1. There is severe facet joint arthritis at C4-5, C5-6, and C6-7.
RAD Spine LS w/Bending Views [72114]

There is severe disc space narrowing at L3-4 and L5-S1. There is severe facet joint arthritis at L3-4 and L5-S1.
**Lumbar Spine Exam**
Coordination/balance: normal
Posture: normal
Assistive Device: walker
Tenderness to palpation: bilateralRadiates down: rightFacet tenderness: bilateralPain to straight leg raise: none
Femoral stretch test: none
Weakness: no
Heel Walk: yes
Toe Walk: yes
Faber Test: negative
Babinski: negative
Clonus: negative
**Lumbar ROM**
Flexion: decreased
Extension: decreased
Rotation: Left: decreased
Lateral Flexion: Left: decreased

Sensation to touch is normal from L1-S1. Motor function is normal in the hip flexors, knee extensors, ankle dorsiflexors,long toe extensors and ankle plantar flexors. Reflexes intact and symmetrical in the knee and ankle.
Full ROM of hips, knees, and ankles.

No pain produced with internal rotation or external rotation of the hips billaterally.

Negative nerve test signs include straight leg raise, Laseques flip text and femoral stretch test.

Palpable pulses bilaterally. Tenderness noted about the right piriformis region.

## Impression
degenerative disc disease of the cervical spine, and cervical radiculopathy, and lumbar disc disease, and sciatica
Bilateral carpal tunnel syndrome per history

## Plan
I reviewed the patient's X-rays and MRI. Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered. She has failed all non-surgical treatment.

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

A lumbar spine MRI without contrast was ordered. A cervical spine MRI without contrast was ordered.

If the patient continues to remain symptomatic, I may consider the following for the patient: surgery and injection.

## Follow up

The patient will follow up in 3 weeks. Patient was instructed to follow up after receiving their MRI.

**Electronically Signed by Thomas Dunn MD on 06/18/2014 at 12:17 PM**

**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**07/14/2014 - Office Visit: 1st Room,Complete**
**Provider: Thomas Dunn MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed

- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

## Physical Exam

**Vital Signs**
**Height:** 68 in **Weight:** 155 lb **Body Mass Index:** 23.65

## History of Present Illness

Yvonne O'Connell presents for result of MRI cervica, lumbar. Test was performed at Open Sided MRI of Las Vegas on 06/27/2014.
She complains of neck pain radiating down right arm and lower back pain radiating down both legs.

She describes her pain as throbbing/stabbing, sharp and severe. Her pain is continuous, and since her last visit her pain level has remained the same. On a scale of 1-10, with 1 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. She is able to walk for less than 5 minutes without having to stop due to pain. Previous studies performed to evaluate this condition include MRI.

## Allergies

ANTIBIOTICS (Moderate)

## Medications

LOVAZA 1 GM CAPS (OMEGA-3-ACID ETHYL ESTERS) Take 2 tablets twice a day
Last Refill: #120 x 5, 07/14/2014, Thomas Dunn MD

## Past Medical History

Past medical history noted by patient includes diabetes, depression
She states she had a mini-stroke 2 days after the slip and fall.

## Problems recorded as Dx. codes:

SCIATICA (ICD-724.3)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4)

Information obtained by patient via web portal: I was very healthy and athletic until I slipped and fell. I had immediate injuries and pain, which I still have. My arms and hands hurt, it hurt to sit, my right foot hurt and I was dazed.

**Desert Orthopaedic Center**
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

## Past Surgical History
Patient denies any problems related to previous surgery
Information obtained by patient via web portal: Tonsillectomy, 1955?

## Family Medical History
There is a reported family history of cancer

## Social History
**Tobacco use:** never smoker
**Alcohol Use:** (never)
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none

## Physical Exam
**Vital Signs**
**Height:** 68 in **Weight:** 155 lb **Body Mass Index:** 23.65

**Constitutional:**
General appearance: moderate distress

**Cardiovascular:**
Periph. circulation: no cyanosis, clubbing or edema

**Neurologic:**
Cranial nerves: II-XII grossly intact
Reflexes grossly intact, symmetric
Sensation: intact to touch

No acute changes

**Cervical**
No acute changes.

**Magnetic Resonance Imaging-Cervical** was performed on 06/27/2014
Open-sided MRI

Mild central canal stenosis at C3-C4
Mild central canal stenois C4-C5 with severe bilateral neuroforaminal stenosis.
Moderate central canal stenosis at C5-C6 with severe bilateral neuroforaminal stenosis
Mild central canal stenosis at C6-C7 with mild bilateral neuroforaminal stenosis

**Magnetic Resonance Imaging-Lumbar** was performed on 06/27/2014
Open-sided MRI

**Desert Orthopaedic Center**
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**Yvonne Louise O'Connell**
Female DOB [redacted]

Home: [redacted]
Patient ID: [redacted]

Mild left neuroforaminal stenosis L4-L5.

**Lumbar**
No acute changes.

## Impression
degenerative disc disease of the cervical spine, and cervical radiculopathy, and lumbar disc disease, and sciatica
Bilateral carpal tunnel syndrome per history

## Plan
I reviewed the patient's MRI. Explanation and reassurance were provided to the patient.

She was given a prescription for LOVAZA 1 GM CAPS Take 2 tablets twice a day.

I am referring her to my colleague, Andrew S Martin MD for further evaluation.

## Follow up
The patient was advised to return if symptoms worsen.

**Electronically Signed by Thomas Dunn MD on 07/14/2014 at 1:08 PM**

**Desert Orthopaedic Center**
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**08/13/2014 - Office Visit: 5th Room,Complete**
**Provider: Andrew S Martin MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed

- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

## Chief Complaint

right hip and right knee

## History of Present Illness

**Referred by:** Andrew Cash MD
**Previous Studies:** X-rays, CT scan, MRI

The patient is a 62 year old female who comes in for a new problem today. The patients work status is retired. She presents for evaluation of left hip and left knee pain after a slip/fall injury. Her symptoms have been present for 4 years. Her injury occured , when she walking, slipped and fell backwards, twisting to the right, right gluteal and leg struck raised divider, then head struck the ground.She describes the pain as being specifically located in the posterior region of her hip and knee. Other physicians the patient has seen for this problem include a primary care physician, another orthopedic surgeon, a spine surgeon, and a pain management physician. Previous studies performed to evaluate this condition include X-rays and CT scan

She describes her pain as throbbing/stabbing, sharp and severe. Her pain is continuous, and since acknowledging the onset, her pain level has remained the same. On a scale of 0-10, with 0 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. At its least, her pain is a 2, and at its worst it is a 10. Her average pain is 8. She is also experiencing clicking, snapping/popping, swelling, night pain, pain with activities, radiating pain, and daytime pain with rest.

Treatments tried previously to relieve symptoms include ice, heat, muscle relaxants, physical therapy, narcotic medication, NSAIDS, TENS unit, and home exercise.

## Allergies

ANTIBIOTICS (Moderate)

## Medications

LOVAZA 1 GM CAPS (OMEGA-3-ACID ETHYL ESTERS) Take 2 tablets twice a day
Last Refill: #120 x 5, 07/14/2014, Thomas Dunn MD

## Past Medical History

Past medical history noted by patient includes diabetes, depression
She states she had a mini-stroke 2 days after the slip and fall.

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]
Home: [redacted]
Patient ID: [redacted]

## Problems recorded as Dx. codes:
DIABETES (ICD-250.00)
SCIATICA (ICD-724.3)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4)

Information obtained by patient via web portal: I was very healthy and athletic until I slipped and fell. I had immediate injuries and pain, which I still have. My arms and hands hurt, it hurt to sit, my right foot hurt and I was dazed.

## Past Surgical History
Patient denies any problems related to previous surgery
Information obtained by patient via web portal: Tonsillectomy, 1955?

## Family Medical History
There is a reported family history of cancer
Information obtained by patient via web portal: diabetes connective tissue disorder cancer

## Social History
**Tobacco use:** never smoker
**Alcohol Use:** (never)
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none
**Work Status:** retired

## Review of Systems
**General: fatigue**
**Cardiovascular:** denies fainting,ankle swelling,leg swelling,shortness of breath with exercise or murmur
**Respiratory: cough**
**Ears/Nose/Throat: dizziness**
**Gastrointestinal: nausea**
**Skin:** denies rash,itching,dryness,mole changes, jaundice, hives or abnormal pigmentation
**Neurologic: weakness numbness headache**
**Genitourinary: night time urination**
**Endocrine: cold intolerance**
**Heme/Lymphatic:** denies abnormal bruising, bleeding, enlarged lymph nodes
**Allergic/Immunologic:** denies hives,persistent infections,HIV exposure
**Psychiatric: anxiety depression difficulty sleeping**
**Musculoskeletal: stiffness joint pain or swelling back pain weakness**
**Pregnant:** no

## Physical Exam
**Vital Signs**

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**Body Mass Index:** 23.65

**Right Knee Exam**
**Pain/Tenderness:**
diffuse, medial joint line, with range of motion
Neurovascularly intact
**Active Range of Motion**
Flexion: 130
Extension: 0
Crepitus with range of motion
**Stability**
Medial/MCL: normal
Lateral/LCL: normal
Ext Rotation Dial Test:

**Meniscus**
Flexion McMurray Test: positive
**Patella**
Patellofemoral Crepitus: yes

**Right Knee X-ray**
RAD Knee 3 Views [73562], CR Rt Knee; AP WB Lat & Sunrise [CR-rkawls]

There is moderate tricompartmental arthritis noted.

