From 1/01/16 Through 12/31/17 *Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company

1541 Robles, Rosa v Versa Products Company, Inc

Selections: Client-Matter: 27350-1541 to 27350-1541 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
7/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:063016STMT-SBOWERS Trans Date: 06/23/2016 Washoe Co 2nd Dist Genera, Filing fee of opposition to request exemption				213.00	P A/P-P	1740976
8/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:073116STMT-SBOWERS Trans Date: 07/01/2016 Washoe Co 2nd Dist Genera, Filing fee of demand for jury trial				320.00	P A/P-P	1740976
8/08/16	BWC	Black & White (Prints From CD)		28.00		.00	W DSB	
8/08/16	CC	Color Photographs/Pictures		214.00	.10	21.40	W DSB	
11/16/16	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip t Reno for depositions				271.37	P A/P-P	1797841
11/16/16	2	Mileage: Paige Shreve #12 Inv#:9400-105218 11/02/2016 Travel to airport - T Reno for depositions (Miles 17.50)				9.45	W A/P-P	
11/16/16	L	Travel Expense-Car: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Gas - Trip Reno for depositions				7.96	P A/P-P	1797841
11/16/16	L	Travel Expense-Car: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Re for depositions				207.06	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Reno for depositions				9.68	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Reno for depositions				94.40	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/02/2016 Trip to Reno for depositions				20.83	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/02/2016 Trip to Reno for depositions				8.09	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/03/2016 Trip to Reno for depositions				10.34	P A/P-P	1797841
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Reno for depositions				3.23	P A/P-P	1797841
12/15/16	G	E115-Transcript: Hoogs Reporting Group, Inc. Inv#:18549 Deposition transcri Rosa, Benjamin & Cassandra Robles on 11/3/16	12052			332.50	P A/P-P	1797841
2/20/17	CS	E123-Consulting Services: Precision Discovery, LLC Attn: Asha Parmanand Inv 151302 Professional services rendered from 02/13/2017 to 02/15/2017 regardi Robles, Rosa v Versa Products Company, Inc.	187175			2,813.76	P A/P-P	1854677

Disbursements by Type:

1	Travel Expense - Hotel			271.37
2	Mileage			9.45
5	Court filing fee			533.00
BWC	Black & White (Prints From CD)	28.00		.00
CC	Color Photographs/Pictures	214.00	.10	21.40

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1541 Robles, Rosa v Versa Products Company, Inc

Selections: Client-Matter: 27350-1541 to 27350-1541 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source Invoice No.
CS		E123-Consulting Services				2,813.76	
G		E115-Transcript				332.50	
L		Travel Expense-Car				215.02	
ME		Meals				146.57	
			Matter Total			**4,343.07**	

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

LAS VEGAS
NV 890
18 AUG '17
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INVOICE

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Suite 300
Las Vegas, NV 89144
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Invoice No.	Invoice Date	Job No.
1119832	8/16/2017	1064754
Job Date	**Case No.**	
8/7/2017	CV15-02349	
Case Name		
Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC		
Payment Terms		
Net 90		

Josh Cole Aicklen, Esq.
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

89118-320150

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:
Erik Anderson, PE, CFEI

Appearance	562.00
Condensed	150.00
E-Transcript Email	0.00
Courier	0.00
CD-ROM	20.00
PDF EMAIL (FULL-SIZE TRANSCRIPT)	0.00
PDF EMAIL (CONDENSED TRANSCRIPT)	0.00
	0.00
TOTAL DUE >>>	**$732.00**

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Client Matter : 27350-1536

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Suite 600
Las Vegas, NV 89118

Invoice No. : 1119832
Invoice Date : 8/16/2017
Total Due : $732.00

Remit To: **All American Court Reporters**
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Suite 300
Las Vegas, NV 89144

Job No. : 1064754
BU ID : 3-VEGAS
Case No. : CV15-02349
Case Name : Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC

Vendor: 34474 All American Court Reporters	Doc ID: 0001UWBC-1	Page	1 of 1
Voucher: 2174604 Dist: 5176827	Date: 8/16/17	Amount:	732.00
Approved by Josh C. Aicklen on 09/12/2017 10.27 AM	Check#: 203223		

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Invoice No.	Invoice Date	Job No.
1119875	8/17/2017	1064756
Job Date	Case No.	
8/8/2017	CV15-02349	
Case Name		
Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC		
Payment Terms		
Net 90		

Josh Cole Aicklen, Esq.
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:
David Bosch, Ph.D.

	840.91
Exhibits	70.20
Appearance	150.00
Condensed	0.00
E-Transcript Email	0.00
Courier	20.00
CD-ROM	0.00
PDF EMAIL (FULL-SIZE TRANSCRIPT)	0.00
PDF EMAIL (CONDENSED TRANSCRIPT)	0.00
PDF EMAIL (EXHIBITS)	0.00
TOTAL DUE >>>	$1,081.11

Client Matter : 27360-1538

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6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Invoice No. : 1119875
Invoice Date : 8/17/2017
Total Due : $1,081.11

Remit To: All American Court Reporters
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144

Job No. : 1064756
BU ID : 3-VEGAS
Case No. : CV15-02349
Case Name : Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC

Vendor: 34474 All American Court Reporters	Doc ID: 0001UUVR-1	Page	1 of 1
Voucher: 2174508 Dist: 5176682	Date: 8/17/17	Amount:	1,081.11
Approved by Josh C. Aicklen on 09/12/2017 10.27 AM	Check#: 203223		AA002348

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

55045123 8/03/17 08:38 LEWIS BRISBOIS BISGAARD & SMITH Csr: DX*

CONTROL NUMBER
PICKUP
FIRST LEGAL SUPPORT-LV
2920 N GREEN VALLEY PKWY #514
HENDERSON NV 89014

DELIVER
LEWIS BRISBOIS BISGAARD & SMIT
6385 South Rainbow Suite 6
LAS VEGAS NV 89118
See: Susan Kings

Case#:CV15-02349
CName:Fitzsimmons, Ernest & Carol v

ADVANCE FEE Please front the deposition fees for:$750 payable to Anderson Engineering of New

Req: Susan Kingsbur
Svce: DELIVERY-ASAP VEHICLE
Acct: 37003
Ref: 27350-1536

Sign: KRYSTAL 10:45

Base	39.38
Return	
Wait	
Weight	
PDF/Ship	
Atmpt/Addr	
Research	
Misc	
Fuel Chg	
Adv.Fee	1,650.00
Check Chg	
Total	1,689.38

Vendor:	84403	American Legal Investigation Services	Doc ID: 0001UTOP-36	Page 1 of 1
Voucher:	2170183	Dist: 5164331	Date: 8/15/17	Amount: 1,650.00
			Check#: 201440	

OVATION
CORPORATE TRAVEL

SALES PERSON : BF
CUSTOMER NBR : 203519C
TRANSACTION NBR : 15297642

INVOICE NO . 136359
WUZDUH

DATE : 12 JUN 17
Page : 1 / 2

TO : LEWIS BRISBOIS BISGAARD AND SMITH
LLP
PAIGE SHREVE
6385 SOUTH RAINBOW BLVD.
SUITE 600
LAS VEGAS RAINBOW NV 89118

FOR : SHREVE/PAIGE SUOZZI

REF : 27350-1536
27350-1536

19 JUN 17 - MONDAY

OTH PAPERLESS TICKET CONFIRMATION-
LAS LAS VEGAS

AIR WN SOUTHWEST AIRLINES CO. INC. FLT: 3161 COACH
LV LAS LAS VEGAS 0615P EQP: 73W
AR RNO RENO 0730P NON-STOP
SHREVE/PAIGE SUOZZI SEAT -

CAR RNO RENO Hertz Compact Car Auto AC
PICKUP - 19JUN
RETURN - 20JUN

RATE PLAN	USD	MI/KM
DAILY	45.40	UNL
EXTRA HOUR	XH15.43 UN	

RATE-GUARANTEED
CONFIRMATION
H33047993E2
CALL 775-785-2554

HOTEL RNO RENO OUT - 20JUN
Preferred Hotels 1 NIGHT
PEPPERMILL RESORT SPA CASINO 1 ROOM
2707 S VIRGINIA ST RATE 129.99USD PER NIGHT
RENO, NV 89502
PHONE 1-775-8262121
FAX 1-775-6897041
CONFIRMATION HCYPK

20 JUN 17 - TUESDAY

AIR WN SOUTHWEST AIRLINES CO. INC. FLT: 1142 COACH
LV RNO RENO 0615P EQP: 73W
AR LAS LAS VEGAS 0730P NON-STOP
SHREVE/PAIGE SUOZZI SEAT -

OVATION
CORPORATE TRAVEL

SALES PERSON : BF
CUSTOMER NBR : 203519C
TRANSACTION NBR : 15297642

INVOICE NO . 136359
WUZDUH

DATE : 12 JUN 17
Page : 2 / 2

TO : LEWIS BRISBOIS BISGAARD AND SMITH
LLP
PAIGE SHREVE
6385 SOUTH RAINBOW BLVD.
SUITE 600
LAS VEGAS RAINBOW NV 89118

FOR : SHREVE/PAIGE SUOZZI

REF : 27350-1536
27350-1536

AIR TICKET WN8532516585	SHREVE/PAIGE SUOZZI	499.96
AIR TICKET XD0705889619	SHREVE/PAIGE SUOZZI	29.00
	AMOUNT DUE	528.96
	AMERICAN EXPRESS *****1014	-499.96
	AMERICAN EXPRESS *****1014	-29.00
	TOTAL	0.00

ELC Travel
650 Hospitality Drive, Suite 675
San Bernardino, CA 92408
Brian Hurley: (951) 316-7192

WEINSTEIN
855-600-3694
After hours (use code PIP9)
877-227-2027

LEWIS BRISBOIS, BISGAARD AND SMITH
855-300-8577
After hours (use code PGFP)
877-227-2006

LEWIS BRISBOIS BISGAARD SMITH
2300 WEST SAHARA SUITE 300 BOX 28
LAS VEGAS NV 89102

PASSENGER INFORMATION

Company Name: LEWIS BRISBOIS BISGAARD SMITH
Date Issued: May 3, 2017
Agent: 1CLI27350-1536
First Name: PAIGE.SUOZZI

Account No.: LBBS/BH
Agency Confirmation: OPLEM9
Invoice #: 121600
Last Name: SHREVE

CONFIRMATION INFORMATION

TICKET CONFIRMATION FOR VIRGIN AMERICA IS QNVAIK

FLIGHT

Sunday May 7, 2017

Air Vendor: VIRGIN AMERIC
From: LAS VEGAS - LAS
To: NEW YORK/KENNEDY - JFK
Seat:
Aircraft: 320
Operated By: VIRGIN AMERIC

Flight Number: 260
Departs: 09:55 PM
Arrives: 05:49 AM on May 8 2017
Confirmation #: QNVAIK
Class of Service: [Q] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE FEES MAY APPLY | BAGS ALLOWED- 1PIECE | DEPART TERMINAL 3 | ARRIVE TERMINAL 4 | MILES 2243 | FLIGHT DURATION 4.54 HRS

HOTEL

Sunday May 7, 2017

Hotel Vendor: HILTON HASBROUCK HEIGHTS

Confirmation #: 3342172202
Hotel Address: 650 TERRACE AVENUE
HASBROUCK HEIGHTS NJ 07604
PHONE-1-201-288-6100
FAX-1-201-288-4717

Check-In Date: May 7, 2017
Number of Rooms: 1
Number of Nights: 4

Check-out Date: May 11, 2017
Number of Persons: 1
Rate: 149.00 USD

RATE GUARANTEED-USD | BEST AVAILABLE RATE | 1 KING BED ROOM | ONE KING BED-HI SPEED INTERNET AVAILABLE | RATE INFO-EFF 07MAY17 129.00/EFF 08MAY17 149.00 | TOTAL RATE-661.71 | CANCEL RQRMTS-CXL 1 DAY PRIOR TO ARRIVAL | PERSONS INCLUDED IN RATE-1

FLIGHT

Thursday May 11, 2017

Air Vendor: VIRGIN AMERIC
From: NEW YORK/KENNEDY - JFK
To: LAS VEGAS - LAS
Seat:
Aircraft: 320
Operated By: VIRGIN AMERIC

Flight Number: 261
Departs: 09:30 AM
Arrives: 12:10 PM
Confirmation #: QNVAIK
Class of Service: [N] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE FEES MAY APPLY | DEPART TERMINAL 4 | ARRIVE TERMINAL 3 | MILES 2243 | FLIGHT DURATION 5.40 HRS

Miscellaneous

Friday November 10, 2017

Start Date: November 10, 2017
Description: HAVE A PLEASANT TRIP.....MARK CONFIRMED

INVOICE INFORMATION

Invoice #: 121600
Air Fare: $ 745.12
Taxes And Carrier Imposed Fees: $ 84.28
Total Air Fare: $ 829.40
Service Fee: $ 40.00
Total: $ 869.40
Total Payment: $ 869.40

PAYMENT HISTORY

Date	Form of Payment	Credit Card Number/Type	Amount
05/03/17	Credit Card	XXXX XXXXXX X1014/AX	$ 869.40

GENERAL INFORMATION

TICKET NUMBER(S): E9847979747272
SERVICE FEE MCO: 8900711964080

REMARKS

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PLEASE CALL 1-877-227-2006 ID CODE IS PGFP

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Vendor: 46275 American Express	Doc ID: 0001SWTM-2	Page	2 of 2
Voucher: 2136569 Dist: 5071848	Date: 7/03/17	Amount:	869.40
	Check#: 190908	AA002353	

OVATION
CORPORATE TRAVEL

SALES PERSON : OT
CUSTOMER NBR : 203519C
TRANSACTION NBR : 15374577

INVOICE NO . 139712
DYTCIJ

DATE : 11 JUL 17
Page : 1 / 1

TO : LEWIS BRISBOIS BISGAARD AND SMITH
LLP
PAIGE SHREVE
6385 SOUTH RAINBOW BLVD.
SUITE 600
LAS VEGAS RAINBOW NV 89118

FOR : SHREVE/PAIGE SUOZZI

REF : 027350-001536
027350-001536

19 JUL 17 - WEDNESDAY
OTH PAPERLESS TICKET CONFIRMATION-
LAS LAS VEGAS

AIR	WN SOUTHWEST AIRLINES CO. INC.	FLT: 3161	COACH	
	LV LAS LAS VEGAS		0615P	EQP: 73W
	AR RNO RENO		0730P	NON-STOP
	SHREVE/PAIGE SUOZZI	SEAT -		

20 JUL 17 - THURSDAY

AIR	WN SOUTHWEST AIRLINES CO. INC.	FLT: 1142	COACH	
	LV RNO RENO		0615P	EQP: 73W
	AR LAS LAS VEGAS		0730P	NON-STOP
	SHREVE/PAIGE SUOZZI	SEAT -		

20 JAN 18 - SATURDAY
OTH THANK YOU FOR USING OUR ONLINE
RNO RENO

AIR TICKET WN8541831056	SHREVE/PAIGE SUOZZI	499.96
AIR TICKET XD0706984040	SHREVE/PAIGE SUOZZI	7.00

AMOUNT DUE	506.96
AMERICAN EXPRESS *****1014	-499.96
AMERICAN EXPRESS *****1014	-7.00
TOTAL	0.00

Hilton
HASBROUCK HEIGHTS / MEADOWLANDS

HILTON HASBROUCK HEIGHTS/MEADOWLANDS
650 Terrace Avenue | Hasbrouck Heights, NJ | 07604
T: 201 288 6100 | F: 201 288 4717
w: hasbrouckheights.hilton.com

NAME AND ADDRESS:
SHREVE, PAIGE
5754 EMPRESS GARDEN CT
LAS VEGAS NV 89148
UNITED STATES OF AMERICA

Room: 1011/K1R
Arrival Date: 5/8/2017 9:27:00 AM
Departure Date: 5/10/2017
Adult/Child: 1/0
Room Rate: 140.00
Rate Plan: LV8
HH # 321007319 BLUE
AL:
Car:

Confirmation Number: 3343547967

5/10/2017

DATE	DESCRIPTION	ID	REF. NO	CHARGES	CREDITS	BALANCE
5/8/2017	GUEST ROOM	JGREMBOWIEC	4134428	$149.00		
5/8/2017	RM - STATE TAX	JGREMBOWIEC	4134428	$10.24		
5/8/2017	RM - OCCUPANCY TAX	JGREMBOWIEC	4134428	$11.92		
5/8/2017	BISTRO 650 #1279	LINTR	4134744	$19.10 F		
5/8/2017	GUEST ROOM	KALLEYNET	4134996	$149.00		
5/8/2017	RM - STATE TAX	KALLEYNET	4134996	$10.24		
5/8/2017	RM - OCCUPANCY TAX	KALLEYNET	4134995	$11.92		
5/9/2017	BISTRO 650 #1355	LINTR	4135437	$22.64 F		
5/9/2017	BISTRO 650 #1462	LINTR	4136097	$22.71 F		
5/9/2017	GUEST ROOM	YONGKWON	4136194	$149.00		
5/9/2017	RM - STATE TAX	YONGKWON	4136194	$10.24		
5/9/2017	RM - OCCUPANCY TAX	YONGKWON	4136194	$11.92		
5/10/2017	BISTRO 650 #1617	LINTR	4136768	$22.84 F		
	BALANCE					$600.97

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Food $87.49
Hotel $513.48

ACCOUNT NO.

DATE OF CHARGE

FOLIO NO./CHECK NO. 1014408 A

CARD MEMBER NAME

AUTHORIZATION

INITIAL

ESTABLISHMENT NO. & LOCATION

ESTABLISHMENT AGREES TO FURNISH TO CARDMEMBER FOR PURCHASE

PURCHASES & SERVICES

TAXES

TIPS & MISC.