**Right Hip Exam**
**Inspection**
Pain/Tenderness: greater trochanter
Gait: with walker
Neurovascularly intact
**Passive ROM**
Abduction: normal
Adduction: normal
Flexion: normal
Extension: normal
Internal rotation: normal
External rotation: normal

## Impression
She is here today for follow up of her right knee pain rule out medial meniscus tear. Right hip trochanteric burisits

**Desert Orthopaedic Center**
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

## Plan

I reviewed the patient's X-rays. Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered.

A MRI of the right knee without contrast was ordered. Test was ordered to rule out medial meniscus tear.

## Activities/Work status

The patient may continue protected activity.

## Follow up

Patient was instructed to follow up after receiving their MRI.

**Electronically Signed by Andrew S Martin MD on 08/14/2014 at 9:29 AM**

**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**09/10/2014 - Office Visit: 2nd Room,Complete**
**Provider: Andrew S Martin MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed

- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

## Physical Exam

**Vital Signs**
**Body Mass Index:** 23.65

## History of Present Illness

Patient presents for result of MRI right knee.Test was performed at Las Vegas Radiology on 08/29/2014.

She describes her pain as sharp and severe. Her pain is worse with activities, and since her last visit her pain level has remained the same. On a scale of 1-10, with 1 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. Patient also complaining of left knee pain.

## Allergies

ANTIBIOTICS (Moderate)

## Medications

LOVAZA 1 GM CAPS (OMEGA-3-ACID ETHYL ESTERS) Take 2 tablets twice a day
Last Refill: #120 x 5, 07/14/2014, Thomas Dunn MD

## Past Medical History

Past medical history noted by patient includes diabetes, depression
She states she had a mini-stroke 2 days after the slip and fall.

## Problems recorded as Dx. codes:

TEAR MEDIAL CARTILAGE OR MENISCUS KNEE CURRENT (ICD-836.0)
PAIN IN JOINT, LOWER LEG (ICD-719.46)
DIABETES (ICD-250.00)
SCIATICA (ICD-724.3)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4)

Information obtained by patient via web portal: I was very healthy and athletic until I slipped and fell. I had immediate injuries and pain, which I still have. My arms and hands hurt, it hurt to sit, my right foot hurt and I was dazed.

**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Patient ID: [redacted] Home: [redacted]

## Past Surgical History
Patient denies any problems related to previous surgery
Information obtained by patient via web portal: Tonsillectomy, 1955?

## Family Medical History
There is a reported family history of cancer

## Social History
**Tobacco use:** never smoker
**Alcohol Use:** (never)
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none

## Physical Exam
**Vital Signs**
**Body Mass Index:** 23.65

**Constitutional:**
General appearance: well nourished, well hydrated, no acute distress

**Eyes:**
External: conjunctivae and lids normal

**Ears/Nose/Throat:**
External ears: normal, no lesions or deformities
External nose: normal, no lesions or deformities
Pharynx: tongue normal,protrudes midline,posterior pharynx without erythema or exudate

**Neck:**
Neck: supple, no masses, trachea midline

**Respiratory:**
Auscultation: no rales, rhonchi or wheezes

**Cardiovascular:**
Auscultation: S1, S2, no murmur, rub or gallop

**Gastrointestinal:**
Abdominal/GI: normal active bowel sound, nontender, nondistended

**Lymphatic:**
Neck: no cervical adenopathy

**Skin:**
Skin Inspection: no rashes, lesions in area of examination

**Desert Orthopaedic Center**
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**Neurologic:**
Sensation: intact to touch

**Psychiatric:**
Orientation: oriented to person, place and time

**Right Knee Exam**
**Pain/Tenderness:**
diffuse, patella, medial joint line, with range of motion
Neurovascularly intact
**Active Range of Motion**
Flexion: 130
Extension: 0
Crepitus with range of motion
**Stability**
Medial/MCL: normal
Lateral/LCL: normal
Ext Rotation Dial Test:

**Meniscus**
Flexion McMurray Test: positive

**Magnetic Resonance Imaging** Tear of the posterior one third of the medial meniscus.

2. Chondromalacia patellae

3. Mild osteoarthritic changes

**Left Knee Exam**
**Inspection**
**Pain/Tenderness:**
diffuse, patella
Neurovascularly intact
**Active Range of Motion**
Flexion: 130
Extension: 0
Crepitus with range of motion
**Stability**
Medial/MCL: normal
Lateral/LCL: normal
Ext Rotation Dial Test:

**Patella**

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

Patellofemoral Crepitus: yes

## Impression
She is here today for follow up of her bilateral knee arthrosis rule medial meniscus tear on the left

## Plan
I reviewed the patient's X-rays and MRI. Explanation and reassurance were provided to the patient.

A MRI of the left knee without contrast was ordered. Test was ordered to rule out meniscus tear.

## Activities/Work status
The patient may gradually return to activity as tolerated.

## Follow up
Patient was instructed to follow up after receiving their MRI.

**Electronically Signed by Andrew S Martin MD on 09/11/2014 at 3:56 PM**

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**10/13/2014 - Office Visit: 1st Room,Complete**
**Provider: Thomas Dunn MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed

- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

## History of Present Illness

Ms. O'Connell returns today for lumbar back pain and states that the pain has become worse and states that she still has radiating pain down both legs along with numbness and tingling. My patient indicates that since her last visit her symptoms have worsened. Her current pain level, on a scale from 0-10, is 10. She notes that the medication prescribed has unchanged her symptoms.
The patient is also returns for cervical spine pain which predominates with numbness, tingling, and pain radiating down both arm.

## Allergies

ANTIBIOTICS (Moderate)

## Medications

LOVAZA 1 GM CAPS (OMEGA-3-ACID ETHYL ESTERS) Take 2 tablets twice a day
Last Refill: #120 x 5, 07/14/2014, Thomas Dunn MD

## Past Medical History

Past medical history noted by patient includes depression
She states she had a mini-stroke 2 days after the slip and fall.

## Problems recorded as Dx. codes:

TEAR MEDIAL CARTILAGE OR MENISCUS KNEE CURRENT (ICD-836.0)
PAIN IN JOINT, LOWER LEG (ICD-719.46)
DIABETES (ICD-250.00)
SCIATICA (ICD-724.3)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4)

Information obtained by patient via web portal: I was very healthy and athletic until I slipped and fell. I had immediate injuries and pain, which I still have. My arms and hands hurt, it hurt to sit, my right foot hurt and I was dazed.

## Past Surgical History

Patient denies any problems related to previous surgery

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

Information obtained by patient via web portal: Tonsillectomy, 1955?

## Family Medical History
There is a reported family history of cancer

## Social History
**Tobacco use:** never smoker
**Alcohol Use:** (never)
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none

## Physical Exam
**Vital Signs**
**Height:** 64 in **Weight:** 155 lb **Body Mass Index:** 26.70

**Constitutional:**
General appearance: moderate distress

**Cardiovascular:**
Pedal pulses: pulses 2+, symmetric
Periph. circulation: no cyanosis, clubbing or edema

**Neurologic:**
Cranial nerves: II-XII grossly intact
Reflexes grossly intact, symmetric
Sensation: intact to touch

**Psychiatric:**
Orientation: oriented to person, place and time
Mood and affect: no depression, anxiety

**Cervical**
No acute changes. Neuro intact.

## Impression
degenerative disc disease of the cervical spine, and cervical radiculopathy, and lumbar disc disease, and

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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

sciatica
Bilateral carpal tunnel syndrome per history

## Plan

I reviewed the patient's MRI. Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered. I discussed all treatment options including non-surgical and surgical interventions.

**After discussion with the patient, I have recommended anterior cervical decompression and fusion at C4-C5, C5-C6 and C6-C7 with allograft. I have offered non-operative options consisting of physical therapy, pain management and epidural steroid injections.**

## Follow up

The patient was advised to return if symptoms worsen. She has no history of diabetes.

**Lumbar**
No acute changes.

**Electronically Signed by Thomas Dunn MD on 10/13/2014 at 1:36 PM**

REDACTED

# Las Vegas Radiology

TOMORROW'S RADIOLOGY IMAGING... TODAY

7500 Smoke Ranch Road, Suite 100, Las Vegas, Nevada 89128
8530 W. Sunset Rd, Suite 120, Las Vegas, Nevada 89113
3175 St. Rose Pkwy, Suite 130, Henderson, Nevada 89052
3201 S. Maryland Pkwy, Suite 102, Las Vegas, Nevada 89109
4640 W. Craig Rd, North Las Vegas, Nevada 89032
Phone: 702-254-5004 Fax: 702-432-4005

**Exam Date: September 22, 2014**

**REFERRED BY**
ANDREW SCOTT MARTIN,

**PATIENT INFORMATION**
Patient: **OCONNELL, YVONNE** DOB: [redacted]
MRN: 165910-1 Accession #: 330564
Exam: **MRI LT KNEE W/O**

---

Examination: Magnetic resonance scan of the left knee. Noncontrast, multisequence, multiplanar.

History: Question of meniscus tear.

**Findings:** Quadriceps tendon and infrapatellar tendon are normal in appearance. The patella and retropatellar articular cartilaginous tissues appear within normal limits.

Anterior cruciate and posterior cruciate ligaments appear intact.

Medial and lateral collateral ligaments show no abnormality.

No joint effusion is visible.

No popliteal cyst is visible.

No joint effusion is present.

At the mid body of the medial meniscus, the apex of the meniscus appears to have been amputated.
The body of the meniscus is extruded from the joint space.

The lateral meniscus shows similar changes without a well configured meniscal apex and partial extrusion of the meniscus from the joint space.

I can identify no meniscal tears in the meniscal remnants.

**Impression:**
1. Amputation of the apices of the medial and lateral menisci with extrusion of the meniscal remnant from the joint space.

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| | |
|---|---|
| Electronically signed by: | RICHARD KREMP MD |
| Date: | Sep 28, 2014 |
| Time: | 12:11 |

REDACTED

# Las Vegas Radiology

TOMORROW'S RADIOLOGY IMAGING... TODAY

7500 Smoke Ranch Road, Suite 100, Las Vegas, Nevada 89128
8530 W. Sunset Rd, Suite 120, Las Vegas, Nevada 89113
3175 St. Rose Pkwy, Suite 130, Henderson, Nevada 89052
3201 S. Maryland Pkwy, Suite 102, Las Vegas, Nevada 89109
4640 W. Craig Rd, North Las Vegas, Nevada 89032
Phone: 702-254-5004 Fax: 702-432-4005

**Exam Date: August 29, 2014**

**REFERRED BY**
ANDREW SCOTT MARTIN,

**PATIENT INFORMATION**
Patient: **OCONNELL, YVONNE** DOB: [redacted]
MRN: 165910-1 Accession #: 326768
Exam: **MRI RT KNEE W/O**

---

Procedure: MRI right knee without contrast

Clinical history: Medial meniscal tear

**Technique:** Multiplanar, multisequence imaging of the right knee performed.

**Findings:** There is a small amount of joint fluid. Chondromalacia patellae is noted, with subchondral changes. Medial and lateral patellar retinacula are intact. Patellar tendon and quadriceps tendon appear intact. There is marginal osteophyte formation associated with the patella and with the femorotibial articulations. Signal is identified within the posterior one third of the medial meniscus which extends to the surface, and is consistent with tear. The lateral meniscus demonstrates grade 1 signal within the anterior one third. The PCL and ACL are intact.

The lateral collateral ligament complex, and the medial collateral ligament are intact. No significant amount of fluid within the gastrocnemius-semimembranosus bursa.

**Impression:** Tear of the posterior one third of the medial

meniscus.

2. Chondromalacia patellae

3. Mild osteoarthritic changes

---

Electronically signed by: JAMES BALODIMAS, MD
Date: Sep 02, 2014
Time: 10:16

**Desert Orthopaedic Center**
5546 South Fort Apache Road Suite 100 Las Vegas, NV 89148
(702) 731-1616 Fax: (702)734-4900

August 13, 2014

Dear Nanjunda Subramanyam MD

Yvonne Louise O'Connell was in my office for evaluation. The patient is a 62 year old female who comes in for a new problem today. The patients work status is retired. She presents for evaluation of left hip and left knee pain after a slip/fall injury. Her symptoms have been present for 4 years. Her injury occured , when she walking, slipped and fell backwards, twisting to the right, right gluteal and leg struck raised divider, then head struck the ground.She describes the pain as being specifically located in the posterior region of her hip and knee. Other physicians the patient has seen for this problem include a primary care physician, another orthopedic surgeon, a spine surgeon, and a pain management physician. Previous studies performed to evaluate this condition include X-rays and CT scanShe describes her pain as throbbing/stabbing, sharp and severe. Her pain is continuous, and since acknowledging the onset, her pain level has remained the same. On a scale of 0-10, with 0 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. At its least, her pain is a 2, and at its worst it is a 10. Her average pain is 8. She is also experiencing clicking, snapping/popping, swelling, night pain, pain with activities, radiating pain, and daytime pain with rest. Treatments tried previously to relieve symptoms include ice, heat, muscle relaxants, physical therapy, narcotic medication, NSAIDS, TENS unit, and home exercise.

My diagnosis is She is here today for follow up of her right knee pain rule out medial meniscus tear. Right hip trochanteric burisits

I reviewed the patient's X-rays. Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered.

The patient may continue protected activity.

A MRI of the right knee without contrast was ordered. Test was ordered to rule out medial meniscus tear.
Patient was instructed to follow up after receiving their MRI.

Thank you.

Signed
Thomas Dunn MD

2742716

Open Sided MRI of Las Vegas

630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008773

**PROCEDURE:** MRI C-SPINE WITHOUT CONTRAST

EXAMINATION: MRI CERVICAL SPINE WITHOUT CONTRAST

HISTORY: History of injury 2010. Neck pain radiating down to both upper extremities.

COMPARISON: None

TECHNIQUE: The following sequences were performed on an open Tesla magnet: Sagittal T1 and T2. Axial T2.

FINDINGS: There is no acute fracture or pathologic osseous lesions. There is disc desiccation noted throughout the cervical spine. Disc height loss is seen extending from C3/C4-C6/C7. No prevertebral soft tissue swelling.

The cervical medullary junction is visualized. No herniation or evidence of abnormal cord signal.

C2/C3: No significant disc bulge. No canal or neuroforaminal stenosis.

C3/C4: There is mild posterior disc osteophyte formation. This causes mild central canal stenosis. There is no significant neuroforaminal narrowing.

C4/C5: There is mild posterior disc osteophyte formation. This causes mild central canal stenosis. There is severe bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C5/C6: There is posterior disc osteophyte formation. This is more prominent along the right paracentral region where it measures approximately 4 mm in AP dimension. There is a moderate central canal stenosis. The central canal measures approximately 7 mm in AP dimension. There is severe bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C6/C7: There is mild posterior disc osteophyte formation causing mild central canal stenosis. There is mild bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C7/T1: Minimal posterior disc bulge. No central canal or neuroforaminal stenosis.

IMPRESSION:
1. Mild central canal stenosis at C3/C4.
2. Mild central canal stenosis at C4/C5 with severe bilateral neuroforaminal stenosis.
3. Moderate central canal stenosis at C5/C6 with severe bilateral neuroforaminal stenosis.
4. Mild central canal stenosis at C6/C7 with mild bilateral neuroforaminal stenosis.

REDACTED

OpenSided MRI of Las Vegas

630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008773

**PROCEDURE:** MRI C-SPINE WITHOUT CONTRAST

**Dictated By:** Scott Chang M.D. at 2014-06-28 07:53
**Electronically Signed By:** Scott Chang M.D. at 2014-06-28 07:57

Professionally interpreted by Radiology Associates of Nevada

Open Sided MRI of Las Vegas

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Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: FOOR24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008774

**PROCEDURE:** MRI L-SPINE WITHOUT CONTRAST

EXAMINATION: MRI LUMBAR SPINE WITHOUT CONTRAST

HISTORY: History of injury to lower back 2/8/2010. Low back pain radiating into both legs.

COMPARISON: None

TECHNIQUE: The following sequences were performed on a open Tesla magnet: Sagittal T1 and T2. Axial T2.

FINDINGS: There is no acute fracture or pathologic osseous lesions. There is disc desiccation extending from L2/L3-L5/S1. Severe disc height loss at L3/L4. Mild disc height loss at L4/L5. Moderate to severe disc height loss at L5/S1.

The conus medullaris terminates at inferior L1. No evidence of obvious abnormal cord signal or a cord mass.