CARD MEMBER'S SIGNATURE

TOTAL AMOUNT

MERCHANDISE AND/OR SERVICES PURCHASED ON THIS CARD SHALL NOT BE RESOLD OR REFUNDED FOR A CASH REFUND

PAYMENT DUE UPON RECEIPT

AMERICAS · EUROPE · MIDDLE EAST · AFRICA · ASIA · AUSTRALASIA

Hilton · Waldorf Astoria · Conrad · canopy · Curio · Doubletree · Embassy Suites · Hampton Inn · Hampton · tru · Homewood Suites · Home2 · Hilton Grand Vacations · Hilton Honors

Vendor: 92507 Paige Shreve
Voucher: 2137054 Dist: 5075031

Doc ID: 0001SVDO-9
Date: 5/24/17

Page 1 of 1
Amount: 513.48

AA002355

27350-1536

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

RECEIVED
MAY 16 2017
ACCOUNTS PAYABLE

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6522544
Invoice Date: May 9, 2017
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$1,225.00
Expenses	0.00
State Taxes	0.00
Other	0.00
Total Current Charges	$1,225.00

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6522544

May 9, 2017
Page 2

08/16/16	6493132	$5,606.78	11/15/16	$5,606.78	$0.00
10/31/16	6501734	$4,838.71	12/30/16	$4,838.71	$0.00
12/27/16	6507140	$9,324.00		$0.00	$9,324.00
04/11/17	6519307	$392.00		$0.00	$392.00
					$9,716.00

Total Now Due **$10,941.00**

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
04/27/17	GFM	DIVISION MGR	REVIEW DOCUMENTS PROVIDED BY CLIENT.	3.00	245.00	735.00
04/28/17	GFM	DIVISION MGR	REVIEW DOCUMENTS PROVIDED BY CLIENT.	2.00	245.00	490.00
			Total Fees:	**5.00**		**$1,225.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	5.00	1,225.00
	5.00	$ 1,225.00

Total Fees and Expenses: $ 1,225.00

Balance Due From Previous Invoice(s): $9,716.00

Total Amount Due: $ 10,941.00

INVOICE

All American Court Reporters
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144
Phone:702.240.4393 Fax:702.384.5506

Invoice No.	Invoice Date	Job No.
1115068	4/21/2017	1059747
Job Date	**Case No.**	
4/10/2017	CV15-02349	
Case Name		
Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC		
Payment Terms		
Net 90		

Paige S. Shreve
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Patrick Bigby	752.50
Exhibits	39.00
Appearance	150.00
Condensed	0.00
E-Transcript Email	0.00
Courier	20.00
CD-ROM	0.00
PDF EMAIL (FULL-SIZE TRANSCRIPT)	0.00
PDF EMAIL (EXHIBITS)	0.00
PDF EMAIL (CONDENSED TRANSCRIPT)	0.00
TOTAL DUE >>>	**$961.50**

Client Matter : 27350-1536

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APR 27 2017
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Paige S. Shreve
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Invoice No. : 1115068
Invoice Date : 4/21/2017
Total Due : $961.50

Remit To: **All American Court Reporters**
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144

Job No. : 1059747
BU ID : 3-VEGAS
Case No. : CV15-02349
Case Name : Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC

Vendor: 34474 All American Court Reporters
Voucher: 2123311 Dist: 5037331
Approved by Paige Shreve on 05/03/2017 7.30 AM

Doc ID: 0001S1QW-1
Date: 4/21/17

Amount: 961.50

INVOICE

All American Court Reporters
1160 North Town Center Drive
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Las Vegas, NV 89144
Phone:702.240.4393 Fax:702.384.5506

Invoice No.	Invoice Date	Job No.
1115088	4/21/2017	1059749
Job Date	**Case No.**	
4/11/2017	CV15-02349	
Case Name		
Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC		
Payment Terms		
Net 90		

Paige S. Shreve
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
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Las Vegas, NV 89118

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Tracy Shane	792.40
Exhibits	1.80
Appearance	250.00
Condensed	0.00
E-Transcript Email	0.00
Courier	20.00
CD-ROM	0.00
PDF EMAIL (FULL-SIZE TRANSCRIPT)	0.00
PDF EMAIL (EXHIBITS)	0.00
PDF EMAIL (CONDENSED TRANSCRIPT)	0.00
TOTAL DUE >>>	**$1,064.20**

Client Matter : 27350-1536

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Las Vegas, NV 89118

Invoice No. : 1115088
Invoice Date : 4/21/2017
Total Due : $1,064.20

Remit To: **All American Court Reporters**
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144

Job No. : 1059749
BU ID : 3-VEGAS
Case No. : CV15-02349
Case Name : Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC

Vendor: 34474 All American Court Reporters
Voucher: 2123313 Dist: 5037332
Approved by Paige Shreve on 05/03/2017 7.30 AM

Doc ID: 0001S1R1-1
Date: 4/21/17

Amount: 1,064.20

27350-1536
D. Avakian

INVOICE

Invoice No.	Invoice Date	Job No.
42841	5/30/2017	34104
Job Date	**Case No.**	
5/9/2017	CV15-02349	
Case Name		
Ernest and Carol Fitzsimmons vs. MDB Trucking, et al		
Payment Terms		
Net 45		

Paige S. Shreve, Esq.
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1 COPY OF TRANSCRIPT OF:		515.20
Bahram Nazmi		50.00
Litigation Support Disc		
Exhibits: B&W 8.5x11 up to 100 pages	65.00 Pages	37.70
1 COPY OF TRANSCRIPT OF:		347.97
Gerald "Gerry" Gramegna		50.00
Litigation Support Disc		
Exhibits: B&W 8.5x11 up to 100 pages	10.00 Pages	5.80
	TOTAL DUE >>>	**$1,006.67**
	AFTER 7/14/2017 PAY	$1,157.67

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Tax ID: 45-4198354

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Las Vegas, NV 89118

Job No. : 34104 BU ID : NATIONAL
Case No. : CV15-02349
Case Name : Ernest and Carol Fitzsimmons vs. MDB Trucking, et al
Invoice No. : 42841 Invoice Date : 5/30/2017
Total Due : $1,006.67
AFTER 7/14/2017 PAY $1,157.67

PAYMENT WITH CREDIT CARD
Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:
Cardholder's Signature:
Email:

Remit To: **Discovery Litigation Services, LLC**
c/o Commercial Finance Group of Atlanta
P.O. Box 420247
Atlanta, GA 30342

Vendor: 71057 Discovery Litigation Services LLC	Doc ID: 0001T2IZ-1	Page	1 of 1
Voucher: 2143159 Dist: 5089105	Date: 5/30/17	Amount:	1,006.67
Approved by David Avakian on 06/22/2017 7.43 AM			

27350-1536
D. Avakian

INVOICE

Invoice No.	Invoice Date	Job No.
42844	5/30/2017	34105
Job Date	**Case No.**	
5/10/2017	CV15-02349	
Case Name		
Ernest and Carol Fitzsimmons vs. MDB Trucking, et al		
Payment Terms		
Net 45		

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Bahram Nazmi		916.97
Litigation Support Disc		50.00
Exhibits: B&W 8.5x11 up to 100 pages	54.00 Pages	31.32
Exhibits: Color 8.5x11 up to 100 pages	6.00 Pages	7.50
	TOTAL DUE >>>	**$1,005.79**
	AFTER 7/14/2017 PAY	$1,156.66

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Tax ID: 45-4198354

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Paige S. Shreve, Esq.
Lewis Brisbois Bisgaard & Smith
Suite 600
6385 S. Rainbow Boulevard
Las Vegas, NV 89118

Job No. : 34105 BU ID : NATIONAL
Case No. : CV15-02349
Case Name : Ernest and Carol Fitzsimmons vs. MDB Trucking, et al
Invoice No. : 42844 Invoice Date : 5/30/2017
Total Due : $1,005.79
AFTER 7/14/2017 PAY $1,156.66

PAYMENT WITH CREDIT CARD
Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:
Cardholder's Signature:
Email:

Remit To: **Discovery Litigation Services, LLC**
c/o Commercial Finance Group of Atlanta
P.O. Box 420247
Atlanta, GA 30342

Vendor: 71057 Discovery Litigation Services LLC	Doc ID: 0001T2JW-1	Page	1 of 1
Voucher: 2143160 Dist: 5089106	Date: 5/30/17	Amount:	1,005.79
Approved by David Avakian on 06/22/2017 7.43 AM			

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San Bernardino, CA 92408
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After hours (use code PGFP)
877-227-2006

LEWIS BRISBOIS BISGAARD SMITH
2300 WEST SAHARA SUITE 300 BOX 28
LAS VEGAS NV 89102

PASSENGER INFORMATION

Company Name: LEWIS BRISBOIS BISGAARD SMITH
Date Issued: April 4, 2017
Agent: 1CLI27350-1536
First Name: PAIGE.SUOZZI

Account No.: LBBS/BH
Agency Confirmation: 2A7Y98
Invoice #: 121336
Last Name: SHREVE

CONFIRMATION INFORMATION

TICKET CONFIRMATION FOR SOUTHWEST AIRLINES IS 59WPQY

FLIGHT

Southwest

Monday April 10, 2017

Air Vendor: SOUTHWEST AIR
From: LAS VEGAS - LAS
To: RENO - RNO
Seat:
Aircraft: 73W
Operated By: SOUTHWEST AIR

Flight Number: 1565
Departs: 09:00 AM
Arrives: 10:20 AM
Confirmation #: 59WPQY
Class of Service: [Y] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE FEES MAY APPLY

CAR

Monday April 10, 2017

Car Vendor: HERTZ
Pick-Up City: RENO/TAHOE INTL A-TERMINAL
2001 EAST PLUMB LANE
Pick-up Date: APRIL 10, 2017 AT 10:20 AM
Number of Days: 2
Car Type: 1 INTERMEDIATE PICKUP
Rate: 35.60 USD

Confirmation #: H2610982933
Drop-Off City:
Return Date: APRIL 12, 2017 BY 05:45 PM
Number of Cars: 1
Rate Type: DAILY
Approx. Rental Cost: USD152.09 INC TAX-OTH CHGS

PHONE-775.785.2664 | RATE-(GUARANTEED) USD 35.60 DAILY UNLIMITED MILEAGE | EXTRA HOUR CHARGE 12.10 UNLIMITED MILEAGE | CORPORATE ID-38193 | MIN AGE 20 - MOST CAR CLASSES. 20-24 RATE DIFFERENTIAL APPLI | DAILY UNLIMITED MILEAGE

HOTEL

Monday April 10, 2017

Hotel Vendor: PEPPERMILL RESORT SPA CASINO

Confirmation #: 54908SB079612
Hotel Address: 2707 S VIRGINIA ST
RENO NV 89502
PHONE-1-775-8262121
FAX-1-775-6897041

Check-In Date: April 10, 2017
Number of Rooms: 1
Number of Nights: 2

Check-out Date: April 12, 2017
Number of Persons: 1
Rate: 89.99 USD

RATE GUARANTEED-USD | BEST RATE -GUARANTEED. | PEPPERMILL DELUXE*350 SQFT*1 KING OR 2 QUEENS. | LOCATED IN MAIN TOWER. BED TYPE ON REQUEST. | RATE INFO-EFF 10APR17 89.99 | TOTAL RATE-252.58/SURCHARGE-45.20 | CANCEL RQRMTS-CXL-MODIFY BY 2300 HOTEL TIME ON 09APR17-FEE 1 | NIGHT-INCL TAX- | PERSONS INCLUDED IN RATE-1 ARRIVE-FLTWN1565-T1020

FLIGHT

Southwest

Wednesday April 12, 2017

Air Vendor: SOUTHWEST AIR
From: RENO - RNO
To: LAS VEGAS - LAS
Seat:
Aircraft: 73W
Operated By: SOUTHWEST AIR

Flight Number: 1617
Departs: 05:45 PM
Arrives: 07:00 PM
Confirmation #: 59WPQY
Class of Service: [Y] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE FEES MAY APPLY

Miscellaneous

Friday November 10, 2017

Start Date: November 10, 2017
Description: HAVE A PLEASANT TRIP.....MARK CONFIRMED

INVOICE INFORMATION

Invoice #: 121336
Sub Total: $ 479.96
Service Fee: $ 40.00
Total: $ 519.96
Total Payment: $ 519.96

PAYMENT HISTORY

Date	Form of Payment	Credit Card Number/Type	Amount
04/04/17	Credit Card	XXXX XXXXXX X1014/AX	$ 519.96

GENERAL INFORMATION

SERVICE FEE MCO: 8900711642273

REMARKS

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Discovery | Depositions | Trial

151 County Estates Circle
Reno, NV 89511
Phone: 800-330-1112
litigationservices.com

Invoice No.	Invoice Date	Job No.
1138452	3/16/2017	378334
Job Date	**Case No.**	
3/8/2017	cv15-02349	
Case Name		
Fitzsimmons vs. MDB Trucking, et al.		
Payment Terms		
Net 15		

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Paige S. Shreve, Esq
Lewis Brisbois Bisgaard & Smith, LLP
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Los Angeles, CA 90086-1629

1 CERTIFIED COPY OF TRANSCRIPT OF:	
Daniel Koski	353.05
1 CERTIFIED COPY OF TRANSCRIPT OF:	
Scott Alen Palmer , Volume III	379.30
TOTAL DUE >>>	**$732.35**
AFTER 4/15/2017 PAY	$805.59

Please note, disputes or refunds will not be honored or issued after 30 days

Tax ID: 20-3835523

Phone: 702-893-3383 Fax:702-893-3789

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Paige S. Shreve, Esq
Lewis Brisbois Bisgaard & Smith, LLP
P.O. Box 861629
Los Angeles, CA 90086-1629

Job No. : 378334 BU ID : RN-CR
Case No. : cv15-02349
Case Name : Fitzsimmons vs. MDB Trucking, et al.

Invoice No. : 1138452 Invoice Date : 3/16/2017
Total Due : $ 732.35
AFTER 4/15/2017 PAY $805.59

PAYMENT WITH CREDIT CARD
Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:
Cardholder's Signature:
Email:

Remit To: **Sunshine Reporting and Litigation Services, LLC**
P.O. Box 98813
Las Vegas, NV 89193-8813

Vendor: 82636 Litigation Services & Technologies of		Doc ID: 0001RBC3-1	Page 1 of 1
Voucher: 2110019 Dist: 4996537		Date: 3/16/17	Amount: 732.35
Approved by Paige Shreve on 03/28/2017 8.28 AM		Check#: 187372	AA002365

INVOICE

SUNSHINE Litigation SERVICES
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151 County Estates Circle
Reno, NV 89511
Phone: 800-330-1112
litigationservices.com

Invoice No.	Invoice Date	Job No.
1138845	3/17/2017	378331
Job Date	**Case No.**	
3/6/2017	cv15-02349	
Case Name		
Fitzsimmons vs. MDB Trucking, et al.		
Payment Terms		
Net 15		

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Paige S. Shreve, Esq
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PMK MDB Trucking Scott Alen Palmer Vol.1 — 1,093.40

TOTAL DUE >>> **$1,093.40**
AFTER 4/16/2017 PAY $1,202.74

Location of Deposition: Reno, NV

Please note, disputes or refunds will not be honored or issued after 30 days

Tax ID: 20-3835523 Phone: 702-893-3383 Fax:702-893-3789

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Paige S. Shreve, Esq
Lewis Brisbois Bisgaard & Smith, LLP
P.O. Box 861629
Los Angeles, CA 90086-1629

Job No. : 378331 BU ID : RN-CR
Case No. : cv15-02349
Case Name : Fitzsimmons vs. MDB Trucking, et al.

Invoice No. : 1138845 Invoice Date : 3/17/2017
Total Due : $ 1,093.40
AFTER 4/16/2017 PAY $1,202.74

PAYMENT WITH CREDIT CARD
Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:
Cardholder's Signature:
Email:

Remit To: **Sunshine Reporting and Litigation Services, LLC**
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Las Vegas, NV 89193-8813

Vendor: 82636 Litigation Services & Technologies of
Voucher: 2110015 Dist: 4996534
Approved by Paige Shreve on 03/28/2017 8.27 AM

Doc ID: 0001RBBS-1 Page 1 of 1
Date: 3/17/17 Amount: 1,093.40
Check#: 187372

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Discovery : Depositions : Trial

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ACCOUNTS PAYABLE

Invoice No.	Invoice Date	Job No.
1138855	3/17/2017	378333
Job Date	**Case No.**	
3/7/2017	cv15-02349	
Case Name		
Fitzsimmons vs. MDB Trucking, et al.		
Payment Terms		
Net 15		

Paige S. Shreve, Esq
Lewis Brisbois Bisgaard & Smith, LLP
P.O. Box 861629
Los Angeles, CA 90086-1629

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Scott Alen Palmer Vol.2	1,359.23
TOTAL DUE >>>	**$1,359.23**
AFTER 4/16/2017 PAY	$1,495.15

Please note, disputes or refunds will not be honored or issued after 30 days

Tax ID: 20-3835523

Phone: 702-893-3383 Fax:702-893-3789

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Lewis Brisbois Bisgaard & Smith, LLP
P.O. Box 861629
Los Angeles, CA 90086-1629

Job No. : 378333 BU ID : RN-CR
Case No. : cv15-02349
Case Name : Fitzsimmons vs. MDB Trucking, et al.