L1/L2: Normal.

L2/L3: Minimal posterior disc bulge. No central canal or neuroforaminal stenosis.

L3/L4: Mild bilateral paracentral and foraminal disc bulge. However, there is no central canal or significant neuroforaminal stenosis.

L4/L5: Mild bilateral paracentral and left foraminal disc bulge. No central canal stenosis. Mild left neuroforaminal narrowing.

L5/S1: No significant posterior disc bulge. There is no central canal or neuroforaminal stenosis.

IMPRESSION:
1. No acute fracture.
2. Mild left neuroforaminal stenosis at L4/L5.
3. There is no central canal stenosis of the lumbar spine.

**Dictated By:** Scott Chang M.D. at 2014-06-28 07:59
**Electronically Signed By:** Scott Chang M.D. at 2014-06-28 08:01

Professionally interpreted by Radiology Associates of Nevada

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(702)731-1616 Fax: (702)734-4900

**REDACTED**


**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**05/11/2015 - Office Visit: 15th Room,Complete**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

## Clinical List(s) Reviewed
- The allergy list was reviewed and updated as appropriate.
- The problem list was reviewed and updated as appropriate.
- The medication list was reviewed and updated as appropriate.

**Chief Complaint** Bilateral knee pain.

## History of Present Illness
**Referred by:** Thomas Dunn
**Previous Studies:** X-rays, MRI

Yvonne Louise O' Connell is a 63 year old female who comes in for a new problem today. The patient is retired. She presents for evaluation of bilateral knee pain after a slip/fall injury. Her symptoms have been present for 5 years. Her injury occurred on 2/08/2010, when walking she slipped on a liquid and fell backwards. She states she twisted to the right with parts of her body striking a raised divider. This happened on the Las Vegas Strip. Her pain was immediate. She describes the pain as being specifically located in the anterior and medial region of her knees. She has pain when twisting, going from sitting to standing, or climbing stairs. She experiences locking and swelling in the knees. She has undergone physical therapy without improvement. Patient denies any past problems to her knees before the slip and fall in 2010. Other physicians the patient has seen for this problem include another Dr. Andrew Martin. Previous studies performed to evaluate this condition include X-rays and MRI's done at Las Vegas radiology.

She describes her pain as sore, sharp, throbbing, stabbing and severe. Her pain is worse with activities, and since acknowledging the onset, her pain level has worsened. On a scale of 0-10, with 0 being no pain and 10 being the worst pain imaginable, her pain level today is a 10. She is also experiencing clicking, instability, locking, catching, snapping/popping, swelling, pain with sports/activities, radiating pain, and daytime pain with rest. Her symptoms are worse when driving, squatting, kneeling, bending lying supine, lifting, standing from sitting, when twisting the knees, and walking up and down steps.

Treatments tried previously to relieve symptoms include rest, elevation, physical therapy, assistive device, immobilization, and home exercise.

## Allergies
ANTIBIOTICS (Moderate)

## Medications
CVS OMEGA-3 CAPS (FLAX OIL-FISH OIL-BORAGE OIL)
A THRU Z ADVANCED TABS (MULTIPLE VITAMINS-MINERALS)
VITAMIN C

REDACTED

**Desert Orthopaedic Center**
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(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

## Past Medical History

Past medical history noted by patient includes depression
She states she had a mini-stroke 2 days after the slip and fall.

## Problems recorded as Dx. codes:

TEAR MEDIAL CARTILAGE OR MENISCUS KNEE CURRENT (ICD-836.0)
PAIN IN JOINT, LOWER LEG (ICD-719.46) (ICD10-M79.606)
SCIATICA (ICD-724.3) (ICD10-M54.30)
DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)
BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4) (ICD10-M54.13)
DEGENERATION OF CERVICAL INTERVERTEBRAL DISCL (ICD-722.4) (ICD10-M50.30)

Information obtained by patient via web portal: depression, neuropathy, stroke, Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands.

## Past Surgical History

Patient denies any problems related to previous surgery
Information obtained by patient via web portal: removal of wisdom teeth, removal of tonsils, Breast biopsy. Okay.

## Family Medical History

There is a reported family history of cancer
Mother (biol.): Deceased
Father (biol.): Cancer; Deceased
Information obtained by patient via web portal: diabetes, cancer

## Social History

**Tobacco use:** never smoker
**Alcohol Use:** (occasional (weekly 1-6 drinks))
**Does patient live alone:** yes
**Drug Use:** (no)

**Marital Status:** widowed
**Number of children:** none
**Occupation:** retired
**Work Status:** retired

## Review of Systems

**General: none**
**Cardiovascular: murmur**
**Respiratory: cough**
**Ears/Nose/Throat: dizziness**
**Gastrointestinal: nausea, abdominal pain**
**Skin: none**
**Neurologic: weakness, numbness, headache**
**Genitourinary: night time urination**
**Endocrine: cold intolerance**

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REDACTED


**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**Heme/Lymphatic:** denies abnormal bruising, bleeding, enlarged lymph nodes
**Allergic/Immunologic:** none
**Psychiatric:** anxiety, depression, difficulty sleeping
**Musculoskeletal:** stiffness, joint pain or swelling, back pain, weakness, muscle cramping, arthritis
**Possibly Pregnant:** no
**Pregnant:** no
**Infectious Diseases** None

## Physical Exam

**Vital Signs**
**Height:** 64 in **Weight:** 155 lb **Pulse rate:** 65 **Rhythm:** regular
**BP:** 137/83 **Possibly Pregnant:** no
**Pregnant:** no
**Body Mass Index:** 26.70

**Right Knee Exam**
**Inspection**
Effusion: none
**Pain/Tenderness:**
medial joint line
**Active Range of Motion**
Flexion: 120°
Extension: 0
**Stability**
Lachman test: normal
Anterior drawer sign: normal
Medial/MCL: normal
Lateral/LCL: normal
Posterior drawer: normal
Ext Rotation Dial Test:

Left knee exam is symmetric

**Magnetic Resonance Imaging * RIGHT KNEE*** was performed on 08/29/2014
Tear of the posterior horn of the medial meniscus.

**Magnetic Resonance Imaging * LEFT KNEE*** was performed on 09/22/2014
Truncated appearance of the body and posterior horn of the medial and lateral menisci consistent with tears.

**Right Knee X-ray**

Radiographs of the right knee reviewed today reveal minimal joint-space narrowing.

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**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

## Impression
Bilateral knee meniscus tears

## Plan
Explanation and reassurance were provided to the patient. I discussed a treatment plan in detail with patient. All of the patient's questions were answered. I discussed all treatment options including non-surgical and surgical interventions.

**After discussion with the patient, I have recommended bilateral knee arthroscopy with partial medial meniscectomy of the right knee and partial medial and lateral meniscectomy of the left knee. She understands that surgery is not a guarantee for cure of her symptoms, and specifically arthroscopic surgery cannot cure arthritis. The patient would like to review their options and will contact us if they wish to move forward with the procedure.**

## Follow up
Patient will follow up for pre-operative visit.

**Electronically Signed by Craig T Tingey MD on 05/11/2015 at 6:53 PM**

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**05/09/2015 - Transcription: (P) DOC History and Review of Systems**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

| DOC HISTORY AND REVIEW OF SYSTEMS | |
|---|---|
| GENERAL | |
| Visit due to injury | Yes |
| Visit due to injury (Yes)Injury description | Walking, slipped and fell backwards on liquid, twisted to the right, with parts of my body striking a raised divider before my head hit the ground. Immediate injuries and pain. |
| Visit due to injury (Yes)Injury | Slip or fall |
| Visit due to injury (Yes)Date of injury | Feb 8th 2010 |
| Is injury/problem on the right or left side of the body? | Left |
| Length of symptoms | 1-12 Years |
| Length of symptoms (1-12 Years)Years | 5 |
| Previous procedure to treat chief complaint or problem | No |
| Experiencing pain or discomfort due to your chief complaint or problem | Yes |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Characteristics of pain or discomfort | Sore, Sharp, Throbbing, Stabbing |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Intensity of pain or discomfort | Severe |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Frequency of pain or discomfort | Worse with activities |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Current level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Average level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Lowest level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Highest level of pain or discomfort | [redacted] |
| Experiencing pain or discomfort due to your chief complaint or problem (Yes)Level of pain or discomfort as compared to originally noticing the problem | Worsened |
| Pharmacy | Tricare, CVS? |
| Appointment today to remove the following | No |
| Procedures undergone related to the chief | X-rays, MRI |