Invoice No. : 1138855 Invoice Date : 3/17/2017
Total Due : $ 1,359.23
AFTER 4/16/2017 PAY $1,495.15

PAYMENT WITH CREDIT CARD
Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:
Cardholder's Signature:
Email:

Remit To: **Sunshine Reporting and Litigation Services, LLC**
P.O. Box 98813
Las Vegas, NV 89193-8813

Vendor: 82636 Litigation Services & Technologies of	Doc ID: 0001RBBY-1	Page 1 of 1
Voucher: 2110018 Dist: 4996536	Date: 3/17/17	Amount: 1,359.23
Approved by Paige Shreve on 03/28/2017 8.27 AM	Check#: 187372	AA002367

INVOICE NO.: 22604759
ORDER DATE: 11/09/16
INVOICE DATE\DATE OF SERVICE: 03/09/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: ERNEST AND CA V VERSA PRODUCT **CLIENT/INSURED:** VERSA PRODUCTS COMPANY,
RECORDS OF: FITZSIMMONS, CAROL **DATE OF LOSS:** 07/07/2014
FILE/CLAIM NO.: 27350.1536/30165920648-0001

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

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MAR 15 2017
ACCOUNTS PAYABLE

ORDERED BY:
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LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H46601- D	RENOWN REGIONAL MEDICAL RECORDS PROCESSING CENTER CLAUSE: AUTH - MEDS/BILLS/FILMS NOTES: 2 SETS	Basic Charge - Auth	1	30. 00	30. 00
		Phone Call/Status	1	3. 50	3. 50
		Authorization Prep	1	. 00	. 00
		Authorization Service	1	. 00	. 00
		Pages	489	. 25	122. 25
		Pages (Digital)	489	. 25	122. 25
		Field Trip	1	14. 50	14. 50
		Additional Custodial Fees	1	298. 20	298. 20
		Custodial Fee	1	15. 00	15. 00
		Shipping and Handling	1	8. 00	8. 00
		Record Collection	1	14. 50	14. 50
		Fee Advance	18. 00%		53. 68
		SUB TOTAL			681. 88
		TOTAL DUE			681. 88
22604759 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT					

DOCUMENT\INVMAC_R1.DOC

Vendor: 640 Compex Legal Services, Inc.	Doc ID: 0001R5AZ-1	Page	1 of 1
Voucher: 2106725 Dist: 4988992	Date: 3/09/17	Amount:	681.88
Approved by David Avakian on 03/18/2017 7.57 AM	Check#: 187329		

AA002368

ELC Travel

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San Bernardino, CA 92408
Brian Hurley: (951) 316-7192

WEINSTEIN
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After hours (use code PGFP)
877-227-2006

LEWIS BRISBOIS BISGAARD SMITH
2300 WEST SAHARA SUITE 300 BOX 28
LAS VEGAS NV 89102

PASSENGER INFORMATION

Company Name: LEWIS BRISBOIS BISGAARD SMITH
Date Issued: November 18, 2016
Agent: 12CL27350-1536
First Name: PAIGE.SUOZZI
Account No.: LBBS/BH
Agency Confirmation: 3Z33VG
Invoice #: 432045
Last Name: SHREVE

CONFIRMATION INFORMATION

TICKET CONFIRMATION FOR SOUTHWEST AIRLINES IS BAKPIV

FLIGHT

Southwest

Tuesday November 29, 2016

Air Vendor: SOUTHWEST AIR
From: LAS VEGAS - LAS
To: PHOENIX - PHX
Seat:
Aircraft: 737
Operated By: SOUTHWEST AIR
Flight Number: 403
Departs: 05:00 PM
Arrives: 07:10 PM
Confirmation #: BAKPIV
Class of Service: [Y] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE ALLOWANCES - BAGGAGE FEES MAY APPLY

CAR

Alamo

Tuesday November 29, 2016

Car Vendor: ALAMO
Pick-Up City: PHX SKY HARBOR IN-TERMINAL
1805 E SKY HARBOR CIR S
Pick-up Date: NOVEMBER 29, 2016 AT 07:10 PM
Number of Days: 1
Car Type: 1 INTERMEDIATE CAR
Rate: 33.82 USD
Confirmation #: 1816896305COUNT
Return Date: NOVEMBER 30, 2016 BY 04:00 PM
Number of Cars: 1
Rate Type: DAILY
Approx. Rental Cost: IS 53.66 USD

PHONE-602-244-0897 | RATE-(GUARANTEED) USD 33.82 DAILY UNLIMITED MILEAGE | EXTRA DAY CHARGE 33.82 UNLIMITED MILEAGE | EXTRA HOUR CHARGE 11.27 UNLIMITED MILEAGE | DAILY UNLIMITED MILEAGE

FLIGHT

Southwest

Wednesday November 30, 2016

Air Vendor: SOUTHWEST AIR
From: PHOENIX - PHX
To: LAS VEGAS - LAS
Seat:
Aircraft: 73W
Operated By: SOUTHWEST AIR
Flight Number: 16
Departs: 02:00 PM
Arrives: 02:05 PM
Confirmation #: BAKPIV
Class of Service: [Y] ECONOMY CLASS
Flight Type: NON-STOP

BAGGAGE ALLOWANCES - BAGGAGE FEES MAY APPLY

Miscellaneous

Saturday September 30, 2017

Start Date: September 30, 2017
Description: HAVE A PLEASANT TRIP...BRIAN CONFIRMED

INVOICE INFORMATION

Invoice #: 432045
Sub Total: $ 481.96
Service Fee: $ 40.00
Total: $ 521.96
Total Payment: $ 521.96

PAYMENT HISTORY

Date	Form of Payment	Credit Card Number/Type	Amount
11/18/16	Credit Card	XXXX XXXXXX X1014/AX	$ 521.96

GENERAL INFORMATION

SERVICE FEE MCO: 8900685601737

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Lewis Brisbois Bisgaard & Smith LLP

Cost Advance Ticket
Check Request

 # LV-05385

1. **Check — Date Needed:** 11/14/16
2. **Type of Expense:**

****Finance Committee approval required**

☐	Filing Fee	5	☒	Court Reporter Fee	CR
☐	Witness Fee	7	☐	Mediation / Arbitration Fee**	AM
☐	Prof. Consulting / Service Fee	S	☐	COD Transcription (Invoice Needed)**	G
☐	Expert Witness Fee**	J	☐	Reproduction / Copies	R
☐	Jury Fees	JF	☐	Reproduction / Medical Records	RR
☐	Deposition	H			

Any client-related requests over $500.00 require Lane Ashley's approval. All educational expenses/seminars require Karl Loureiro's approval.

3. **Client and File Name:** Fitzsimmons v. Versa
4. **Client and Matter No.:** 27350-1536
5. **Amount:** $510.00
6. **Payee / Vendor:** Hoogs Reporting Group
7. **Mailing Address:** 435 Marsh Ave.
   Reno, NV 89509
8. **Payee's Telephone No.:** 775-327-4460
9. **Payee's Tax I.D. No.:** 47-2228808
10. **Explanation for billing purposes:** Fee for copies of deposition transcripts

Attorney: David Avakian **Ext:** 1720
Secretary: Susan Kingsbury **Ext:** 4383

Auth. by/ _____ Date 11-8-2016
Signature

Return to:
Floor:

Remember to have Attorney Sign and Attach all Supporting Backup

INVOICE

HOOGS REPORTING GROUP

Invoice No.	Invoice Date	Job No.
18488	11/2/2016	15646
Job Date	**Case No.**	
10/17/2016		
Case Name		
Fitzsimmons v MDB Trucking		
Payment Terms		
Due upon receipt		

Paige Shreve, Esq.
Lewis, Brisbois, Bisgaard & Smith, Ltd.
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Certified Copy of the Videotaped Deposition of:	
Videotaped- Carol Fitzsimmons	290.00
Certified Copy of the Videotaped Deposition of:	
Videotaped- Ernest Bruce Fitzsimmons	220.00
TOTAL DUE >>>	**$510.00**

Balance is due upon receipt and not contingent upon client or insurance carrier reimbursement. MasterCard and VISA are accepted. We appreciate your business!

FOR QUESTIONS, PLEASE CONTACT US AT (775) 327-4460.

Tax ID: 47-2228808

Please detach bottom portion and return with payment.

Paige Shreve, Esq.
Lewis, Brisbois, Bisgaard & Smith, Ltd.
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Invoice No. : 18488
Invoice Date : 11/2/2016
Total Due : $ 510.00

Remit To: **Hoogs Reporting Group**
435 Marsh Avenue
Reno, NV 89509

Job No. : 15646
BU ID : CR-1
Case No. :
Case Name : Fitzsimmons v MDB Trucking

Vendor:	87591	Hoogs Reporting Group, Inc.	Doc ID: 0001OK6I-2	Page 2 of 2
Voucher:	2060786	Dist: 4857081	Date: 11/14/16	Amount: 510.00
			Check#: 11995	

INVOICE

All American Court Reporters
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144
Phone:702.240.4393 Fax:702.384.5506

Invoice No.	Invoice Date	Job No.
1110780	12/23/2016	1053030
Job Date	**Case No.**	
11/30/2016	CV15-02349	
Case Name		
Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC		
Payment Terms		
Net 90		

Paige S. Shreve
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

FORENSIC TESTING *VIDEO SERVICES ONLY*

Video Per Diem	1,475.00
DVD - MPEG-4	0.00
TOTAL DUE >>>	**$1,475.00**

Client Matter : 27350-1536
Claim No. : 30165920648-0001
Insured : Sedgwick
Location of Job : **Tempe, AZ**

Thank you for using All American Court Reporters. All Major credit cards accepted.
Payments also accepted online at: www.aacrlv.com

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DEC 27 2016
ACCOUNTS PAYABLE-LA

Tax ID: 88-0473546

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Paige S. Shreve
Lewis Brisbois Bisgaard & Smith LLP - Las Vegas
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Invoice No. : 1110780
Invoice Date : 12/23/2016
Total Due : $1,475.00

Remit To: **All American Court Reporters**
1160 North Town Center Drive
Suite 300
Las Vegas, NV 89144

Job No. : 1053030
BU ID : 3-VEGAS
Case No. : CV15-02349
Case Name : Ernest Bruce Fitzsimmons vs. MDB Trucking, LLC

Vendor: 34474 All American Court Reporters	Doc ID: 0001PIM6-1	Page	1 of 1
Voucher: 2078093 Dist: 4911335	Date: 12/23/16	Amount:	1,475.00
Approved by Paige Shreve on 01/03/2017 12.10 PM	Check#: 179521	AA002373	

27350 - 1536
Avakian

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AUG 19 2016
ACCOUNTS PAYABLE - LA

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6493132
Invoice Date: August 16, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$4,704.00
Expenses	902.78
State Taxes	0.00
Other	0.00
Total Current Charges	$5,606.78

(see attached pages for detail)

Total Now Due **$5,606.78**

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
06/13/16	GFM	DIVISION MGR	INITIAL FILE REVIEW; MAKE INSPECTION ARRANGEMENTS.	3.00	240.00	720.00
06/15/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND SPARKS, NV; REVIEW DOCUMENTS EN ROUTE; MEET WITH PAUL SHPIRT; VISUALLY INSPECT, PHOTOGRAPH, AND FUNCTIONALLY TEST SUBJECT TRUCK.	12.00	240.00	2,880.00
06/16/16	GFM	DIVISION MGR	ADDITIONAL DOCUMENT REVIEW.	1.00	240.00	240.00
06/17/16	GFM	DIVISION MGR	RESEARCH BELLY-DUMP CONTROL VALVES.	1.00	240.00	240.00
07/08/16	GFM	DIVISION MGR	CORRESPONDENCE WITH DAVID AVAKIAN; RESIZE PHOTOGRAPHS AND PROVIDE TO CLIENT IN ADVANCE OF TELECONFERENCE.	0.60	240.00	144.00
07/14/16	GFM	DIVISION MGR	REVIEW FILE; PARTICIPATE IN TELECONFERENCE.	2.00	240.00	480.00
			Total Fees:	**19.60**		**$4,704.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	19.60	4,704.00
	19.60	$ 4,704.00

EXPENSE SUMMARY

Expense	*Amount*
AUTOMOBILE MILEAGE	40.00
PHOTOGRAPHS	110.00

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6493132

August 16, 2016
Page 3

TRIP EXPENSES	6.80	
PARKING AND TOLLS	24.00	
TRANSPORTATION	721.98	
Total Expenses:		$ 902.78
Total Amount Due:		$ 5,606.78

A/P Work Flow Report

Stage: Completed

Queue#	Vendor No.	Vendor Name	User	Invoice No.	Distribution Amount	Invoice Date	Due Date	Scan Date	Last Action Date	#Days in this stage	** Action Reqd
27350-1556-HARTFORD Corthell, Christy v Versa Products Company, Inc											
651884	87591	Hoogs Reporting Group, Inc.	VICTOR.MEDINA	18948	335.30	6/13/17	7/24/17	7/18/17	7/20/17	0	**
			Stage Totals		**335.30**					**1**	
			Final Totals		**335.30**					**1**	

21330-1556
D. Avakian

INVOICE

HOOGS REPORTING GROUP

Invoice No.	Invoice Date	Job No.
18948	6/13/2017	16124
Job Date	**Case No.**	
4/25/2017		
Case Name		
Fitzsimmons v MDB Trucking		
Payment Terms		
Due upon receipt		

Paige Shreve, Esq.
Lewis, Brisbois, Bisgaard & Smith, Ltd.
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Electronic Copy of the Deposition of:
Sonya Corthell — 335.30

TOTAL DUE >>> $335.30

Balance is due upon receipt and not contingent upon client or insurance carrier reimbursement. MasterCard and VISA are accepted. We appreciate your business!

FOR QUESTIONS, PLEASE CONTACT US AT (775) 327-4460.

Tax ID: 47-2228808

Please detach bottom portion and return with payment.

Paige Shreve, Esq.
Lewis, Brisbois, Bisgaard & Smith, Ltd.
6385 S. Rainbow Blvd.
Suite 600
Las Vegas, NV 89118

Invoice No. : 18948
Invoice Date : 6/13/2017
Total Due : $ 335.30

Remit To: **Hoogs Reporting Group**
435 Marsh Avenue
Reno, NV 89509

Job No. : 16124
BU ID : CR-1
Case No. :
Case Name : Fitzsimmons v MDB Trucking

Vendor: 87591 Hoogs Reporting Group, Inc.
Queue#: 651884 Voucher#: 2156130
Approved by: David Avakian

Doc ID: 0001TR3S
Paid: 7/31/17 Amount: 335.30
Check#: 193241

AA002378

A/P Work Flow Report

Stage: Completed

Queue#	Vendor No.	Vendor Name	User	Invoice No.	Distribution Amount	Invoice Date	Due Date	Scan Date	Last Action Date	#Days in this stage	** Action Reqd
27350-1558-HARTFORD Crossland, Beverly v Versa Products Company, Inc											
634310	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760023	81.00	5/10/17	6/19/17	5/17/17	5/18/17	0	**
634332	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760034	81.00	5/10/17	6/19/17	5/17/17	5/18/17	0	**
634334	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760033	81.00	5/10/17	6/19/17	5/17/17	5/18/17	0	**
634338	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760037	81.00	5/10/17	6/19/17	5/17/17	5/18/17	0	**
634341	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760039	86.50	5/10/17	6/19/17	5/17/17	5/18/17	0	**
634714	640	Compex Legal Services, Inc./Bo	NOUNE.AIRAPETIAN	22760041	81.00	5/10/17	6/19/17	5/19/17	5/20/17	0	**
			Matter Totals		**491.50**					**49**	
			Stage Totals		**491.50**					**49**	
			Final Totals		**491.50**					**49**	

INVOICE NO.: 22760023
ORDER DATE: 04/24/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT **CLIENT/INSURED:** VERSA
RECORDS OF: CROSSLAND, BEVERLY **DATE OF LOSS:**
FILE/CLAIM NO.: 27350.1558/27350.1558

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88920- B	RENO ORTHOPEDIC CLINIC CLAUSE: AUTH - MEDS/BILLS/FILMS NOTES: CLOSED: CASE SETTLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Field Trip	1	14.50	14.50
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			81.00
		TOTAL DUE			81.00

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ACCOUNTS PAYABLE-LA

22760023 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT

DOCUMENTS\AVAK_FCS.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738
Queue#: 634310 Voucher#: 2129632
Approved by: David Avakian

Doc ID: 0001SFNP
Paid: 6/19/17 Amount: 81.00
Check#: 189865

AA002380

INVOICE NO.: 22760034
ORDER DATE: 04/24/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT **CLIENT/INSURED:** VERSA
RECORDS OF: CROSSLAND, BEVERLY **DATE OF LOSS:**
FILE/CLAIM NO.: 27350.1558/27350.1558

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88920- C	REHABILITATION SERVICES OF NEVADA CLAUSE: AUTH - MEDS/BILLS/FILMS NOTES: CLOSED: CASE SETTLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Field Trip	1	14.50	14.50
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			81.00
		TOTAL DUE			81.00
22760034 ->	PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT				

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ACCOUNTS PAYABLE-LA

DOCUMENT ID: VMAC_FCL.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738		Doc ID: 0001SFOM	
Queue#: 634332	Voucher#: 2129636	Paid: 6/19/17	Amount: 81.00
Approved by: David Avakian		Check#: 189865	AA002381

INVOICE NO.: 22760033
ORDER DATE: 04/24/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT **CLIENT/INSURED:** VERSA
RECORDS OF: CROSSLAND, BEVERLY **DATE OF LOSS:**
FILE/CLAIM NO.: 27350.1558/27350.1558

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88920- A	RENOWN REGIONAL MEDICAL CENTER CLAUSE: AUTH - MEDS/BILLS/FILMS NOTES: CLOSED: CASE SETTLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Field Trip	1	14.50	14.50
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			81.00
		TOTAL DUE			81.00

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ACCOUNTS PAYABLE-LA

22760033 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT

DOCUMENT/INBRVMAC_PCL.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738		Doc ID: 0001SFOQ	
Queue#: 634334	Voucher#: 2129637	Paid: 6/19/17	Amount: 81.00
Approved by: David Avakian		Check#: 189865	AA002382

INVOICE NO.: 22760037
ORDER DATE: 04/24/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT
RECORDS OF: CROSSLAND, BEVERLY
FILE/CLAIM NO.: 27350.1558/27350.1558

CLIENT/INSURED: VERSA
DATE OF LOSS:

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88920- D	ST. MARY'S REGIONAL MEDICAL CENT ER, RENO CLAUSE: AUTH - MEDICAL NOTES: CLOSED: CASE SETTLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Field Trip	1	14.50	14.50
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			81.00
		TOTAL DUE			81.00

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ACCOUNTS PAYABLE-LA

22760037 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT

DOCUMENTS\INVMAC_PCL.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738		Doc ID: 0001SFOV	
Queue#: 634338	Voucher#: 2129638	Paid: 6/19/17	Amount: 81.00
Approved by: David Avakian		Check#: 189865	AA002383

INVOICE NO.: 22760039
ORDER DATE: 04/24/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT
CLIENT/INSURED: VERSA
RECORDS OF: CROSSLAND, BEVERLY
DATE OF LOSS:
FILE/CLAIM NO.: 27350.1558/27350.1558

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88920- E	ST. MARY'S REGIONAL MEDICAL CENTER (BILLING) CLAUSE: AUTH - BILLING NOTES: CLOSED: CASE SETTLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Out of Area	1	20.00	20.00
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			86.50
		TOTAL DUE			86.50

RECEIVED
MAY 16 2017
ACCOUNTS PAYABLE-LA

22760039 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT

DOCUMENT:SERVMAC_FCL.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738
Queue#: 634341 Voucher#: 2129639
Approved by: David Avakian

Doc ID: 0001SFP1
Paid: 6/19/17 Amount: 86.50
Check#: 189865

INVOICE NO.: 22760041
ORDER DATE: 04/21/17
INVOICE DATE\DATE OF SERVICE: 05/10/17

COMPEX
Legal Services, Inc.

TERMS : NET 30 DAYS

TAX ID: 95-4443964

CASE NAME: BEVERLY CROSS V VERSA PRODUCT
RECORDS OF: CROSSLAND, BEVERLY
FILE/CLAIM NO.: 27350.1558/27350.1558

CLIENT/INSURED:
DATE OF LOSS:

BILLED TO:
LEWIS BRISBOIS BISGAARD & SMITH
P.O. BOX 86367
LOS ANGELES, CA 90086-0367
DAVID B. AVAKIAN

ORDERED BY:
LEWIS BRISBOIS BISGAARD & SMITH
6385 SOTUH RAINBOW BOULEVARD, SUITE #600
LAS VEGAS, NV 89118
DAVID B. AVAKIAN
702-893-3383

PLEASE REMIT TO:
P.O. BOX 2738
TORRANCE, CA 90509-2738
TEL 800.788.8831 FAX 310.781.9720

PHONE #: 702-893-3383
ACCOUNT #: 43138

H88786- A	REMSA AMBULANCE SERVICE CLAUSE: AUTH - MEDS/BILLS NOTES: CLOSED: CANCELLED	Basic Charge - Auth	1	30.00	30.00
		Phone Call/Status	1	3.50	3.50
		Authorization Prep	1	.00	.00
		Authorization Service	1	.00	.00
		Field Trip	1	14.50	14.50
		Rush	1	25.00	25.00
		Shipping and Handling	1	8.00	8.00
		SUB TOTAL			81.00
		TOTAL DUE			81.00

RECEIVED
MAY 16 2017
ACCOUNTS PAYABLE-LA

22760041 -> PLEASE USE 8 DIGIT INVOICE NUMBER TO INSURE PROMPT CREDIT

DOCUMENT\BDIV\MAC_PCL.DOC

Vendor: 640 Compex Legal Services, Inc./Box 2738		Doc ID: 0001SGX3	
Queue#: 634714	Voucher#: 2130234	Paid: 6/19/17	Amount: 81.00
Approved by: David Avakian		Check#: 189865	AA002385

A/P Work Flow Report

Stage: Completed

Queue#	Vendor No.	Vendor Name	User	Invoice No.	Distribution Amount	Invoice Date	Due Date	Scan Date	Last Action Date	#Days in this stage	** Action Reqd
27350-1541-HARTFORD Robles, Rosa v Versa Products Company, Inc											
626198	57508	Precision Discovery, LLC	DANIEL.THIBODEAU	151302	2,813.76	2/20/17	4/21/17	4/17/17	4/17/17	0	**
			Stage Totals		**2,813.76**					**49**	
			Final Totals		**2,813.76**					**49**	

PRECISION DISCOVERY

From **Precision Discovery, Inc.**
25 W. 45th Street, Suite 701
New York, NY 10036

Invoice No. 151302
Invoice Date 02/20/2017
02/20/2017
Subject Marvel v. Tee Fury - Managed Review - Invoice for the Period of 02/13/2017 - 02/19/2017

Invoice For **Lewis Brisbois**
Attn: Thomas Kidd, Esq.
633 West 5th Street,
Suite 4000
Los Angeles, CA 90071
thomas.kidde@lewisbrisbois.com

$4550-151
approved

Description	Hours	Rate	Amount
02/13/2017 - *Eric Morley:* Create searches to isolate further review documents. Perform quality check on same documents to determine which to escalate to T. Kidde at Lewis Brisbois.	1.75	$58.50	$102.38
02/13/2017 - *Jordan Manske:* Perform quality check on first level reviewed documents coded as hot.	8.50	$50.00	$425.00
02/13/2017 - *Eric Morley:* Download software in order to be able to open Adobe Illustrator and Photoshop documents. Review all remaining documents coded as technical issue and update coding.	3.00	$58.50	$175.50
02/13/2017 - *Christal J. Coakley:* Perform quality check on documents coded as needing further review.	7.50	$50.00	$375.00
02/14/2017 - *Jordan Manske:* Perform quality check on first level reviewed documents coded as hot.	8.50	$50.00	$425.00
02/14/2017 - *Christal J. Coakley:* Perform quality check on documents coded as needing further review.	11.00	$50.00	$550.00
02/15/2017 - *Christal J. Coakley:* Perform quality check on documents coded as needing further review.	5.00	$50.00	$250.00
02/15/2017 - *Jordan Manske:* Perform quality check on first level reviewed documents coded as hot.	7.00	$50.00	$350.00
02/15/2017 - *Eric Morley:* Finish quality check on documents coded as further review and determine which to escalate to T. Kidde at Lewis Brisbois.	2.75	$58.50	$160.88

Total Amount Due for Current Invoice Period: $2,813.76

Remittance Information:

Vendor: 57508 Precision Discovery, LLC
Queue#: 626198 Voucher#: 2117389
Approved by: Thomas S. Kidde
Doc ID: 0001RRRM
Paid: 5/19/17 Amount: 2,813.76
Check#: 187175

AA002387

Wire Transfer Information:
First American Bank
1650 Louis Avenue, Elk Grove Village, IL 60007
Routing Number: 071922777
Account Number: 07813258401
SWIFT# FAMBUS44
Please refer to the invoice number(s).

Via Regular Mail:
Precision Discovery, Inc.
26 W. 45th Street, Suite 701
New York, NY 10036
Attn: Asha Parmanand

Vendor: 57508 Precision Discovery, LLC		Doc ID: 0001RRRM	
Queue#: 626198 Voucher#: 2117389		Paid: 5/19/17	Amount: 2,813.76
Approved by: Thomas S. Kidde		Check#: 187175	AA002388

Stage: Completed

Queue#	Vendor No.	Vendor Name	User	Invoice No.	Distribution Amount	Invoice Date	Due Date	Scan Date	Last Action Date	#Days in this stage	** Action Reqd
27350-1537-HARTFORD Wilt, Angela v Versa Products Company											
586136	27990	Rimkus Consulting Group, Inc	NOUNE.AIRAPETIAN	6501734	4,838.71	10/31/16	2/27/17	11/09/16	11/10/16	0	**
622227	27990	Rimkus Consulting Group, Inc	NOUNE.AIRAPETIAN	6507140	1,644.00	12/27/16	5/30/17	3/30/17	4/01/17	0	**
			Matter Totals		**6,482.71**					**49**	
			Stage Totals		**6,482.71**					**49**	
			Final Totals		**6,482.71**					**49**	

A/P Work Flow Report

Stage: Special Handling

Queue#	Vendor No.	Vendor Name	User	Invoice No.	Distribution Amount	Invoice Date	Due Date	Scan Date	Last Action Date	#Days in this stage	** Action Reqd
27350-1537-HARTFORD Wilt, Angela v Versa Products Company											
683883	27990	Rimkus Consulting Group, Inc Send to Client/Paid by Client	ECARDONA	6507140A	7,680.00	12/27/16	12/26/17	11/14/17	11/17/17	49	**
			Stage Totals		**7,680.00**					**49**	

27350-1537

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

RECEIVED
MAR 28 2017
Accounts Payable- LA

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6507140
Invoice Date: December 27, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$7,680.00
Expenses	1,644.00
State Taxes	0.00
Other	
Total Current Charges	$9,324.00

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6507140

December 27, 2016
Page 2

08/16/16	6493132	$5,606.78	11/15/16	$5,606.78	$0.00
10/31/16	6501734	$4,838.71		$0.00	$4,838.71
					$4,838.71
			Total Now Due		**$14,162.71**

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
11/02/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND INSPECTION SITE E OF SPARKS, NEVADA.	8.00	240.00	1,920.00
11/02/16	GFM	DIVISION MGR	MEET WITH CLIENT AT MDB YARD; PARTICIPATE IN AND DOCUMENT JOINT INSPECTION OF SAND TRUCK, INCLUDING REMOVAL OF VERSA VALVE FROM TRAILER #3; DRIVE TO ACCIDENT SITE AND OBTAIN DRIVE-THROUGH VIDEO.	6.00	240.00	1,440.00
11/03/16	GFM	DIVISION MGR	PROCESS PHOTOGRAPHS AND VIDEO; CORRESPONDENCE WITH PAIGE SHREVE.	0.50	240.00	120.00
11/08/16	GFM	DIVISION MGR	CORRESPONDENCE WITH CLIENT; MAKE ARRANGEMENTS TO ATTEND JOINT EXAMINATION IN PHOENIX NOV. 30.	0.50	240.00	120.00
11/29/16	GFM	DIVISION MGR	TRAVEL FROM RCG DENVER OFFICE TO TEMPE, AZ.	3.50	240.00	840.00
11/30/16	GFM	DIVISION MGR	DRIVE FROM HOTEL TO INSPECTION LOCATION; MEET WITH CLIENT; ATTEND JOINT DESTRUCTIVE INSPECTION OF TWO VALVE ASSEMBLIES.	10.00	240.00	2,400.00
11/30/16	GFM	DIVISION MGR	RETURN TO DENVER FROM TEMPE, AZ; REVIEW FILE EN ROUTE.	3.50	240.00	840.00
			Total Fees:	**32.00**		**$7,680.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	32.00	7,680.00
	32.00	$ 7,680.00

EXPENSE SUMMARY

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6507140

December 27, 2016
Page 4

Expense	*Amount*
AUTOMOBILE MILEAGE	128.02
PHOTOGRAPHS	251.00
TRIP EXPENSES	394.68
PARKING AND TOLLS	53.00
TRANSPORTATION	817.30

Total Expenses:	**$ 1,644.00**
Total Fees and Expenses:	**$ 9,324.00**
Balance Due From Previous Invoice(s):	**$4,838.71**
Total Amount Due:	**$ 14,162.71**

27350-1537

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

RECEIVED
NOV 07 2016
ACCOUNTS PAYABLE - LA

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6501734
Invoice Date: October 31, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$4,200.00
Expenses	638.71
State Taxes	0.00
Other	0.00
Total Current Charges	$4,838.71

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6501734

October 31, 2016
Page 2

08/16/16	6493132	$5,606.78	$0.00	$5,606.78
				$5,606.78

Total Now Due **$10,445.49**

RECEIVED
NOV 07 2016
ACCOUNTS PAYABLE - LA

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
09/28/16	GFM	DIVISION MGR	CORRESPONDENCE WITH CLIENT; REVIEW AND COMMENT ON PROPOSED PROTOCOL; ARRANGE FOR FOLLOWUP INSPECTION.	1.00	240.00	240.00
10/10/16	GFM	DIVISION MGR	REVIEW FILE; PARTICIPATE IN PRE-INSPECTION TELECONFERENCE.	1.00	240.00	240.00
10/13/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND RENO, NEVADA.	8.00	240.00	1,920.00
10/13/16	GFM	DIVISION MGR	ATTEND AND PARTICIPATE IN JOINT DESTRUCTIVE EXAMINATION OF TRUCK; PROCESS PHOTOGRAPHS.	6.00	240.00	1,440.00
10/21/16	GFM	DIVISION MGR	TELEPHONE CONVERSATION WITH DAVID AVAKIAN; REVIE W ADDITIONAL DOCUMENTS PROVIDED BY CLIENT; CONSU LT WITH BNS; REVIEW AERIAL PHOTOGRAPHS OF ACCIDE NT AREA.	1.50	240.00	360.00
			Total Fees:	**17.50**		**$4,200.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	17.50	4,200.00
	17.50	$ 4,200.00

EXPENSE SUMMARY

Expense	*Amount*
AUTOMOBILE MILEAGE	41.66
PHOTOGRAPHS	59.50
TRIP EXPENSES	115.35

PARKING AND TOLLS	13.00	
TRANSPORTATION	409.20	
Total Expenses:		**$ 638.71**
Total Fees and Expenses:		**$ 4,838.71**
Balance Due From Previous Invoice(s):		**$5,606.78**
Total Amount Due:		**$ 10,445.49**

FILED
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CV15-02349
2018-01-10 10:55:45 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6474767 : yviloria

JOSH COLE AICKLEN
Nevada Bar No. 007254
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LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
702.893.3383
FAX: 702.893.3789
Attorneys for Defendant/Cross-Defendant
VERSA PRODUCTS COMPANY, INC.

DISTRICT COURT

WASHOE COUNTY, NEVADA

ERNEST BRUCE FITZIMMONS and CAROL FITZSIMMONS, Husband and Wife, Plaintiffs, vs. MDB TRUCKING, LLC, et. al. Defendants. AND ALL RELATED CASES.	Case No. CV15-02349 Dept. 10 **ERRATA TO DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 37 AND NRCP 68**

COMES NOW, Defendant/Cross-Defendant VERSA PRODUCTS COMPANY, INC., by and through its attorneys of record, Josh Cole Aicklen, Esq., David B. Avakian, Esq. and Paige S. Shreve, Esq., of LEWIS BRISBOIS BISGAARD & SMITH, LLP, and hereby files its ERRATA TO DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 37 AND NRCP 68 filed on January 5, 2018.

/ / /

PLEASE TAKE NOTICE that the Errata is to change the total amount of attorneys' fees incurred from **$213,988.00** to **$228,500.50** in the Affidavit of Josh Cole Aicklen, Esq. See, Amended Affidavit of Josh Cole Aicklen, Esq., a true and correct copy of which is attached hereto as **Exhibit 1**.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document filed in this court does not contain the social security number of any person.

DATED this 10th day of January, 2018.

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Josh Cole Aicklen

JOSH COLE AICKLEN
Nevada Bar No. 007254
DAVID B. AVAKIAN
Nevada Bar No. 009502
PAIGE S. SHREVE
Nevada Bar No. 013773
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant/Cross-Defendant
VERSA PRODUCTS COMPANY, INC.

LIST OF EXHIBITS

Exhibit 1 Amended Affidavit of Josh Cole Aicklen, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th of January, 2018, a true and correct copy of ERATTA TO DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 37 AND NRS 68 was served electronically via the Court's e-filing system addressed as follows:

Matthew C. Addison, Esq.
Jessica L. Woelfel, Esq.
McDONALD CARANO WILSON LLP
100 W. Liberty St., 10th Floor
Reno, NV 89501
RMC LAMAR HOLDINGS, INC.

Nicholas M. Wieczorek, Esq.
Jeremy J. Thompson, Esq.
CLARK HILL PLLC
3800 Howard Hughes Pkwy, Ste. 500
Las Vegas, NV 89169
Attorneys for MDB TRUCKING, LLC and DANIEL ANTHONY KOSKI

/s/ Susan Kingsbury
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

F I L E D
Electronically
CV15-02349
2018-01-10 10:55:45 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6474767 : yviloria

EXHIBIT 1

4845-3057-6394.1

AMENDED AFFIDAVIT OF JOSH COLE AICKLEN, ESQ. IN SUPPORT OF DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION FOR ATTORNEYS' FEES, COSTS AND INTEREST PURSUANT TO NRCP 37 AND NRCP 68

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JOSH COLE AICKLEN, ESQ., being first duly sworn, deposes and states as follows:

1. I am an Owner of LEWIS BRISBOIS BISGAARD & SMITH LLP, and am duly licensed to practice law in the State of Nevada. I am competent to testify to the matters set forth in this Affidavit, and will do so if called upon. I am the attorney of record representing Defendant/Cross-Defendant VERSA PRODUCTS COMPANY, INC. in the subject lawsuit currently pending in Department 10 of the Second Judicial District Court for the State of Nevada, Case Number CV15-02349.

2. I am a member of the United States Supreme Court Bar; the California State Bar since 1990; and the Nevada State Bar since 2000.

3. I am admitted in the Ninth Circuit Court of Appeals, the United States Central District Court of California and the U.S. District Court of Nevada.