DOC History and Review of Systems

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**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| complaint or problem | |
| Seen another physician for this problem | Yes |
| Seen another physician for this problem (Yes)Other physician seen | another orthopaedic surgeon |
| Tried treatments for this problem | Yes |
| Tried treatments for this problem (Yes)Treatments tried | Rest, Elevation, Physical therapy, Assistive device, Immobilization, Home exercise |
| SOCIAL HISTORY | |
| Work status and occupation | Retired |
| Marital status | Widowed |
| Live alone | Yes |
| Children | None |
| Tobacco use | Never smoker |
| Alcohol | Occasional (weekly 1-6 drinks) |
| Recreational drug use | No |
| Currently pregnant | No |
| MEDICAL CONDITIONS | |
| Hx | |
| Alcohol abuse | No |
| Anemia | No |
| Asthma | No |
| Bleeding Disorder | No |
| Blood clots/DVT | No |
| Breastfeeding | No |
| Cancer | No |
| Cerebral Palsy | No |
| Chronic Bronchitis | No |
| COPD | No |
| Dementia | No |
| Depression | |
| Diabetes | No |
| Drug Abuse | No |
| Fracture/Broken Bone | No |
| Gout | No |
| Heart Disease | No |
| Hepatitis | No |
| High Blood Pressure | No |
| High Cholesterol | No |
| HIV/AIDS | No |
| Kidney Disease | No |
| Liver Disease | No |
| MRSA | No |
| Neuropathy | |
| Osteoarthritis | No |
| Osteoporosis | No |
| Pregnant | No |
| Pulmonary Embolism | No |
| Rheumatoid Arthritis | No |
| Scoliosis | No |
| Seizure Disorder | No |

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| Sickle Cell Trait/Disease | No |
| Stroke | |
| Thyroid Disorder | No |
| Other: | |
| Other: (Yes)Please specify "other" condition. | Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands. |
| SURGICAL HISTORY | |
| Please indicate if you have had any of the following surgeries. If none apply, select "continue." | |
| Removal of Appendix | No |
| Removal of Lump from Breast | No |
| Breast Surgery | No |
| Brain Surgery | No |
| Removal of Wisdom Teeth | |
| Cosmetic Surgery | No |
| Tubes in Ears | No |
| Removal of Gall Bladder | No |
| Removal of Cataract from eye | No |
| Hernia Repair | No |
| Hemorrhoidectomy | No |
| Lasik Eye Surgery | No |
| Heart Surgery | No |
| Pacemaker Placement | No |
| Gastric Surgery | No |
| Colon Surgery | No |
| Kidney Stone Removal | No |
| Removal of Tonsils | |
| Removal of Tonsils and Adenoids | No |
| Thyroid Surgery | No |
| Female Surgery - Tubes Tied | No |
| Female Surgery - Dilation & Curretage | No |
| Female Surgery - Hysterectomy | No |
| Female Surgery - Cesarean Section | No |
| Male Surgery - Vasectomy | No |
| Male Surgery - Prostate Surgery | No |
| Other | |
| Other (Yes)Please specify "other" surgery. | Breast biopsy. Okay. |
| FAMILY HISTORY | |
| Please let us know if you have or have had immediate family (parents, siblings, or children) with any of the following conditions. Please check all that apply. If none apply, select "continue." | |
| Bleeding disorders | No |
| Cancer | |
| Connective tissue disorder | No |
| Diabetes | |

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900

**REDACTED**



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| Heart disease | No |
| Muscular dystrophy | No |
| Rheumatoid arthritis | No |
| REVIEW OF SYSTEMS | |
| Please indicate if you currently have any of the following conditions. Select all that apply. If none apply, select "None." | |
| Fever | No |
| Chills | No |
| Fatigue | No |
| Weight gain | No |
| Weight loss | No |
| Sweating | No |
| None | |
| Eye symptoms. Select all that apply. If none apply, select "None." | |
| Discharge | No |
| Irritation | No |
| Light sensitivity | |
| Pain | |
| Vision change | |
| None | No |
| Ears, Nose, Throat symptoms. Select all that apply. If none apply, select "None." | |
| Impaired hearing | No |
| Nosebleeds | No |
| Sneezing | No |
| Dizziness | |
| None | No |
| Cardiovascular symptoms. Select all that apply. If none apply, select "None." | |
| Fainting | No |
| Ankle swelling | No |
| Leg swelling | No |
| Shortness of breath with exercise | No |
| Murmur | |
| None | No |
| Respiratory symptoms. Select all that apply. If none apply, select "None." | |
| Cough | |
| Cold | No |
| Wheezing | No |
| Painful breathing | No |
| Tuberculosis | No |
| Asthma | No |
| None | No |
| Digestive symptoms. Select all that apply. If none apply, select "None." | |
| Nausea | |
| Vomiting | No |
| Changes in bowel movements | No |

DOC History and Review of Systems

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900

**REDACTED**



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| Blood in stool | No |
| Black stool | No |
| Hemorrhoids | No |
| Diarrhea | No |
| Ulcer | No |
| Heartburn | No |
| Painful bowel movements | No |
| Abdominal pain | |
| None | No |
| Musculoskeletal symptoms. Select all that apply. If none apply, select "None." | |
| Stiffness | |
| Joint pain or swelling | |
| Back pain | |
| Weakness | |
| Muscle cramping | |
| Arthritis | |
| Fracture | No |
| Sprain | No |
| None | No |
| Urinary symptoms. Select all that apply. If none apply, select "None." | |
| Loss of urine | No |
| Frequent urination | No |
| Painful urination | No |
| Blood in urine | No |
| Kidney stones | No |
| Night time urination | |
| None | No |
| Endocrine symptoms. Select all that apply. If none apply, select "None." | |
| Cold intolerance | |
| Heat intolerance | No |
| Weight change | No |
| Excessive urination | No |
| Diabetes | No |
| Fatigue | No |
| Thyroid problems | No |
| None | No |
| Blood/Lymphatic symptoms. Select all that apply. If none apply, select "None." | |
| Slow healing cuts | No |
| Anemia | No |
| Abnormal bruising | No |
| Bleeding | No |
| Enlarged lymph nodes | No |
| None | No |
| Allergic/Immunologic symptoms. Select all that apply. If none apply, select "None." | |
| Hives | No |
| Persistent infections | No |

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| HIV exposure | No |
| Past blood transfusion | No |
| None | |
| Skin symptoms. Select all that apply. If none apply, select "None." | |
| Changing moles | No |
| Rash | No |
| Itching | No |
| Dryness | No |
| Yellowing of skin | No |
| Hives | No |
| Discoloration | No |
| None | |
| Emotional symptoms. Select all that apply. If none apply, select "None." | |
| Anxiety | |
| Depression | |
| Tension | No |
| Memory loss | No |
| Difficulty sleeping | |
| None | No |
| Neurologic symptoms. Select all that apply. If none apply, select "None." | |
| Weakness | |
| Numbness | |
| Temporary paralysis | No |
| Fainting | No |
| Seizures | No |
| Stroke | No |
| Blackout | No |
| Headache | |
| Tremor | No |
| Slurred speech | No |
| None | No |

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

DOC History and Review of Systems

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**05/09/2015 - Lab Report: (P) DOC History and Review of Systems**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

Patient: YVONNE LOUISE O'CONNELL
ID: OBERD 4026785
Note: All result statuses are Final unless otherwise noted.

Tests: (1) DOC History and Review of Systems (7_27168667)

| | |
|---|---|
| WORK STATUS | retired |
| WKRELINJURY | <No Reported Value> |
| HPISPORTMED | <No Reported Value> |
| HX FALLS | yes |
| ACCT TYPE | <No Reported Value> |
| TRAINERNAME | <No Reported Value> |
| DO SPORTS | <No Reported Value> |
| DATEOFINJURY | Feb 8th 2010 |
| PAINSIDE | left |
| MECHANISM | "Result Below..." |

RESULT: Walking, slipped and fell backwards on liquid, twisted to the right, with parts of my body striking a raised divider before my head hit the ground. Immediate injuries and pain.

| | |
|---|---|
| ACTIVITYASSM | <No Reported Value> |
| PAIN DURATIO | year |
| HPI DURATION | 5 |
| NOPAIN | <No Reported Value> |
| HPI QUALITY | "Result Below..." |

RESULT: sore, sharp, throbbing, stabbing

| | |
|---|---|
| PREVTRTMNTRC | <No Reported Value> |
| DATEOFSURG | <No Reported Value> |
| PAINPOSTOP | <No Reported Value> |
| REMOVALOF | <No Reported Value> |
| PREV STUDIES | X-rays, MRI |
| HPI SEVERITY | severe |
| HPI TIMING | "Result Below..." |

RESULT: worse with activities

| | |
|---|---|
| PAINASSESMNT | 10 |
| AVERAGE PAIN | 5 |
| PAINBEST | 1 |
| PAINWORST | 10 |
| PAIN STATUS | worsened |
| OTHRMD#1 NAM | "Result Below..." |