4. I graduated from the University of Southern California in 1985 with a Bachelor of Arts degree in Political Science. I graduated from Whittier College School of Law with a Juris Doctor degree, Magna Cum Laude, in 1990. From 1990 until the present the majority of my work has been representing defendants in general liability civil litigation. Prior to moving to Las Vegas, I was Adjunct Professor of Law at Whittier College School of Law, teaching courses on legal research and writing and civil discovery practice. In twenty eight years of practicing law, I reasonably estimate that I have taught approximately 85 legal and professional workshop courses, including classes on how to detect and litigate fraudulent claims; seminar courses on jury selection; trying jury trials in automobile accident cases; legal writing; employment law; electronic discovery; trial skills; conducting mock trials; and civil procedure. I reasonably estimate that I have tried

approximately 95 cases to jury verdict or court judgment. In 2001, after 11 years of civil practice, I received an AV rating by the Martindale-Hubbell peer review rating system. I bill my time in this matter at $235.00 per hour which I believe to be very reasonable.

5. During the defense of this case, I supervised the work and activities of Partner David B. Avakian, Esq., associates Paige S. Shreve, Esq., Bradley M. Marx, Esq., and Robert Loftus, Esq., and Senior Associate Brandon D. Wright, Esq. Mr. Avakian's time was billed at $215.00; Mrs. Shreve, Mr. Marx, and Mr. Loftus' times were billed at $175.00; and Mr. Wright's time was billed at $185.00. All of the aforementioned counsel are licensed and in good standing in the State of Nevada.

6. On May 4, 2017, VERSA served MDB with an Offer of Judgment (hereinafter "OOJ") in the amount of $1,000.00, per case for a total of $7,000.00. See, seven (7) OOJ's dated May 4, 2017, true and correct copies of which are attached as **Exhibit 1**. MDB rejected all of VERSA's OOJ's for the seven related cases.

7. From May 4, 2017 to the present, VERSA incurred a total of **$228,500.50** in attorneys' fees and **$58,773.06** in costs defending against MDB's claims. See, Verified Memorandum of Attorneys' Fees and Costs, attached as **Exhibit 2**; see also, Redacted copies of attorneys' fees and invoices, true and correct copies of which are attached hereto as **Exhibit 3**; see also, VERSA's redacted expert fees and expenses, a true and correct copy of which is attached hereto as **Exhibit 4**.

8. The aforesaid legal services and costs were actually and necessarily incurred and were reasonable in amount.

9. Counsel's work included communication with counsel for the other parties, review of multiple parties pleadings and papers, preparing VERSA's pleadings and papers for the Court, extensive law and motion practice, communication with the client, trial preparation and conducting an evidentiary hearing.

10. Attached hereto as **Exhibit 5** is a true and correct copy of VERSA's Motion to Strike MDB's Cross-Claim pursuant to NRCP 37 (pleading only).

///

11. Attached hereto as **Exhibit 6** is a true and correct copy of the Notice of Entry of Order Granting VERSA's Motion to Strike MDB's Cross-Claim pursuant to NRCP 37.

FURTHER AFFIANT SAYETH NAUGHT.

JOSH COLE AICKLEN, ESQ.

SUBSCRIBED AND SWORN to before me
this 10th day of January, 2018.

NOTARY PUBLIC
In and for said County and State

E. WILCZYNSKI
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 01-27-20
Certificate No: 12-6840-1

FILED
Electronically
CV15-02349
2018-01-16 03:53:47 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6482869 : csulezic

2430
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Las Vegas, Nevada 89169
Telephone: (702) 862-8300
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Attorneys for Cross-Claimant
MDB Trucking, LLC

SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

ERNEST BRUCE FITZSIMMONS and CAROL FITZSIMMONS, Husband and Wife, Plaintiffs, vs. MDB TRUCKING, LLC; DANIEL ANTHONY KOSKI; et al., Defendants. AND ALL RELATED CASES.	Case No.: CV15-02349 Dept. No.: 10 [Consolidated Proceeding] **CROSS-CLAIMANT MDB TRUCKING LLC'S MOTION TO RETAX AND SETTLE CROSS-DEFENDANT VERSA PRODUCTS COMPANY INC.'S VERIFIED MEMORANDUM OF COSTS**

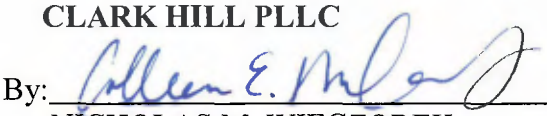
Pursuant to NRS 18.110(4), Cross-Claimant MDB Trucking, LLC ("MDB"), by and through its counsel of record Nicholas M. Wieczorek, Esq., Jeremy J. Thompson, Esq. and Colleen E. McCarty, Esq. of the law firm of Clark Hill PLLC, hereby moves this Court to retax and settle the costs contained in Cross-Defendant Versa Products Company, Inc.'s Verified

Memorandum of Costs ("Memorandum"), which was filed on January 5, 2018.[1] As set forth below, Versa's Memorandum seeks costs that are not supported by justifying documentation, not related to MDB's cross-claim for contribution, not timely because they pre-date Versa's Offer of Judgment, and are not authorized by and/or exceed the statutory cap of NRS 18.005.

This Motion to Retax and Settle Costs ("Motion") is made and based on the following Memorandum of Points and Authorities, the exhibits thereto, the pleadings and papers on file in this case, and any oral argument permitted by the Court.

Dated this 16th day of January, 2018.

CLARK HILL PLLC

By: 

NICHOLAS M. WIECZOREK
Nevada Bar No. 6170
JEREMY J. THOMPSON
Nevada Bar No. 12503
COLLEEN E. MCCARTY
Nevada Bar No. 13186
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
Telephone: (702) 862-8300
Attorneys for Cross-Claimant
MDB Trucking, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

The Memorandum filed by Cross-Defendant, Versa Products Company, Inc. ("Versa"), seeks nearly $59,000.00 in costs, which it claims it incurred (1) in defense of the cross-claim for Contribution brought against it by Cross-Claimant, MDB Trucking LLC ("MDB"), and (2) after it served MDB with an Offer of Judgment on May 4, 2017. *See* Versa's Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and NRCP 68 ("Motion for Attorneys' Fees and Costs") at

[1] MDB's argument in opposition to Versa's Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and NRCP 68, which if granted would result in the disallowance of all costs, is incorporated by reference herein. The remainder of MDB's Motion will address why the majority of Versa's specific claimed costs should be retaxed and settled in the event the Court determines it is appropriate to consider them at all.

4:14-16 [Affidavit of Josh Cole Aicklen] already on file herein. Even a cursory review of the Memorandum, however, reveals that these assertions are false and contain numerous deficiencies which require the Court to deny the majority of the costs being claimed.[2]

First, the Memorandum improperly seeks costs which are devoid of any documentation to substantiate that they are reasonable, necessary and actually incurred. Specifically, a significant number of the costs stated in the Memorandum are identified only by Versa's counsel's self-serving "Disbursement Diary," but have no corresponding bills or invoices. Second, even for those claimed costs with purported supporting documentation, the Memorandum improperly seeks reimbursement for amounts clearly unrelated to MDB's Contribution cross-claim, which is the only matter in which Versa can assert prevailing party status. Third, the Memorandum improperly seeks reimbursement for amounts incurred prior to Versa's May 4, 2017 Offer of Judgment, despite Versa's counsel's claim to the contrary. Finally, the Memorandum improperly seeks reimbursement for amounts either in excess of the statutory cap or not permitted by the authorizing statute, NRS 18.005, period.

Based on these substantial and indefensible deficiencies, MDB respectfully requests this Court deny all improper costs requests contained in Versa's Memorandum, as discussed more fully below.

II.

ARGUMENT

A. LEGAL STANDARD.

Statutes permitting an award of costs are strictly construed in Nevada, and an award of costs is improper when requested without appropriate or sufficient documentation. *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352, 971 P.2d 383, 385-86 (1998). In *Bobby Berosini, Ltd.*, the Nevada Supreme Court held that it is an abuse of discretion to award costs based on a Memorandum that fails to contain "specific itemization" or "justifying documentation." *Id.*

---

[2] Exhibit A to this Motion is a table that recalculates each cost for which Versa provided justifying documentation and analyzes the cost provided for each item.

Without such documentation it is impossible to determine the reasonableness of the alleged costs, making an award based on such a deficient memorandum improper. *Id.* And, as the Nevada Supreme Court recently clarified, "'justifying documentation' must mean something more than a memorandum of costs. In order to retax and settle costs upon motion of the parties pursuant to NRS 18.110, a district court must have before it evidence that the costs were reasonable, necessary, and actually incurred." *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (2015). Any cost that is not substantiated by justifying documentation should be stricken. *Id.* at 1055 (reversing certain awards of costs and modifying others due to lack of documentary support).

Accordingly, the party seeking costs bears the burden of providing documentation to establish that each cost was actually incurred and the reason for each cost. *Vill. Builders 96, L.P. v. U.S. Labs, Inc.*, 121 Nev. 261, 277-78, 112 P.3d 1082, 1093 (2005); *see also Bobby Berosini, Ltd.*, 114 Nev. at 1352-53, 971 P.2d at 386 (reversing a district court award for investigative fees, photocopy fees, long distance phone costs, and juror's fees because the party failed to show "how such fees were necessary to and incurred in the present action" and failed to provide supporting documentation to show that the fees "were accurately assessed" and reasonably incurred); *Waddell v. L.V.R.V., Inc.*, 122 Nev. 15, 25-26, 125 P.3d 1160, 1166-67 (2006) (refusing to allow a party to recover costs for computerized legal research "because those costs were not sufficiently itemized").

B. <u>ANALYSIS</u>.

1. <u>Versa Failed to Provide "Specific Itemization" or "Justifying Documentation" for $16,774.78 of the $58,773.06 Costs Being Claimed</u>.

Versa has not provided any documentation or explanation to show that $16,774.78 of its costs were reasonable, necessary, and actually incurred. The Court may exclude expenses if the

party does not offer any proof or explanation of the services provided or their necessity. *Gilman v. Nev. Bd. of Veterinary Med. Exam'rs*, 120 Nev. 263, 273-74, 89 P.3d 1000,1007 (2004) (excluding costs related to investigation and hearing attendance fees for individuals because billing statements did not provide any explanation of the services provided). This requirement applies to each and every cost a party seeks.

First, each cost must be sufficiently itemized. *Waddell*, 112 Nev. at 25-26, 125 P.3d at 1166-67 (affirming order denying computerized legal research because the costs were not sufficiently itemized). In order to satisfy this burden, a party must provide more than the type, date and amount of each cost. *Bobby Berosini, Ltd.*, 114 Nev. at 1353, 971 P.2d at 386 (holding that the district court abused its discretion in awarding long distance telephone charges that were not itemized and photocopying charges for which the party had provided only the date and amount of each charge). Even if the Court were to consider Versa's counsel's internal accounting set forth in its "Disbursement Diary" to be sufficiently reliable, Versa has provided nothing more than a date, type and amount for $16,774.78 of its claimed costs. The Memorandum contains no receipts, invoices, or proof of payment for these costs, and without such proper supporting documentation, Versa cannot demonstrate a right to recovery.

Second, even where costs are itemized, the party must demonstrate how such fees were necessary to the action in which it prevailed. *Bobby Berosini, Ltd.*, 114 Nev. at 1352-53, 971 P.2d at 386. In *Village Builders 96, L.P. v. U.S. Laboratories, Inc.*, the prevailing party argued that "[t]hose moving for costs should not be required to provide justifying documentation for each copy made or call placed to substantiate the reason for the copy or call when the overall amount is obviously reasonable." 121 Nev. at 277, 112 P.3d at 1093. The Court found the argument "unpersuasive because such documentation is precisely what is required under Nevada law." *Id.* Even for the costs that it attempted to itemize, Versa has not provided

corresponding documentation or explanation for the necessity of these costs. And, without this requirement being met, the Court is unable to determine if the costs were reasonable, necessary, and actually incurred. Again, Versa's failure to sufficiently document $16,774.78 in costs requires that the same be denied.

2. <u>Versa Improperly Seeks $2,018.68 of the Remaining $41,998.28 in Documented Costs, Where the Costs Are Unrelated to MDB's Cross-Claim for Contribution</u>.

Even for the remaining $41,998.28 in costs for which Versa provided documentation, another $2,018.68 of that amount must be denied because it does not pertain to the claim upon which Versa prevailed, i.e. MDB's Contribution cross-claim. Costs cannot be awarded to a party unless that party is the "prevailing party" in an action – i.e. the party that obtained judgment. *See* NRS 18.020 (costs may be awarded to the "prevailing party"); *Nevada N. R. R. v. Ninth Judicial Dist. Court*, 51 Nev. 201, 204-05, 273 P. 177, 178 (1928) (in determining which party is the "prevailing party," courts must primarily consider "the end attained").

In the instant case, no reasonable argument can be made that Versa was the prevailing party in the underlying plaintiffs' claims for negligence. As this Court is aware, MDB settled plaintiffs' claims pre-trial on May 5, 2017, without any contribution from Versa. Thereafter, between June 30, 2017 and July 20, 2017, this Court granted the motions for good faith settlement resolving the personal injury actions against MDB and Versa of (1) Olivia John individually and as guardian ad litem for Nakayla John; (2) Beverly Patrick and Ryan Crossland; (3) Sonya Corthell; (4) James Bible; (5) Angela Wilt; (6) Benjamin, Natalie and Cassandra Robles; (7) Geneva Remmerde; (8) Julie Kins, as parent and legal guardian of Kandise Baird; and (9) Ernest and Carol Fitzsimmons. Versa in no way prevailed in the above-referenced matters and is not entitled to recover any costs related thereto, as follows:

(17)	Copies of Medical Records for C. Fitzsimmons	$681.88
(19)	Videotaped depositions of Carol & Ernest Fitzsimmons	$510.00
(23)	Deposition of S. Corthell	$335.30
(24)	Authorization for Medical Records – B. Crossland	$81.00
(25)	Authorization for Medical Records – B. Crossland	$81.00

(26)	Authorization for Medical Records – B. Crossland	$81.00
(27)	Authorization for Medical Records – B. Crossland	$81.00
(28)	Authorization for Medical Records – B. Crossland	$86.50
(29)	Authorization for Medical Records – B. Crossland	$81.00

See Exhibit A at pp. 2 – 3.

Notwithstanding that videotaped depositions are not taxable costs pursuant to statute, the depositions and medical records of plaintiffs Ernest and Carol Fitzsimmons were in no way relevant to the strict products liability theory at issue in MDB's cross-claim against Versa, i.e. the inadvertent activation of the Versa valve when exposed to external electromagnetic fields. The Fitzsimmons' testimony was limited to their account of the subject spill, resulting injuries and medical treatment. Likewise, the deposition of plaintiff Sonya Corthell and the authorization for her medical records related only to her personal injury claims, and not to MDB's cross-claim for Contribution against Versa.

Accordingly, Versa's request for $2,018.68 in costs that are wholly unrelated to MDB's cross-claim for Contribution must also be denied.

3. <u>Versa Improperly Seeks $10,541.36 of the Remaining $39,979.60 in Documented Costs, Where the Costs Were Incurred Prior to Versa's May 4, 2017 Offer of Judgment</u>.

Turning next to the remaining $39,979.60 in costs for which Versa provided documentation, an additional $10,541.36 of that amount must be denied because the documentation clearly demonstrates the costs were incurred prior to Versa serving MDB with its Offers of Judgment on May 4, 2017. Specifically, Versa seeks the following costs that predate the Offers of Judgment:

(9)	4/10/2017	Deposition of P. Bigby	$961.50
(10)	4/11/2017	Deposition of T. Shane	$1,064.20
(13)	4/10-4/12/2017	Travel of P. Shreve	$519.96
(14)	3/8/2017	Depositions of D. Koski & S. Palmer	$732.35
(15)	3/6/2017	Deposition of S. Palmer	$1093.40
(16)	3/7/2017	Deposition of S. Palmer	$1,359.23
(18)	11/29-11/30/2016	Travel of P. Shreve	$521.96
(21)	11/30/2016	Video Services	$1,475.00
(30)	2/26/2017	Consulting Fees – E Discovery	$2,813.76

See Exhibit A.

Accordingly, Versa's request for $10,541.36 in costs that were incurred prior to the date of its Offer of Judgment, where Versa based its entitlement to costs on NRCP 68 (*see* Memorandum at 2:1-2) and falsely claimed that all costs were subsequently incurred (*see* Motion for Attorneys' Fees and Costs at 4:14-16), must also be denied.

4. <u>Versa Improperly Seeks $15,230.55 of the Remaining $29,438.24 in Documented Costs, Where the Costs Exceed the Amounts Permitted by NRS 18.005, are Not Taxable Costs or are Duplicate Entries</u>.

Finally, turning to the remaining $29,438.24 in costs for which Versa provided documentation, an additional $15,230.55 of that amount must be denied because they either exceed the amount permitted by NRS 18.005, they are not among the categories of costs a prevailing party may recover under NRS 18.005, they contain no specific itemization, and/or they constitute duplicate entries.

a. *Expert Witness Fees.*

First, Versa seeks $13,706.49[3] in expert witness fees for Garrick Mitchell, M.S., P.E. ("Mitchell"). Under NRS 18.005(5), however, expert witness fees are limited to $1,500.00 per expert witness unless "the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee," and the Memorandum itself provides no information on why such a determination should be made. In *Frazier v. Drake*, 131 Nev. Adv. Op. 64, 357 P.3d 365, 377-78 (Nev. App. 2015), the Nevada Court of Appeals identified any number of factors a district court may consider in deciding any request for expert witness fees in excess

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[3] In its Memorandum, Versa alleges expert costs in the amount of $13,706.49. The invoices provided by Versa, however, in support of the fees paid to Rimkus Consulting Group, Inc. exceed that amount. Versa offers no explanation for the discrepancy. For the purposes of this Motion, MDB assumes the amount claimed to be $13,706.49.

of $1,500.00 and explained "the resolution of such requests will necessarily require a case-by-case examination of the appropriate factors." *Frazier*, 357 P.3d at 378 (citations omitted).

In the instant case, none of the appropriate *Frazier* factors warrant an award of costs in excess of $1,500.00 for Mitchell's services. For example, with respect to factor one (1), Mitchell's importance to the case, both his report and testimony at the evidentiary hearing made clear Mitchell had no useful and/or admissible opinions to provide to the trier of fact. Indeed, Mitchell testified that was unable to conclude what caused the Versa valve to malfunction. With respect to factors two and three, the degree to which Mitchell's testimony aided the trier of fact and whether it was repetitive of other expert witnesses, Mitchell's testimony offered no scientific explanation or opinion for the inadvertent activations of the Versa valve and simply parroted the testimony of MDB's expert, Dr. David Bosch ("Bosch") with respect to its mechanical function.

Further, as to factor five regarding independent testing, Mitchell conducted no independent testing and instead acted only as an observer of the testing performed by MDB's experts Bosch and Erik Anderson. And finally, for example, with respect to factor seven regarding expertise and education, Mitchell, a mechanical engineer, simply did not possess the requisite knowledge, education or training in electrical engineering and electricity to warrant an additional award. Mitchell did not recognize key electrical components and wiring systems of the subject trucks and trailers and once made aware of them, could not discuss their function with any level of expertise. Mitchell also was unable to opine on any potential electrical defects in the Versa valve or on the Versa valve's response to exposure to electromagnetic fields, rendering his testimony of no value in defense of the cross-claim.

Accordingly, to the extent the Court is inclined to allow Versa to recover an expert witness fee, such award should be no more than the statutory $1,500.00 presumed cap, as such a figure more than represents a reasonable value for Mitchell's contribution to Versa's case.[4]

b. *Other Claimed Costs.*

Versa also seeks costs which are not taxable pursuant to NRS 18.005. NRS 18.005(2) limits taxable costs for depositions to reporters' fees and the cost for one copy of each deposition. Versa, however, seeks courier fees for the delivery of its depositions of $40.00, compact disc fees of $150.00 and exhibit fees of $121.20, which are not provided for in statute. Additionally, Versa attached an invoice from American Legal Services for $1,689.38, dated August 3, 2017, however, it provides no explanation of the nature of the purported service provided. Versa also claimed duplicate charges for Paige Shreve's travel on May 7, 2017 through May 11, 2017 in the amount of $513.48 and duplicate deposition fees for the depositions of Carol and Ernest Fitzsimmons of $510.00. Accordingly, these costs totaling $15,230.55 must also be denied.

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[4] All of the invoices provided in support of Mr. Mitchell's fees are dated prior to the May 4, 2017 Offers of Judgment and are also subject to retaxing on that basis.

III.

CONCLUSION

For the reasons set forth above, Cross-Claimant MDB respectfully requests that this Court retax and settle the costs claimed by Cross-Defendant Versa by denying all unsupported and improperly applied for costs in Versa's Verified Memorandum of Costs in the amount of $58,773.06 and awarding Versa only the $14,207.69 in costs which it can substantiate.

Dated this 16th day of January, 2018.

CLARK HILL PLLC

By: Colleen E. McCarty

NICHOLAS M. WIECZOREK
Nevada Bar No. 6170
JEREMY J. THOMPSON
Nevada Bar No. 12503
COLLEEN E. MCCARTY
Nevada Bar No, 13186
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
Telephone: (702) 862-8300
Attorneys for Cross-Claimant
MDB Trucking, LLC

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

Dated this 16th day of January, 2018.

CLARK HILL PLLC

By: _____

NICHOLAS M. WIECZOREK
Nevada Bar No. 6170
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Telephone: (702) 862-8300
Attorneys for Cross-Claimant
MDB Trucking, LLC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 16 day of January, 2018, I served a true and correct copy of **CROSS-CLAIMANT MDB TRUCKING, LLC'S MOTION TO RETAX AND SETTLE CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S VERIFIED MEMORANDUM OF COSTS** via electronic means, by operation of the Court's electronic filing system upon each party in this case who is registered as an electronic case filing user with the Clerk, or by U.S. Mail, postage prepaid thereon, to:

JOSH COLE AICKLEN, ESQ.
DAVID B. AVAKIAN, ESQ.
PAIGE S. SHREVE, ESQ.
LEWIS BRISBOIS BISGAARD
& SMITH LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant
VERSA PRODUCTS COMPANY, INC.

MCDONALD CARANO WILSON, LLP
MATTHEW C. ADDISON, ESQ.
JESSICA L. WOELFEL, ESQ.
100 W. Liberty Street, Tenth Floor
Reno, NV 89501
Attorneys For Defendant
RMC LAMAR HOLDINGS, INC.

An employee of Clark Hill PLLC

Exhibits

Exhibit A: Chart for Motion to Retax

EXHIBIT A

F I L E D
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Clerk of the Court
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EXHIBIT A

	Cost	Description	Amount	Date	Grounds for Retaxing	Taxable Amount
1	NRS 18.005(2)	Deposition of E. Anderson	$732.00	8/7/2017	-$20.00 courier fee not taxable depo cost	$712.00
2	NRS 18.005(2)	Deposition of D. Bosch	$1,081.11	8/8/2017	-$20.00 courier fee not taxable depo cost -$70.20 exhibit fee not taxable cost	$990.91
3		American Legal Service Nevada	$1,689.38	8/3/2017	-No description of purpose	$0.00
4	NRS 18.005(15)	Travel – P. Shreve NHP Depos	$528.96	6/12/17	-None	$528.96
5	NRS 18.005(15)	Travel – P. Shreve Versa Depositions	$869.40	5/7/2017-5/11/2017	-None	$869.40
6	NRS 18.005(15)	Travel – P. Shreve RMC Lamar Depo	$506.96	7/19/2017-7/20/2017	-None	$506.96
7	NRS 18.005(15)	Travel – P. Shreve Versa Depositions	$513.48	5/8/2017-5/10/2017	**-Duplicate (*see* No. 5)** -Meals not taxable cost	$0.00
8	NRS 18.005(5)	Expert Witness – G. Mitchell	$1,225.00	8/6/16-4/28/17	-Pre-dates OOJ -More than $1,500.00 per witness not taxable cost -Extraordinary expense not justified	$0.00
9	NRS 18.005(2)	Deposition of P. Bigby	$961.50	4/10/17	-Pre-dates OOJ -$20.00 courier fee not taxable depo cost	$0.00
10	NRS 18.005(2)	Deposition of T. Shane	$1,064.20	4/11/2017	-Pre-dates OOJ -$20.00 courier fee not taxable depo cost	$0.00
11	NRS 18.005(2)	Depositions of B. Nazmi and G. Gramagna	$1,006.67	5/9/2017	-$100.00 disc fees not taxable cost -$43.50 exhibit fee not taxable cost	$863.17

12	NRS 18.005(2)	Deposition of B. Nazmi	$1,005.79	5/10/17	-$50.00 disc fee not taxable cost -$7.50 exhibit fee not taxable cost	$948.29
13	NRS 18.005(15)	Travel P. Shreve	$519.96	4/10/17-4/12/2017	-Pre-dates OOJ	$0.00
14	NRS 18.005(2)	Depositions of D. Koski & S. Palmer (Vol. III)	$732.35	3/8/2017	-Pre-dates OOJ	$0.00
15	NRS 18.005(2)	Deposition of S. Palmer (Vol. I)	$1093.40	3/6/2017	-Pre-dates OOJ	$0.00
16	NRS 18.005(2)	Deposition of S. Palmer (Vol. II)	$1359.23	3/7/2017	-Pre-dates OOJ	$0.00
17	NRS 18.005(12)	Copies of medical records for C. Fitzsimmons	$681.88	3/15/2017	-Not related to crossclaim -Pre-dates OOJ -$437.38 additional fees not taxable costs	$0.00
18	NRS 18.005(15)	Travel – P. Shreve	$521.96	11/29/2016-1/30/2016	-Pre-dates OOJ	$0.00
19	NRS 18.005(2)	Depositions of C. & E. Fitzsimmons	$510.00	11/14/2016	-Not related to crossclaim -Pre-dates OOJ -Videotaped deposition not taxable cost	$0.00
20	NRS 18.005(2)	Depositions of C. & E. Fitzsimmons	$510.00	10/17/2016	-Not related to crossclaim -Pre-dates OOJ -Videotaped deposition costs not taxable cost **-Duplicate (*see* No. 19)**	$0.00
21		Video Services	$1,475.00	11/30/2016	-Pre-dates OOJ -Video Services not taxable cost	$0.00

22	18.005(5)	Expert Witness – G. Mitchell	$5,606.78	6/13/2016-7/14/2016	-Pre-dates OOJ -More than $1,500.00 per witness not taxable cost -Extraordinary expense not justified	$0.00
23	18.005(2)	Deposition of S. Corthell	$335.30	4/25/2017	-Not related to cross claim -Pre-dates OOJ	$0.00
24		Authorization for Medical Records B. Crossland	$81.00	4/24/2017	-Not related to cross claim -Pre-dates OOJ -Not taxable cost	$0.00
25		Authorization for Medical Records B. Crossland	$81.00	4/24/2017	-Not related to cross claim -Pre-dates OOJ -Not taxable cost	$0.00
26		Authorization for Medical Records B. Crossland	$81.00	4/24/2017	-Not related to cross claim -Pre-dates OOJ -Not taxable cost	$0.00
27		Authorization for Medical Records B. Crossland	$81.00	4/24/2017	-Not related to cross claim -Pre-dates OOJ -Not taxable cost	$0.00
28		Authorization for Medical Records B. Crossland	$86.50	4/24/2017	-Pre-dates OOJ -Not related to cross claim -Not taxable cost	$0.00
29		Authorization for Medical Records B. Crossland	$81.00	4/21/2017	-Not related to cross claim -Pre-dates OOJ -Not taxable cost	$0.00
30		Consulting Services E-Discovery	$2,813.76	2/26/2017	-Pre-dates OOJ -Not taxable cost	$0.00

31	NRS 18.005(5) and (15)	Expert Witness Consulting Fees & Travel – G. Mitchell	$9,324.00	11/2/2016-11/30/2016	-Pre-dates OOJ -More than $1,500.00 per witness not taxable cost -Extraordinary expense not justified	$0.00
32	NRS 18.005(5) and (15)	Expert Witness Consulting Fees & Expenses – G. Mitchell	$4,838.71	9/28/2016-10/21/16	-Pre-dates OOJ -More than $1,500.00 per witness not taxable cost -Extraordinary expense not justified -Unidentified mileage, photographs, trip expenses not taxable cost	$0.00

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Jacqueline Bryant
Clerk of the Court
Transaction # 6492566

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

***

GENEVA M. REMMERDE,

Plaintiff,

Case No. CV16-00976

Dept. No. 10

vs.

DANIEL ANTHONY KOSKI; MDB TRUCKING, LLC; et al.,

Defendants.

_____/

ORDER

Presently before the Court is THIRD-PARTY DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/THIRD-PARTY PLAINTIFF MDB TRUCKING, LLC's THIRD-PARTY COMPLAINT PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Motion"). The Motion was filed by Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS COMPANY, INC. ("Versa") on May 15, 2017. Defendant/Cross-Claimant MDB TRUCKING, LLC ("MDB") did not file an Opposition to the Motion.[1] *See* WDCR 12(2). The Motion was submitted for the Court's consideration on December 12, 2017.

This case arises from a personal injury action. A COMPLAINT was filed by plaintiffs Ernest Bruce Fitzsimmons and Carol Fitzsimmons, on December 4, 2015 ("the Fitzsimmons Action"). The Fitzsimmons Action was assigned Second Judicial District Court case number CV15-02349.

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[1] The issues presented in the Motion were fully briefed in FITZSIMMONS, et al. v. MDB TRUCKING, LLC, et al., CV15-02349.

Numerous other plaintiffs were joined into the Fitzsimmons Action. Two additional cases were filed and prosecuted outside of the Fitzsimmons Action: the instant case and JAMES BIBLE v. MDB TRUCKING, LLC et al., CV16-01914 ("the Bible Action"). The instant action was filed on May 2, 2016. The Bible Action was filed September 20, 2016. It is alleged in all three actions that on July 7, 2014, Defendant Daniel Anthony Koski ("Koski"), while driving a truck for MDB, negligently spilled a load of gravel into the roadway. The spilled gravel caused the driving plaintiffs to lose control of their vehicles and numerous accidents occurred resulting in the three separate cases. The plaintiffs sustained physical and emotional injuries as a result of the accidents. In response to the complaint filed in the instant action, MDB filed a THIRD-PARTY COMPLAINT ("the MDB Cross-Claim") June 22, 2016. The MDB Cross-Claim had two causes of action relative to Versa: Implied Indemnification and Contribution.[2] MDB alleges it was not Koski's negligence that caused the gravel to spill; rather, the spill was caused by the "unreasonably dangerous and defective" design and manufacture of the trailer that held the gravel. The MDB Cross-Claim, 4:6-8. Therefore, MDB brought the Cross-Claim against the manufacturers of the trailer and its components, including Versa. MDB avers Versa produced a solenoid valve which would, "activate inadvertently allowing the gates to open and release the load [of gravel] carried by the trailer." The MDB Cross-Claim, 4:9-11. MDB also claims there were safer alternatives available to Versa; the solenoid valve was unreasonably dangerous and defective; and Versa failed to provide appropriate safety mechanisms regarding the solenoid valve. The MDB Cross-Claim, 4:15-22.

The Motion is the same as the motion practice in the Fitzsimmons Action and the Bible Action. The issues are identical, as are the relevant parties. The Court issued an ORDER ("the December Order") on December 8, 2017, in the Fitzsimmons Action. The December Order conducted a thorough analysis of the issue presented in the Motion. *See generally Young v. Johnny Ribeiro Building, Inc.*, 106 Nev. 88, 787 P.2d 777 (1990), and NRCP 37. The Court found in the December Order case concluding sanctions were an appropriate sanction for MDB's spoliation of

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[2] Versa filed THIRD PARTY DEFENDANT VERSA PRODUCTS COMPANY INC.'S MOTION TO DISMISS THIRD PARTY PLAINTIFF, MDB TRUCKING, LLC'S THIRD CAUSE OF ACTION FOR IMPLIED INDEMNITY PURSUANT TO NRCP 12(B)(5) ("the MTD") on July 19, 2016. The Court granted the MTD on October 19, 2016. The only remaining cause of action alleged by MDB against Versa is for Contribution.

critical evidence. The Court finds a restatement of the December Order is unnecessary in the instant action. Given the indistinguishable issues the Court attaches hereto and incorporates herein as EXHIBIT A the December Order which shall be considered dispositive of the issue raised in the Motion.[3]

It is hereby **ORDERED** THIRD-PARTY DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/THIRD-PARTY PLAINTIFF MDB TRUCKING, LLC's THIRD-PARTY COMPLAINT PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION is **GRANTED**. MDB TRUCKING, LLC'S CROSS-CLAIM is **DISMISSED.**

DATED this 22 day of January, 2018.

ELLIOTT A. SATTLER
District Judge

[3] The Court notes D.C.R. 13(3) states, "[f]ailure of the opposing party to serve and file his written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same." Versa has not moved to have the Motion granted under this standard.

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this ____ day of January, 2018, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 22 day of January, 2018, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

MATTHEW ADDISON, ESQ.
JOSH AICKLEN, ESQ.
KATHERINE PARKS, ESQ.
BRIAN BROWN, ESQ.
THIERRY BARKLEY, ESQ.
SARAH QUIGLEY, ESQ.
JESSICA WOELFEL, ESQ.
JACOB BUNDICK, ESQ.
NICHOLAS M. WIECZOREK, ESQ.

Sheila Mansfield
Judicial Assistant

EXHIBIT "A"

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2017-12-08 02:59:29 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6431279

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

***

ERNEST BRUCE FITZSIMMONS, et al.,

Plaintiffs,

Case No. CV15-02349

Dept. No. 10

vs.

MDB TRUCKING, LLC; et al.,

Defendants.

_____/

ORDER

Presently before the Court is DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Motion"). The Motion was filed by Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS, INC. ("Versa") on May 15, 2017.[1] Defendant/Cross-Claimant, MDB Trucking, LLC ("MDB") filed MDB'S OPPOSITION TO VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE AND/OR SPOLIATION INSTRUCTIONS ("the Opposition") on June 2, 2017. Versa filed DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA

[1] Versa filed the ERRATA TO DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC's CROSS-CLAIM PURSUANT TO NRCP 37; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Errata") on May 5, 2017. The Errata clarifies Versa is bringing the Motion pursuant to NRCP 37, not NRCP 35 as noted in the caption to the Motion. The reference to NRCP 35 is made only in the caption to the pleading; therefore, the Court presumes it is merely a typographical error.

PRODUCTS COMPANY, INC.'S REPLY TO MDB'S OPPOSITION TO VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 37; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Reply") on June 12, 2017, and contemporaneously submitted the matter for the Court's consideration. The Court entered an ORDER on August 1, 2017, setting the Motion for oral argument.[2] The Court heard the arguments of counsel on August 29, 2017, and took the matter under submission.