RESULT: another orthopaedic surgeon

| | |
|---|---|
| COM PT | "Result Below..." |

RESULT: rest, elevation, physical therapy, assistive device, immobilization, home exercise

| | |
|---|---|
| PHARM NAME | Tricare, CVS? |
| SCHOOL | <No Reported Value> |
| OCCUPATION#1 | <No Reported Value> |
| PREGNANT | no |
| MARITAL STAT | widowed |
| LIVE ALONE | yes |
| # CHILDREN | none |
| SMOK STATUS | never smoker |
| SMKYRSTRT | <No Reported Value> |

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

| | |
|---|---|
| CIGARET SMKG | <No Reported Value> |
| CIGAR USE | <No Reported Value> |
| ORALTOBACUSE | <No Reported Value> |
| SMOK HX PPD | <No Reported Value> |
| CIGARS WEEK | <No Reported Value> |
| ORAL TOBAC/D | <No Reported Value> |
| SMOK YR Q | <No Reported Value> |
| HX CIGARETTE | <No Reported Value> |
| ETOH ABUSE | "Result Below..." |
| RESULT: occasional (weekly 1-6 drinks) | |
| DRUG USE | no |
| DRUGAB HOW | <No Reported Value> |
| LSTDRUGUSE | <No Reported Value> |
| DRUGAB WHAT | <No Reported Value> |
| DEP PMH | "Result Below..." |
| RESULT: depression, neuropathy, stroke, Mini-stroke after accident, not stroke. Other immediate injuries and pain, head and neck, back to foot, right buttocks, hip, down leg still hurt, arms and hands. | |
| DEP SURGERY | "Result Below..." |
| RESULT: removal of wisdom teeth, removal of tonsils, Breast biopsy. Okay. | |
| FH COMMENTS | <No Reported Value> |
| DEP FAM PMH | diabetes, cancer |
| ROS:GENERAL | none |
| ROS EYES | "Result Below..." |
| RESULT: light sensitivity, pain, vision change | |
| ROS ENT | dizziness |
| ROS: CARDIAC | murmur |
| ROS:PULMON | cough |
| ROS: GI | "Result Below..." |
| RESULT: nausea, abdominal pain | |
| ROS:MUSCSKEL | "Result Below..." |
| RESULT: stiffness, joint pain or swelling, back pain, weakness, muscle cramping, arthritis | |
| ROS: GU | "Result Below..." |
| RESULT: night time urination | |
| ROS ENDO | cold intolerance |
| ROS HEME | <No Reported Value> |
| ROS ALLERG | none |
| ROS SKIN | none |
| ROS: PSYCH | "Result Below..." |
| RESULT: anxiety, depression, difficulty sleeping | |
| ROS: NEURO | "Result Below..." |
| RESULT: weakness, numbness, headache | |
| SPORT LEVEL | <No Reported Value> |
| SURGOUTCOME | <No Reported Value> |

Note: An exclamation mark (!) indicates a result that was not dispersed into the flowsheet.
Document Creation Date: 05/10/2015 12:46 AM

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(1) Order result status: Preliminary
Collection or observation date-time: 05/09/2015 23:40:09
Requested date-time: 05/10/2015 02:46:02
Receipt date-time: 05/09/2015 23:40:09

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**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

Reported date-time:
Referring Physician:
Ordering Physician:
Specimen Source:
Source: CBERD
Filler Order Number: 198556-2854001
Lab site:

---

The following tests had no related values for dispersal to the flowsheet:

MLI-91192, [No Value Reported], (F)
MLI-137094, [No Value Reported], (F)
MLI-36127, [No Value Reported], (F)
MLI-113812, [No Value Reported], (F)
MLI-31798.21, [No Value Reported], (F)
MLI-53484, [No Value Reported], (F)
MLI-161429, [No Value Reported], (F)
MLI-153254, [No Value Reported], (F)
MLI-4003.38, [No Value Reported], (F)
MLI-161426, [No Value Reported], (F)
MLI-161428, [No Value Reported], (F)
LOC-200211, [No Value Reported], (F)
LOC-360035, [No Value Reported], (F)
MLI-161453, [No Value Reported], (F)
SNO-S-32030, [No Value Reported], (F)
SNO-S-32020, [No Value Reported], (F)
SNO-S-32060, [No Value Reported], (F)
AS4-2000.31, [No Value Reported], (F)
MLI-43531, [No Value Reported], (F)
MLI-16032, [No Value Reported], (F)
RHS-11, [No Value Reported], (F)
MLI-16025, [No Value Reported], (F)
MLI-156242, [No Value Reported], (F)
MLI-27580, [No Value Reported], (F)
MLI-156243, [No Value Reported], (F)
MLI-18874, [No Value Reported], (F)
MLI-4398.95, [No Value Reported], (F)
MLI-67111, [No Value Reported], (F)
MLI-161427, [No Value Reported], (F)

---

The following non-numeric lab results were dispersed to
the flowsheet even though numeric results were expected:

MLI-111197.2, none

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**05/08/2015 - Transcription: (P) DOC History of Present Illness**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

| CHIEF COMPLAINT | |
|---|---|
| Current problem | Knee |
| Knee | |
| What is your specific location of pain in your knee? | Anterior (in front of, towards the front of the body) |
| What other symptoms are you experiencing in your knee? | Clicking, Instability, Locking, Catching, Snapping/popping, Swelling, Pain with sports/activities, Radiating pain (radiating or spreading from a common point) |
| Is your problem in your knee related to a prior injury? | Yes |
| Additional knee complaints | Yes |
| Additional knee complaints<br>(Yes)Additional knee complaint | Both knees were injured in the same accident. I must move carefully, straight and not twist. Knees hurt when I sit and get up, and climb up and down my stairs. If I move wrong, my knees hurt so much that I can't walk until I rest and let the pain subside. Knees (and leg) give out on me. They hurt at night if I don't move and position them carefully. Pain is also on the side. |

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

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**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

**05/08/2015 - Lab Report: (P) DOC History of Present Illness**
**Provider: Craig T Tingey MD**
**Location of Care: Desert Orthopaedic Center**

Patient: YVONNE LOUISE O'CONNELL
ID: OBERD 4026785
Note: All result statuses are Final unless otherwise noted.

Tests: (1) DOC History of Present Illness (7_27168665)

| | |
|---|---|
| CHIEF CMPL#4 | "Result Below..." |

RESULT: anterior, clicking, instability, locking, catching, snapping/popping, swelling, pain with sports/activities, radiating pain, Both knees were injured in the same accident. I must move carefully, straight and not twist. Knees hurt when I sit and get up, and climb up and down my stairs. If I move wrong, my knees hurt so much that I can't walk until I rest and let the pain subside. Knees (and leg) give out on me. They hurt at night if I don't move and position them carefully. Pain is also on the side.

| | |
|---|---|
| HANDEDNESS | <No Reported Value> |
| PRIORINJ | yes |
| PMH DISCLOC | <No Reported Value> |
| REDUCEDBY | <No Reported Value> |
| NUMDISLOC | <No Reported Value> |
| LOCDISLOC | <No Reported Value> |
| PAINRADIATIO | <No Reported Value> |
| PAINRADTO | <No Reported Value> |
| PMHNECKSURG | <No Reported Value> |
| PMH HIP SURG | <No Reported Value> |
| DIGITPAIN | <No Reported Value> |
| OTHERPAIN | <No Reported Value> |

Note: An exclamation mark (!) indicates a result that was not dispersed into the flowsheet.
Document Creation Date: 05/09/2015 11:42 PM

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(1) Order result status: Preliminary
Collection or observation date-time: 05/08/2015 14:08:14
Requested date-time: 05/10/2015 01:42:02
Receipt date-time: 05/08/2015 14:08:14
Reported date-time:
Referring Physician:
Ordering Physician:
Specimen Source:
Source: OBERD
Filler Order Number: 198556-2854001
Lab site:

---

The following tests had no related values for dispersal to the flowsheet:

MAY-1319, [No Value Reported], (F)
MLI-124599, [No Value Reported], (F)
MLI-246936, [No Value Reported], (F)

REDACTED

**Desert Orthopaedic Center**
2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
(702)731-1616 Fax: (702)734-4900



**Yvonne Louise O'Connell**
Female DOB: [redacted]

Home: [redacted]
Patient ID: [redacted]

MLI-246937, [No Value Reported], (F)
MLI-246935, [No Value Reported], (F)
MLI-125444, [No Value Reported], (F)
MLI-247443, [No Value Reported], (F)
MLI-29737, [No Value Reported], (F)
MLI-14337, [No Value Reported], (F)
MLI-246939, [No Value Reported], (F)
MLI-161421, [No Value Reported], (F)