The Court felt case concluding sanctions were a potential discovery sanction for the alleged abuse following the oral argument. An evidentiary hearing affording both sides the opportunity to present witnesses was required given this conclusion. *See generally, Nevada Power v. Fluor Illinois*, 108 Nev. 638, 837 P.2d 1354 (1992). The Court entered an ORDER ("the September Order") on September 22, 2017, directing the parties to set the matter for an evidentiary hearing. The evidentiary hearing was conducted on October 13, 2017 ("the October Hearing"). Versa called one expert witness, Scott Palmer ("Palmer"), and one lay witness Garrick Mitchell ("Mitchell") at the October Hearing. MDB called one expert witness, Dr. David Bosch ("Dr. Bosch"), and two lay witnesses, Patrick Bigby ("Bigby") and Erik Anderson ("Anderson") at the October Hearing. The Court admitted numerous exhibits during the October Hearing. The Court permitted the parties to argue their respective positions. Trial was scheduled to begin on October 30, 2017. The Court was aware of its obligation to make detailed findings of facts and conclusions of law. Further, the Court wanted to fulfill these obligations in a thoughtful manner and in writing pursuant to the mandates of the Nevada Supreme Court. The Court informed the parties the Motion would be granted and vacated the trial date. The Court took the matter under submission. This written ORDER follows.

This case arises from a personal injury action. A COMPLAINT ("the Complaint") was filed by Plaintiffs Ernest Bruce Fitzsimmons and Carol Fitzsimmons, on December 4, 2015. Numerous other plaintiffs were joined into the Fitzsimmons case. It is alleged on July 7, 2014, Defendant Daniel Anthony Koski ("Koski"), while driving a truck for MDB, negligently spilled a load of

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[2] There were numerous other pre-trial motions scheduled for oral argument on the same date.

gravel into the roadway. The spilled gravel caused the driving plaintiffs to lose control of their vehicles and numerous accidents occurred. The plaintiffs sustained physical and emotional injuries as a result of the accidents. In response to the Complaint, MDB filed a THIRD-PARTY COMPLAINT ("the MDB Cross-Claim") June 15, 2016. The MDB Cross-Claim had two causes of action relative to Versa: Implied Indemnification and Contribution.[3] MDB alleges it was not Koski's negligence that caused the gravel to spill; rather, the spill was caused by the "unreasonably dangerous and defective" design and manufacture of the trailer that held the gravel. The MDB Cross-Claim, 3:5-7. Therefore, MDB brought the Cross-Claim against the manufacturers of the trailer and its components, including Versa. MDB avers Versa produced a solenoid valve which would, "activate inadvertently allowing the gates to open and release the load [of gravel] carried by the trailer." The MDB Cross-Claim, 3:10-11. MDB also claims there were safer alternatives available to Versa; the solenoid valve was unreasonably dangerous and defective; and Versa failed to provide appropriate safety mechanisms regarding the solenoid valve. The MDB Cross-Claim, 3:12-18.

Versa has denied its product is defective and further denies any responsibility for the spilling of the gravel. Additionally, Versa filed DEFENDANT/CROSS-CLAIMANT VERSA PRODUCTS COMPANY, INC.'S ANSWER TO PLAINTIFFS ERNEST BRUCE FITZSIMMONS AND CAROL FITZSIMMONS' FIRST AMENDED COMPLAINT AND CROSS-CLAIM AGAINST MDB TRUCKING, LLC; DANIEL ANTHONY KOSKI; AND DOES I-X, INCLUSIVE ("the Versa Cross-Claim") on June 29, 2016. The Versa Cross-Claim alleges one cause of action against MDB: Contribution. Versa alleges MDB "negligently operated, maintained, owned, serviced and/or entrusted the subject trailer...." The Versa Cross-Claim, 10:17-18. Versa and MDB are the only remaining parties in this litigation: all of the plaintiffs consolidated into these proceedings, and all of the other defendants have been dismissed and/or settled.

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[3] Versa filed CROSS-DEFENDANT VERSA PRODUCTS COMPANY INC.'S MOTION TO DISMISS CROSS-CLAIMANT, MDB TRUCKING, LLC'S THIRD CAUSE OF ACTION FOR IMPLIED INDEMNITY PURSUANT TO NRCP 12(B)(5) ("the MTD") on June 27, 2016. The Court granted the MTD on October 19, 2016. The only remaining cause of action alleged by MDB against Versa is for Contribution.

The Motion avers MDB has destroyed or disposed of critical evidence which directly impacts Versa's ability to represent itself in the instant litigation. Specifically, the Motion contends after the accident MDB continued to use the truck in question; failed to keep the truck in the same condition as it was on the day in question; serviced the truck routinely; repaired and replaced the electrical systems that control the solenoid which operated the Versa valve; and failed to take steps to preserve this critical evidence knowing litigation was highly probable. The Opposition contends there has been no spoliation of evidence in this case. Further, the Opposition posits there was nothing more than routine maintenance done on the trailer; therefore, Versa's ability to defend itself has not been impaired.

The Motion avers MDB had a duty to preserve the discarded electrical systems in anticipation of the underlying action. In *Fire Ins. Exchange v. Zenith Radio Corp.*, 103 Nev. 648, 651, 747 P.2d 911, 914 (1987), the Nevada Supreme Court held, "even where an action has not been commenced and there is only a potential for litigation, the litigant is under a duty to preserve the evidence which it knows or reasonably should know is relevant to the action." The Motion concludes the appropriate sanction for the failure to preserve this crucial evidence should be dismissal of the entire action. *See generally Young v. Johnny Ribeiro Building Inc.*, 106 Nev. 88, 787 P.2d 777 (1990), and NRCP 37.

Discovery sanctions are within the discretion of the trial court. *See Stubli v. Big D Int'l Trucks, Inc.*, 107 Nev. 309, 312, 810 P.2d 785, 787 (1991), and *Kelly Broadcasting v. Sovereign Broadcast,* 96 Nev. 188, 192, 606 P.2d 1089, 1092 (1980). "Generally, sanctions may only be imposed where there has been willful noncompliance with the court's order, or where the adversary process has been halted by the actions of the unresponsive party." *Zenith*, 103 Nev. at 651, 747 P.2d at 913 (citing *Finkelman v. Clover Jewelers Blvd. Inc.*, 91 Nev. 146, 147, 532 P.2d 608, 609 (1975) and *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973)). *Accord GNLV Corp. v. Service Control Corp.*, 111 Nev. 866, 869, 900 P.2d 323, 325 (1995). Dismissal of an entire action with prejudice is a dramatic punishment for a discovery abuse. The Nevada Supreme Court cautions district courts the use of such a Draconian sanction should be approached with caution. "The dismissal of a case, based upon a discovery abuse such as the

destruction or loss of evidence, 'should be used only in extreme situations; if less drastic sanctions are available, they should be utilized.'" *GNLV*, 111 Nev. at 870, 900 P.2d at 326 (citation omitted). Additionally, the *Nevada Power* Court held it was an abuse of discretion for a district court to grant case concluding sanctions without an evidentiary hearing. The *Nevada Power* Court held the party facing a case terminating sanction needs an "opportunity to present witnesses or to cross-examine [the movant] or their experts with regard to [the discovery violations]." *Nevada Power*, 108 Nev. at 646, 837 P.2d at 1360. *Cf. Bahena v. Goodyear Tire & Rubber Co. ("Bahena II")*, 126 Nev. 606, 612, 245 P.3d 1182, 1186 (2010).

The Nevada Rules of Civil Procedure provide that a party who fails to comply with discovery orders or rules can be sanctioned for that failure. NRCP 37(b). Sanctions against a party can be graduated in severity and can include: designation of facts to be taken as established; refusal to allow the disobedient party to support or oppose designated claims or defenses; prohibition of the offending party from introducing designated matters in evidence; an order striking out pleadings or parts thereof or dismissing the action; or rendering a judgment by default against the disobedient party. NRCP 37(b)(2). Case concluding sanctions need not be preceded by other less severe sanction. *GNLV*, 111 Nev. at 870, 900 P.2d at 325. A disobedient party can also be required to pay the reasonable expenses, including attorney fees caused by the failure. NRCP 37(b)(2)(E).

The *Young* Court adopted an eight factor analysis ("the *Young* factors") district courts must go through if they feel a discovery abuse is so severe it warrants dismissal. The *Young* Court held, "every order of dismissal with prejudice as a discovery sanction be supported by an express, careful and preferably written explanation of the court's analysis of the pertinent factors." *Young*, 106 Nev. at 93, 787 P.2d at 780. The *Young* factors are as follows: (1) the degree of willfulness of the offending party; (2) the extent to which the non-offending party would be prejudiced by a lesser sanction; (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse; (4) whether any evidence has been irreparably lost; (5) the feasibility and fairness of less severe sanctions; (6) the policy favoring adjudication on the merits; (7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney; and (8) the need to deter parties and future litigants from similar abuses. *Id.* In discovery abuse situations where possible case-

concluding sanctions are warranted, the trial judge has discretion in deciding which factors are to be considered on a "case-by-case" basis. *Bahena II*, 126 Nev. at 610, 245 P.3d at 1185 (citing *Higgs v. State*, 126 Nev. 1, 17, 222 P.3d 648, 658 (2010)). The *Young* factor list is not exhaustive and the Court is not required to find that all factors are present prior to making a finding. "Fundamental notions of fairness and due process require that discovery sanctions be just and . . . relate to the specific conduct at issue." *GNLV*, 111 Nev. at 870, 900 P.2d at 325.

The Nevada Supreme Court has addressed orders of case concluding sanctions on numerous occasions. The *Zenith* Court found a party whose agent destroyed and/or lost a television prior to the commencement of the underlying action, after the party's expert had an opportunity to test the television and opine on the television as a cause of a fire, had committed a discovery abuse warranting case concluding sanctions.[4] The *Zenith* Court held, "[t]he actions [of the appellant] had the effect of reserving to itself all expert testimony based upon examination of the television set." 103 Nev. at 652, 747 P.2d at 914.

The *Kelly Broadcasting* Court held the striking of an answer and entry of a judgment in favor of the non-offending party (Kelly) was an appropriate sanction for failing to complete discovery by the offending party (Sovereign). *Kelly Broadcasting*, 96 Nev. at 192, 606 P.2d at 1092. Sovereign argued a lesser sanction of striking only the affirmative defense to which the interrogatories applied was a more appropriate sanction. The *Kelly Broadcasting* Court disagreed, noting "[t]he question is not whether this court would as an original matter have entered a default judgment as a sanction for violating a discovery rule; it is whether the trial court abused its discretion in so doing. We do not find an abuse of discretion in this case." *Id.*

The *Stubli* Court upheld case concluding sanctions when the appellant or its agents failed to preserve evidence related to the cause of a trucking accident. The respondent provided expert affidavits which posited the cause of the accident could have been something other than the respondent's work on the truck. "The experts further asserted that appellant's failure to preserve the

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[4] The trial court actually struck the appellant's expert witness from the trial. The appellant indicated it had insufficient evidence to proceed without its expert and the trial court granted summary judgment in favor of the respondent. *Zenith*, 103 Nev. at 651, 747 P.2d at 913.

[truck and its components] had made it impossible for respondents to establish their defense theory." *Stubli*, 107 Nev. at 312, 810 P.2d at 787. *See also, North American Properties v. McCarran International Airport*, 2016 WL 699864 (Nev. Supreme Court 2016). *But see, GNLV, supra* (case concluding sanctions not appropriate when other evidence existed which experts could use to assist in their analysis including the statements of witnesses who saw the spoliated evidence).

The Court has considered the arguments of counsel, all of the pleadings on file in the instant action, the testimony of the witnesses at the evidentiary hearing, the exhibits admitted at that hearing, and the relevant case law discussed, *supra*. The issue presented in the case is actually very narrow: MDB claims it was a defective solenoid manufactured by Versa that malfunctioned causing a truck full of gravel to dump onto one of the two busiest roadways in Washoe County. MDB does not dispute the electrical systems were not preserved in anticipation of the trial or potential testing. MDB took no steps to warn its employees to keep any components in the electrical system should they need to be replaced. There are no pictures taken of the electrical system or the components. MDB's employees cannot testify to the condition of the components when they were replaced. Versa avers there were other potential causes of the malfunction, including an electrical issue. Versa further contends it cannot present these issues to the jury in support of its defense because the evidence no longer exists. The Court reviews the *Young* factors as follows:

I. *Willfulness*

The first *Young* factor is willfulness. In *Childers v. State*, 100 Nev. 280, 283, 680 P.2d 598, 599 (1984), the Nevada Supreme Court found the term willful, "implies simply a purpose or willingness to commit the act or to make the omission in question. The word does not require in its meaning any intent to violate law, or to injure another, or to acquire any advantage." Willfulness may be found when a party fails to provide discovery and such failure is not due to an inability on the offending party's part. *Havas v Bank of Nevada*, 96 Nev. 567, 570, 613 P.2d 706, 708 (1980). The Nevada Supreme Court has not opined that it is necessary to establish wrongful intent to establish willfulness.

Clearly MDB should have anticipated extensive litigation as a result of the incident that occurred on July 7, 2014. This was not a mere "slip and fall" where the putative plaintiff initially claims he/she is not injured only later to come back and sue. There were numerous accidents and injuries as a result of collisions occurring on a highway. MDB, or its counsel, had to know there would be litigation as a result of these events. The Court heard no testimony that MDB took any steps to preserve the truck or trailer in any way. There was no testimony indicating memorialization of the condition of the vehicle was ever contemplated by anyone at MDB. On the contrary, the truck and trailer continued to be in use after the events of July 7, 2014. It was subject to "routine" maintenance. The Court may have condoned the continued use of the truck, and even the trailer, had there been *any* steps taken to preserve the appearance of these items as they existed at the time of the event, or prior to the "routine" maintenance. The memorialization did not occur.

It would have been simple to inform the shop staff to photograph the truck and trailer on or about July 7, 2014. It would have required minimal effort to inform the shop staff to preserve any electrical parts taken off the truck or trailer during the maintenance. If these steps had been taken the Court would be looking at this case through the prism of *GNLV* because both parties would have had alternative ways to prove or disprove their theory of the case. Based on the inaction of MDB in preserving or memorializing the condition of the truck and trailer the Court must view this case through the prism of *Stubli* and *Zenith*: MDB alone has the ability to call experts to support their position. Versa's expert has a theory he can neither confirm nor refute based on the loss of the electrical components. The Court does not find MDB intentionally disposed of the components in order to harm Versa, nor were MDB's employees acting with any malevolence; however, the Court does find MDB is complicit of benign neglect and indifference to the needs of Versa regarding discovery in this action.

II. <u>The possibility of a lesser sanction</u>

The second *Young* factor is possible prejudice to Versa if a lesser sanction were imposed. The Court would consider lesser sanctions, including an adverse inference instruction, a rebuttable presumption instruction, and the striking of the MDB's expert as alternative sanctions. The Court

does not find any of these sanctions strike the appropriate balance between MDB's actions and the harm imposed on Versa's case. Should the Court strike Dr. Bosch from being a witness at the trial MDB would be in the same position as the appellant in *Zenith*: unable to prove its case given the lack of expert testimony and subject to a motion for summary judgment. This outcome would be a patent waste of limited judicial resources and of the jury's time. The Court does not find an adverse inference instruction pursuant to NRS 47.250(3) and *Bass-Davis v. Davis*, 122 Nev. 442, 134 P.3d 103 (2006), is appropriate under the circumstances before the Court.[5] As noted by the *Zenith* Court, "[t]he actions of [MDB] had the effect of reserving to itself all expert testimony based upon examination of the [electronic components]. Any adverse presumption which the court might have ordered as a sanction for the spoliation of evidence would have paled next to the testimony of the expert witness." *Zenith*, 103 Nev. at 652, 747 P.2d at 914. Additionally, an adverse inference instruction requires an "intent to harm another party through the destruction and not simply the intent to destroy evidence." *Bass-Davis*, 122 Nev. at 448, 134 P.3d at 106. The Court does not find MDB intended to harm Versa by destroying or disposing of the electrical components; therefore, it could not give this instruction. The Court can conceive of no other sanction which would be appropriate under these circumstances.

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[5] At oral argument counsel for MDB stated:

> Recently the Nevada Supreme Court has declared that the Bass versus Davis case is the prevailing case on the spoliation of evidence, not Young versus Ribeiro. And in a case called Walmart Stores, Inc. versus the Eighth Judicial District, No. 48488, January 31st of 2008, the court said, "It is an abuse of discretion for a district court not to consider the case of Bass-Davis versus Davis when imposing sanctions pursuant to Nevada Rule of Civil Procedure 37 for an allegation of spoliation."

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING, 208:15-24. The citation to an unpublished disposition of the Nevada Supreme Court issued prior to January 1, 2016, is a violation of ADKT 0504 and SCR 123 (the SCR was repealed by the ADKT). The Court found it difficult to believe the Nevada Supreme Court would make such a sweeping change to firmly established precedent as that represented by counsel in an unpublished disposition. The Court was unfamiliar with *Walmart*, so the Court endeavored to familiarize itself with the case. The Court looked up the case number provided by counsel on the Nevada Supreme Court webpage. Troublingly, the Court was unable to verify the veracity of the proposition proffered by MDB *because the parties agreed to dismiss their proceedings and the Nevada Supreme Court vacated the order upon which MDB makes its argument.* The Nevada Supreme Court had granted a Writ of Mandamus on January 31, 2008; however, it withdrew that order on a subsequent date. The Nevada Supreme Court webpage indicates the parties contacted the Supreme Court on February 2, 2008, and indicated they had settled their case. The Nevada Supreme Court entered an order vacating the January 31, 2008, order upon which MDB relies and "den[ied] the petition as moot" on February 13, 2008. In short, the "case" MDB relies upon does not even exist.

III. The severity of the sanction of dismissal relative to the severity of the discovery abuse

"The dismissal of a case, based upon a discovery abuse . . . should be used only in extreme situations; if less drastic sanctions are available, they should be utilized." *GNLV*, 111 Nev. at 870, 900 P.2d at 325 (*citing Young*, 106 Nev. at 92, 787 P.2d at 779-80). The Court is keenly aware that granting the Motion effectively ends the case. The Court does not take this action lightly. The *only* issue in this case is why the door to the trailer opened causing the gravel to dump into the roadway. The Court finds MDB's disposal of the electronic components without memorializing them in any way effectively halted the adversarial process. It left all of the "cards" in MDB's hands and left Versa with nothing other than a theory it could neither prove nor disprove. MDB could simply rely on its expert during trial and argue Versa had no proof of its theory and the theory itself was preposterous. This is the position taken by MDB at the evidentiary hearing. Versa is left with no way of verifying its theory of the case.