**Electronically Signed by Lisa M Henry on 05/11/2015 at 3:00 PM**

CMF

OPENSIDED MRI OF LAS VEGAS
PO BOX 505244
ST LOUIS MO 63150-5224
PHONE#: 877/411-8753
TAX ID#: 54-1783059

********** S P E C I A L  S T A T E M E N T **********

RESPONSIBLE PARTY:
YVONNE OCONNELL
[redacted]

DATE...: 07-01-15
ACCOUNT BALANCE: 0.00
SELFPAY BALANCE: 0.00

PATIENT NAME:
YVONNE OCONNELL

ACCOUNT NO.
[redacted]

PLACE OF SERVICE:
OPENSIDED OF LAS VEGAS

REFERRING DOCTOR:
THOMAS DUNN

---------- T R A N S A C T I O N S ----------

| DATE | QTY | CODE | SITE | DESCRIPTION | CHARGES |
|---|---|---|---|---|---|
| 06-27-14 | 1 | 72148 | O | MRI L-SPINE<br>DR: SCOTT C CHANG,MD | 1645.00 |
| 06-27-14 | 1 | 72141 | O | MRI C-SPINE<br>DR: SCOTT C CHANG,MD | 1645.00 |
| 08-11-14 | 1 | 2251 | P | TRICARE PAYMENT<br>DR: SCOTT C CHANG,MD | -385.17 |
| 08-11-14 | 1 | 2299 | P | CHAMPUS LIMIT OF ALLOWANCE<br>DR: SCOTT C CHANG,MD | -2776.44 |
| 01-06-15 | 1 | 0101 | P | SELF PAY<br>DR: SCOTT C CHANG,MD | -128.39 |
| | | | | ** ENCOUNTER TOTAL | 0.00 |

BALANCE: 0.00

694

PLTF 000749 -Suffix

REDACTED

REDACTED

Open Sided MRI of Las Vegas

630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008774

**PROCEDURE:** MRI L-SPINE WITHOUT CONTRAST

3
72148 724.2

EXAMINATION: MRI LUMBAR SPINE WITHOUT CONTRAST

HISTORY: History of injury to lower back 2/8/2010. Low back pain radiating into both legs.

COMPARISON: None

TECHNIQUE: The following sequences were performed on a open Tesla magnet: Sagittal T1 and T2. Axial T2.

FINDINGS: There is no acute fracture or pathologic osseous lesions. There is disc desiccation extending from L2/L3-L5/S1. Severe disc height loss at L3/L4. Mild disc height loss at L4/L5. Moderate to severe disc height loss at L5/S1.

The conus medullaris terminates at inferior L1. No evidence of obvious abnormal cord signal or a cord mass.

L1/L2: Normal.

L2/L3: Minimal posterior disc bulge. No central canal or neuroforaminal stenosis.

L3/L4: Mild bilateral paracentral and foraminal disc bulge. However, there is no central canal or significant neuroforaminal stenosis.

L4/L5: Mild bilateral paracentral and left foraminal disc bulge. No central canal stenosis. Mild left neuroforaminal narrowing.

L5/S1: No significant posterior disc bulge. There is no central canal or neuroforaminal stenosis.

IMPRESSION:
1. No acute fracture.
2. Mild left neuroforaminal stenosis at L4/L5.
3. There is no central canal stenosis of the lumbar spine.

**Dictated By:** Scott Chang M.D. at 2014-06-28 07:59
**Electronically Signed By:** Scott Chang M.D. at 2014-06-28 08:01

Professionally interpreted by Radiology Associates of Nevada

REDACTED

Open Sided MRI of Las Vegas

630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008773

**PROCEDURE:** MRI C-SPINE WITHOUT CONTRAST

4
72141 723.1

EXAMINATION: MRI CERVICAL SPINE WITHOUT CONTRAST

HISTORY: History of injury 2010. Neck pain radiating down to both upper extremities.

COMPARISON: None

TECHNIQUE: The following sequences were performed on an open Tesla magnet: Sagittal T1 and T2. Axial T2.

FINDINGS: There is no acute fracture or pathologic osseous lesions. There is disc desiccation noted throughout the cervical spine. Disc height loss is seen extending from C3/C4-C6/C7. No prevertebral soft tissue swelling.

The cervical medullary junction is visualized. No herniation or evidence of abnormal cord signal.

C2/C3: No significant disc bulge. No canal or neuroforaminal stenosis.

C3/C4: There is mild posterior disc osteophyte formation. This causes mild central canal stenosis. There is no significant neuroforaminal narrowing.

C4/C5: There is mild posterior disc osteophyte formation. This causes mild central canal stenosis. There is severe bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C5/C6: There is posterior disc osteophyte formation. This is more prominent along the right paracentral region where it measures approximately 4 mm in AP dimension. There is a moderate central canal stenosis. The central canal measures approximately 7 mm in AP dimension. There is severe bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C6/C7: There is mild posterior disc osteophyte formation causing mild central canal stenosis. There is mild bilateral neuroforaminal stenosis secondary to foraminal disc osteophyte formation and uncovertebral hypertrophy.

C7/T1: Minimal posterior disc bulge. No central canal or neuroforaminal stenosis.

IMPRESSION:
1. Mild central canal stenosis at C3/C4.
2. Mild central canal stenosis at C4/C5 with severe bilateral neuroforaminal stenosis.
3. Moderate central canal stenosis at C5/C6 with severe bilateral neuroforaminal stenosis.
4. Mild central canal stenosis at C6/C7 with mild bilateral neuroforaminal stenosis.


Page 2 : FRE Radiology/81149.1/OCONNELL YVONNE/CHARGE 06/30/2014 35 SDG05OSMRI104 OL/301YY6Y_00H7Z9LZL003VGE/RD1NLY
06/27/2014 O 507 CH/Charges//301YY78_00H7XMLZL00FD0B : 7/1/2015 3:02:01 PM
PETF 000751 -Suffix

REDACTED

Open Sided MRI of Las Vegas

630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.com

Patient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [redacted]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

Exam Date: 06/27/2014
Accession #: 10008773

**PROCEDURE:** MRI C-SPINE WITHOUT CONTRAST

**Dictated By:** Scott Chang M.D. at 2014-06-28 07:53
**Electronically Signed By:** Scott Chang M.D. at 2014-06-28 07:57

Professionally interpreted by Radiology Associates of Nevada

# EXHIBIT 2

# EXHIBIT 2

REDACTED

**Randall E. Yee, D.O.**
Board Certified Orthopedics
FellowshipTrained Sports Medicine
**X. Nick Liu, D.O.**
Board Certified Orthopedics
FellowshipTrained Sports Medicine
**Timothy J. Trainor, M.D.**
Board Certified Orthopedics
Sports Medicine Specialist
**Thomman Kuruvilla, D.P.M.**
Board Eligible Podiatry

# ADVANCED ORTHOPEDICS & SPORTS MEDICINE

Sports Injuries • Fracture Care • Joint Replacement • Cartilage Replacement • Minimally Invasive Arthroscopic Surgery

OCONNELL, YVONNE L
[redacted]
Trainor, Timothy
02/10/2012

Dear Dr. SWAMY SUBRAMANYAM,

RE: OCONNELL, YVONNE L

Chief complaint: Full body pain.

Ms. OCONNELL is a very pleasant 60-year old female. She states that she injured herself 2 years ago when she fell on a raised curb. She states she has never fully healed. She complains of pain along the entire lateral side of her body from the buttocks down the thigh and below the knee. She describes the pain as constant. She says she did physical therapy but has not had much treatment since then. She states she cannot take any medication for other reasons.

Her past medical history including drug allergies were reviewed in the office today. She states she does have a history of fibromyalgia.

On physical examination, she had tenderness to palpation in the upper and lower extremities bilaterally in all locations. She had no specific pain with log rolling in the hip and groin area. She had no specific medial or lateral jointline tenderness to palpation at the knee. She had full range of motion of the right knee compared to the left side.

She had x-rays from Steinberg Imaging which I reviewed. These included AP pelvis, AP/lateral of the hip, and knee x-rays. These were all completely normal with no evidence of arthritis.

IMPRESSION:
1.) Fibromyalgia
2.) Complex regional pain syndrome
3.) No obvious organic problems of the hip or the knee

PLAN: I discussed the diagnosis at length with the patient. I believe all of her symptoms are related either to fibromyalgia or to complex regional pain syndrome. I have nothing specific to offer her from an

orthopedic surgery stand point. She should seek help with a pain management specialist. She should follow up with me on an as needed basis.

Thank you for allowing me to participate in the care of your patient.

Sincerely,

Timothy J. Trainor, M.D.
TJT/jk

Tel. (702) 740-5327 * Fax (702) 740-5328 * 8420 Warm Springs Rd., Ste. 100, Las Vegas, Nevada 89113
6850 N. Durango Dr., Ste. 218, Las Vegas, NV 89149 * 2451 W Horizon Ridge Pkwy, Ste. 130, Henderson, NV 89052

Electronically Filed
01/11/2017 08:35:24 AM

CLERK OF THE COURT

RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| YVONNE O'CONNELL, Plaintiff, vs. WYNN RESORTS LIMITED, ET AL., Defendants. | ) | CASE NO. A655992<br>DEPT. NO. 5 |

BEFORE THE HONORABLE CHARLES THOMPSON, SENIOR DISTRICT JUDGE FOR THE HONORABLE CAROLYN ELLSWORTH, DISTRICT JUDGE

THURSDAY, SEPTEMBER 17, 2015 AT 9:33 A.M.

**RECORDER'S TRANSCRIPT RE:**
**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

APPEARANCES:

FOR THE PLAINTIFF: CHRISTIAN MORRIS, ESQ.

FOR THE DEFENDANTS: CHRISTOPHER D. KIRCHER, ESQ.

Recorded by: LARA CORCORAN, COURT RECORDER

(THURSDAY, SEPTEMBER 17, 2015 AT 9:33 A.M.)

THE COURT: O'Connell versus Wynn Resorts.

MR. KIRCHER: Good morning, Your Honor. Christopher Kircher on behalf of Wynn Las Vegas.

MS. MORRIS: Good morning, Your Honor. Christian Morris on behalf of the Plaintiff.

THE COURT: All right. This is the hotel's motion for summary judgment.

MR. KIRCHER: That is correct, Your Honor. This is a slip and fall case. The Plaintiff was walking through Wynn's atrium, encountered some foreign substance –

THE COURT: She slipped on something slippery –

MR. KIRCHER: Exactly.

THE COURT: -- and you don't – and she doesn't know what it is and you don't know what it is, and you said there's no proof that we didn't clean it up timely, and, therefore, we're entitled to summary judgment.

MR. KIRCHER: I think you read our brief.

THE COURT: A couple of years ago I would have granted that motion. This *Costco* case I think makes it impossible. Now, I – I've tried in my career dozens of these lawsuits, and 19 out of 20 times the defense wins on these because – but with this *Costco* case I can't grant summary judgment. They – I mean you've got a pallet in the middle of an aisle, and somebody just sits there and doesn't see where they're going and trips over it and they say, oh, that's – there could be liability there, you know. I just can't grant summary judgment on these anymore.

MR. KIRCHER: I understand that, and I guess we can thank Ms. Morris for that because I think she worked on that case.

MS. MORRIS: That was my case.

THE COURT: Did you work on *Costco*?

MS. MORRIS: I did. I actually took it to trial when it came back down from the Supreme Court and I got a verdict, so –

THE COURT: Did you?

MS. MORRIS: I did. They found comparative fault 50/50. Not 51/50, 50/50, so –

THE COURT: 50/50.

MS. MORRIS: -- his verdict was cut in half.

THE COURT: So the Plaintiff did get something?

MS. MORRIS: He did, yes.

THE COURT: Well, that's good. I'm –

MS. MORRIS: And he was a very old man by that time, he was a very nice man too, but he had been waiting a very long time to go to trial.

THE COURT: As a general rule these are terrible cases, and I did have one one time where somebody tripped over a bumper in a parking – you know, these bumper –

MS. MORRIS: Yeah. Yep.

THE COURT: -- you know, bumper in a parking lot and because it was located not right there in front of the vehicle but between the vehicles, so they got one bumper for two vehicles, I thought it was a fairly decent case, they came back 50/50, and they always do.

MS. MORRIS: Yeah. There's always comparative for sure.

THE COURT: And there's always comparative, so you're going to pay a little bit to get rid of it, and I hope she wasn't badly – I hope this Plaintiff wasn't badly hurt.

MS. MORRIS: Very nice lady. She was injured, but, you know –

MR. KIRCHER: Well, we're disputing that as well.

THE COURT: I can't grant –

MS. MORRIS: They're disputing every -- everything is in dispute.

THE COURT: -- summary judgment on this.

MR. KIRCHER: Yeah. I guess just for the record we kind of – we think that the *Costco* case is somewhat different than this case in that –

THE COURT: Well, it gives you – it gives the Court the idea that don't grant summary judgment in these trip and fall cases, right?

MR. KIRCHER: Fair enough. Okay.

THE COURT: I mean I – they'll reverse me if I do –

MR. KIRCHER: Okay.

THE COURT: -- and I'm not going to do that. I mean it's silly. All it does it takes another 3 or 4 years to get up there and get back and you're going to either settle it or try it, and you'll win these 18 out of 20 times.

MR. KIRCHER: I hope so in this situation.

THE COURT: But once in a while you get hit on them.

MR. KIRCHER: Right.

THE COURT: Okay.

MR. KIRCHER: Well, I guess I can't say anything, so thank you for your time and reading it.

MS. MORRIS: All right. I'll prepare the order.

THE COURT: Yes.

MS. MORRIS: Okay. Thank you.

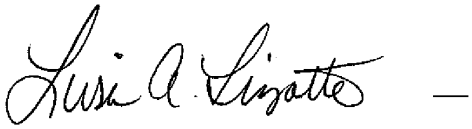
THE COURT: Thank you.

MR. KIRCHER: Thank you.

(Whereupon, the proceedings concluded.)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



LISA A. LIZOTTE
Court Recorder

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BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

| | |
|---|---|
| YVONNE O'CONNELL, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>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,<br><br>Defendants. | CASE NO. A-12-655992-C<br><br>DEPARTMENT NO. V<br><br>PLAINTIFF'S FIFTH 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 Fifth 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

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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*

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,

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Henderson, NV 89014
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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.

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

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.

8. John A. Thompson, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Desert Oasis Clinic
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

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Henderson, NV 89014
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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*

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

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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.

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

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.

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

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15. Suresh Prabbu, 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, 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

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17. Thomas Dunn, M.D.
Craig T. Tingey, M.D.
Andrew S. Martin, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Phone: (702) 731-1616

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. Yakov Shaposhnikov, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Gastrointestinal and Liver Diseases
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

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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 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

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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.

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

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.

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

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.

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

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

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Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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 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.

34. Person Most Knowledgeable/Custodian of Records
Open Sided MRI of Las Vegas
630 South Rancho, Suite G

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

Las Vegas, Nevada 89106
(702) 932-2740

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.

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

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

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

*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 PLTF000018and attached hereto.

2. Diagnostic Records and Billing Statement
   Steinberg Diagnostics
   2950 S. Maryland Pkwy.
   Las Vegas, NV
   Bate numbered PLTF000019 through PLTF000033 and attached hereto.

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

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.
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.

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

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, NV89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

12. Medical Records and Billing Statement
Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710W. 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.

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.

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

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 Ophthamology
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.

**29. C.V., Fee Schedule and Trial History of Thomas Dunn, M.D. – Desert Orthopedic Center Bate numbered PLTF000753 through PLTF000756**

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 NRCP 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:*

...

...

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A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|---|---|
| Jon Sorelle, M.D.<br>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.<br>Advanced Orthopedic & Sports Medicine | $ 181.00 |
| John A. Thompson, M.D.<br>Desert Oasis Clinic | $ 250.00 |
| Christopher Milford, M.D., P.C.<br>Silver State Neurology | $ 1,580.00 |
| Edwin Suarez Physical Therapy | $ 670.00 |
| Southern Nevada Pain Center | $ 680.00 |
| Leo Germin, M.D.<br>Clinical Neurology Specialists | $ 2,510.00 |
| Andrew Cash, M.D.<br>Desert Institute of Spine Care | $ 3,034.42 |
| Lee Wittenberg, DPM<br>Apache Foot & Ankle | $ 310.00 |
| Suresh Prahbu, M.D.<br>Ascent Primary Care | $ 270.00 |
| Thomas Dunn, M.D.<br>Desert Orthopaedic Center | $ 1,640.00 |
| Yakov Shaposhnikov, M.D.<br>Gastrointestinal and Liver Diseases | $ 828.00 |
| Enrique Lacayo, M.D. | $ 175.00 |

| | |
|---|---|
| Nanjunda Subramanyam, M.D.<br>Nevada Heart and Vascular Center | $ 1,440.00 |
| Scott Manthei, M.D.<br>Nevada Eye and Ear | $ 750.00 |
| Tyree Carr, M.D.<br>Nevada Institute of Ophthamology | $ 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 18th day of September, 2015.

NETTLES LAW FIRM

*/s/ Christian M. Morris*
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

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**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 18 day of September, 2015, I served the foregoing ***Plaintiff's Fifth 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