Counsel for MDB directed the Court's attention at the evidentiary hearing to the strength of their expert (Dr. Bosch) and the weakness of Versa's expert (Palmer). Counsel further emphasized the lack of plausibility of the Palmer's conclusions that it could have been an abraded wire which caused an electrical failure rather than some issue with the solenoid or the Versa valve. The Court is not convinced this should be the deciding factor in resolving the issue of case concluding sanctions for the following reasons:

1. MDB's own employee (the same employees who serviced the truck and trailer) acknowledged at the evidentiary hearing that the abrasions Palmer referenced actually do occur;[6] and

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[6] Q: Okay. You also mentioned that you want to replace those cords, the seven and the – the seven-conductor and the four-conductor cords because they will get cut on the deck plate, they will get abraded, they will become cracked; is that correct?

A: I have seen that, yes.

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING (testimony of Patrick Bigby), 154:1-6.

2. Dr. Bosch had to acknowledge, though grudgingly and with great circumspection, that it was possible though highly unlikely the electrical system could have caused the valve in question to open.[7]

The Court's decision regarding the issue presented in the Motion is not predicated on who has the "stronger case" or the "better expert" at the evidentiary hearing. If this were the analysis the Court would agree with MDB: Dr. Bosch is a very credible witness and it is likely MDB has the more compelling argument to present to the jury. This, however, is not the issue. The issue in the Court's analysis is MDB's actions deprived Versa of *any* ability to prove its case: the adversarial process was stymied by MDB regarding the most critical pieces of evidence. Had MDB's witnesses testified the abrasions never occur, or abrasions were photographed and/or documented and none existed on this truck, the Court's conclusion may have been different. Here we know it *could have occurred* as Palmer suggested.

IV. Whether evidence is irreparably lost

Clearly the relevant evidence is lost. The employees of MDB testified at the evidentiary hearing the electronic components had been thrown away.

V. The feasibility and fairness of a less severe sanctions

The Court discussed the possibility of less severe sanctions in section II. The same analysis applies here. There does not appear to be any sanction short of case concluding sanctions which would be appropriate under the circumstances of this case. The Court also acknowledges that progressive sanctions are not always necessary. The circumstances presented in the Motion are unique and the most severe sanction is appropriate.

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[7]Q: Is there any scenario under which current from the seven-prong cord having contact with the four-prong cord could open the versa valve?

A: Anything is possible, but it's highly improbable in this case.

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING (testimony of Dr. Bosch), 161:5-9. Dr. Bosch's testimony clearly established he did not believe there was a short or other electrical failure that caused the valve to open.

VI. The policy favoring adjudication on the merits; and

VII. The need to deter parties and future litigants from similar abuse

The Court considers the sixth and eighth *Young* factors together. Nevada has a strong policy, and the Court firmly believes, that cases should be adjudicated on their merits. *See, Scrimer v. Dist. Court*, 116 Nev. 507, 516-517, 998 P.2d 1190, 1196 (2000). *See also, Kahn v. Orme*, 108 Nev. 510, 516, 835 P.2d 790, 794 (1992). Further, there is a need to deter litigants from abusing the discovery process established by Nevada law. When a party repeatedly and continuously engaged in discovery misconduct the policy of adjudicating cases on the merits is not furthered by a lesser sanction. *Foster*, 126 Nev. at 65, 227 P.3d at 1048. The case *sub judice* is not one of systemic discovery abuse. However, the Court concludes to allow the case to go forward as it is currently postured would be the antithesis of allowing it to proceed "on the merits." The merits of Versa's case would not be able to be evaluated by the jury because Versa could not test its theory on the actual components. The jury would be left to guess about what may have occurred rather than weigh the competing theories presented. MDB would have an overwhelmingly unfair advantage given its action.

The Court balances the laudable policy of trial on the merits against the need to deter future litigants from abusing the discovery process. The Court turns back to the *Zenith* Court's direction to all potential litigants regarding their duty to preserve evidence. The *Zenith* Court stated, "[i]t would be unreasonable to allow litigants, by destroying physical evidence prior to a request for production, to sidestep the district court's power to enforce the rules of discovery." *Id.* 103 Nev. at 651, 747 P.2d at 913. *Accord, Colfer v. Harmon*, 108 Nev. 363, 832 P.2d 383 (1992). To allow this case to go forward, when the only evidence which may have supported Versa's defense was in the sole possession of MDB and MDB did nothing to preserve or document that evidence, would set a dangerous precedent to similarly situated parties in the future. It would also be antithetical to a potential litigant's obligation to preserve the very evidence it may have to produce during discovery.

When the Court balances the sixth and eighth *Young* factor it concludes dismissal of MDB's claims against Versa are appropriate.

VIII. *Whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney*

There is no evidence to show MDB's counsel directed MDB to destroy or fail to memorialize the evidence in question. The Court finds this factor to be inapplicable to the *Young* analysis.

"Fundamental notions of fairness and due process require that discovery sanctions be just and . . . relate to the specific conduct at issue." *GNLV*, 111 Nev. at 870, 900 P.2d at 325 (*citing Young*, 106 Nev. at 92, 787 P.2d at 779-80). The Court recognizes that discovery sanctions should be related to the specific conduct at issue. The discovery abuse in this case crippled one party's ability to present its case. Weighing all eight factors above the Court concludes the dismissal of the MDB Cross-Claim is appropriate. Due to the severity of MDB's discovery abuse there are no lesser sanctions that are suitable.

It is hereby **ORDERED** DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION is **GRANTED**. MDB TRUCKING, LLC'S CROSS-CLAIM is DISMISSED.

DATED this 8 day of December, 2017.

ELLIOTT A. SATTLER
District Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this ____ day of December, 2017, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 8 day of December, 2017, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JOSH AICKLEN, ESQ.
MATTHEW ADDISON, ESQ.
KATHERINE PARKS, ESQ.
BRIAN BROWN, ESQ.
THIERRY BARKLEY, ESQ.
SARAH QUIGLEY, ESQ.
JESSICA WOELFEL, ESQ.
JACOB BUNDICK, ESQ.
NICHOLAS WIECZOREK, ESQ.

Sheila Mansfield
Judicial Assistant

IN THE SUPREME COURT OF THE STATE OF NEVADA

MDB TRUCKING, LLC, Appellant/Cross-Respondent, vs. VERSA PRODUCTS COMPANY, INC., Respondent/Cross-Appellant.	Supreme Court Case No. 75022 Consolidated with Case Nos. 75319, 75321, 76395, 76396 and 76397 [District Court Case Nos.: CV15-02349, CV16-00976 and CV16-01914]

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Jan 18 2019 08:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOINT APPENDIX VOLUME 14 OF 18

Consolidated Appeals from the Second Judicial District Court,
Orders Granting Motion to Strike Cross-Claim and Orders
Denying Attorneys' Fees and Granting Reduced Costs,
The Honorable Judge Elliott A. Sattler, District Court Judge

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Docket 75022 Document 2019-02901

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21	MDB Trucking LLC's Opposition to Versa Products Company, Inc.'s Motion to Strike (Fitzsimmons)	06/02/2017	8	AA001122-AA001155
22	Declaration By David R. Bosch. Ph.D in Support of MDB Trucking LLC's Opposition to Versa Products Company, Inc.'s Motion to Strike (Fitzsimmons)	06/02/2017	8	AA001156-AA001161
23	Versa Products Company, Inc.’s Reply to MDB Trucking LLC’s Opposition to Versa Products Company, Inc.’s Motion to Strike	06/12/2017	8	AA001162-AA001170
24	MDB Trucking LLC's Opposition to Versa Products Company, Inc.'s Motion for Summary Judgment Against MDB Trucking LLC’s Cross-Claims (Fitzsimmons)	07/07/2017	8	AA001171-AA001343
25	Versa Products Company, Inc.’s Reply in Support of Motion for Summary Judgment Against MDB Trucking LLC’s Cross-Claims	07/14/2017	9	AA001344-AA001438
26	Transcript of Motion Hearing	08/29/2017	9	AA001439-AA001557
27	Versa Products Company, Inc.’s Motion for Summary Judgment Against MDB Trucking LLC’s Cross-Claim	09/01/2017	10	AA001558-AA001589
28	MDB Trucking LLC's Opposition to Versa Products Company, Inc.'s Motion for Summary Judgment re: Damages and Request for Judicial Notice	09/21/2017	10	AA001590-AA001660

29	Order re: Versa Products Company, Inc.'s Motion to Strike	09/22/2017	10	AA001661-AA001666
30	Versa Products Company, Inc.'s Reply in Support of Motion for Summary Judgment re: Damages and Request for Judicial Notice	09/28/2017	10	AA001667-AA001676
31	MDB Trucking LLC's Supplemental Brief in Opposition to Versa Products Company, Inc.'s Motion to Strike (Fitzsimmons)	10/12/2017	10	AA001677-AA001685
32	Transcript of Evidentiary Hearing	10/13/2017	11	AA001686-AA001934
32-1	Continued Transcript of Evidentiary Hearing	10/13/2013	12	
33	Exhibits to Transcript of Evidentiary Hearing	10/13/2017	12	AA001935-AA001969
34	Order Granting Versa Products Company, Inc.'s Motion to Strike MDB Trucking LLC's Cross-Claim (Fitzsimmons)	12/08/2017	12	AA001970-AA001983
35	Notice of Entry of Order Granting Versa Products Company Inc.'s Motion to Strike MDB Trucking LLC's Cross-Claim (Fitzsimmons)	12/28/2017	12	AA001984-AA002002
36	Versa Products Company, Inc.'s Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68 (Fitzsimmons)	01/05/2018	13	AA002003-AA002203
36-1	(Continued) Versa Products Company, Inc.'s Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68 (Fitzsimmons)	01/05/2018	14	AA002204-AA002319
37	Versa Products Company Inc.'s Verified Memorandum of Costs (Fitzsimmons)	01/05/2018	14	AA002320-AA002398
38	Errata to Versa Products Company, Inc.'s Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68	01/10/2018	14	AA002399-AA002406
39	MDB Trucking LLC's Motion to Retax and Settle Versa Products Company, Inc.'s Verified Memorandum of Costs (Fitzsimmons)	01/16/2018	14	AA002407-AA002425

40	Order Granting Versa Products Company Inc.'s Motion to Strike MDB Trucking LLC's Cross-Claim (Remmerde)	01/22/2018	14	AA002426-AA002444
41	Order Granting Versa Products Company Inc.'s Motion to Strike MDB Trucking LLC's Cross-Claim (Bible)	01/22/2018	15	AA002445-AA002463
42	MDB Trucking LLC's Opposition to Versa Products Company, Inc.'s Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68	01/25/2018	15	AA002464-AA002474
43	Notice of Appeal (Case No. CV15-02349)	01/29/2018	15	AA002475-AA002477
44	Versa Products Company, Inc.'s Opposition to MDB Trucking LLC's Motion to Retax and Settle Costs (Fitzsimmons)	02/02/2018	15	AA002478-AA002492
45	Versa Products Company, Inc.'s Reply in Support of Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68 (Fitzsimmons)	02/05/2018	15	AA002493-AA002499
46	Notice of Entry of Order Granting Versa Products Company Inc.'s Motion to Strike MDB Trucking LLC's Cross-Claim (Bible)	02/08/2018	15	AA002500-AA002625
47	Versa Products Company, Inc.'s Motion for Attorneys' Fees and Costs Pursuant to NRCP 37 and 68 (Bible)	02/09/2018	15	AA002524-AA002625
48	Versa Products Company, Inc.'s Motion for Attorney Fees and Costs Pursuant to NRCP 37 and 68 (Remmerde)	02/09/2018	16	AA002626-AA002709
49	Versa Products Company, Inc.'s Verified Memorandum of Costs (Remmerde)	02/09/2018	16	AA002710-AA002718
50	Versa Products Company, Inc.'s Verified Memorandum of Costs (Bible)	02/09/2018	16	AA002719-AA002744
51	MDB Trucking LLC's Reply in Support of Motion to Retax and Settle Versa Products Company Inc.'s Verified Memorandum of Costs (Fitzsimmons)	02/12/2018	16	AA002745-AA002753
52	MDB Trucking LLC's Motion to Retax and Settle Versa Products Company, Inc.'s Verified Memorandum of Costs (Bible)	02/20/2018	16	AA002754-AA002765

53	MDB Trucking LLC's Motion to Retax and Settle Versa Products Company, Inc.'s Verified Memorandum of Costs (Remmerde)	02/20/2018	16	AA002766-AA002770
54	MDB Trucking LLC's Opposition to Versa Products Company Inc.'s Motion for Attorney Fees and Costs Pursuant to NRCP 37 and 68 (Bible)	03/01/2018	16	AA002771-AA002789
55	MDB Trucking LLC's Opposition to Versa Products Company Inc.'s Motion for Attorney Fees and Costs Pursuant to NRCP 37 and 68 (Remmerde)	03/01/2018	16	AA002790-AA002808
56	Versa Products Company, Inc.'s Opposition to MDB Trucking LLC's Motion to Retax and Settle Costs (Remmerde)	03/08/2018	16	AA002809-AA002826
57	Versa Products Company, Inc.'s Opposition to MDB Trucking LLC's Motion to Retax and Settle Costs (Bible)	03/08/2018	17	AA002827-AA002885
58	Notice of Appeal (Case No. CV16-00976)	03/08/2018	17	AA002886-AA002888
59	Notice of Appeal (Case No. CV16-01914)	03/08/2018	17	AA002889-AA002891
60	Versa Products Company Inc.'s Reply to MDB Trucking LLC's Opposition to Its Motion for Attorney's Fees and Costs Pursuant to NRCP 37 and 68 (Bible)	03/12/2018	17	AA002892-AA002898
61	Versa Products Company Inc.'s Reply to MDB Trucking LLC's Opposition to Its Motion for Attorney's Fees and Costs Pursuant to NRCP 37 and 68 (Remmerde)	03/12/2018	17	AA002899-AA002905
62	MDB Trucking LLC's Reply to Opposition to Motion to Retax Costs (Remmerde)	03/19/2018	17	AA002906-AA002910
63	MDB Trucking LLC's Reply to Opposition to Motion to Retax Costs (Bible)	03/19/2018	17	AA002911-AA002917
64	Transcript of Motion Hearing	04/06/2018	17	AA002918 AA003000
65	Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Fitzsimons)	06/07/2018	18	AA003001-AA003012

66	Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Remmerde)	06/07/2018	18	AA003013-AA003022
67	Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Bible)	06/07/2018	18	AA003023-AA003033
68	Notice of Entry of Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Fitzimmons)	06/13/2018	18	AA003034-AA003050
69	Notice of Entry of Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Remmerde)	06/13/2018	18	AA003051-AA003065
70	Notice of Entry of Order on Motion for Attorneys' Fees and Costs and Motion to Retax and Settle Costs (Bible)	06/13/2018	18	AA003066-AA003081
71	Notice of Appeal (Case No. CV-15-02349)	07/13/2018	18	AA003082-AA003084
72	Notice of Appeal (Case No. CV16-00976)	07/13/2018	18	AA003085-AA003087
73	Notice of Appeal (Case No. CV16-01914)	07/13/2018	18	AA003088-AA003090
74	Notice of Cross-Appeal (Fitzsimmons)	07/24/2018	18	AA003091-AA003093
75	Notice of Cross Appeal (Bible)	07/24/2018	18	AA003094-AA003096
76	Notice of Cross Appeal (Remmerde)	07/24/2018	18	AA003097 AA003099

Timekeeper: **BMM2 Bradley M. Marx**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
5/09/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of exhibits referenced in Tracy Shane's deposition transcript for purposes of giving context to testimony.	.30	52.50 B	1909228
5/09/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 1-55 of Tracy Shane's deposition transcript for purposes of determining causation and fault related to subject incident.	1.10	192.50 B	1909228
5/09/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 1-55 of Tracy Shane's deposition transcript for purposes of determining causation and fault related to subject incident.	.70	122.50 B	1909228
5/09/17	Analysis/Strategy: Review/Analyze: Written legal evaluation of pages 1-60 of Mekabiz Mohadjer's deposition transcript for purposes of determining causation and fault related to subject incident.	.80	140.00 B	1909228
5/09/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 1-60 of Mekabiz Mohadjer's deposition transcript for purposes of determining causation and fault related to subject incident.	1.20	210.00 B	1909228
5/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 56-131 of Tracy Shane's deposition transcript for purposes of determining causation and fault related to subject incident.	1.40	245.00 B	1909228
5/10/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 56-131 of Tracy Shane's deposition transcript for purposes of determining causation and fault related to subject incident.	.90	157.50 B	1909228
5/12/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 61-130 of Mekabiz Mohadjer's deposition transcript for purposes of determining causation and fault related to subject incident.	1.40	245.00 B	1909228
5/12/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 61-130 of Mekabiz Mohadjer's deposition transcript for purposes of determining causation and fault related to subject incident.	.60	105.00 B	1909228
6/09/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 1-72 of day 1 of Bahram Nazmi's deposition testimony for purposes of determining the role the valve played in the subject incident.	1.90	332.50 B	1909228
6/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 73-131 of day 1of Bahram Nazmi's deposition testimony for purposes of determining the role the valve			

Timekeeper: **BMM2 Bradley M. Marx**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	played in the subject incident.	1.60	280.00 B	1909228
6/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of the parts production drawings, exhibit 3 (pages 154-217) as referenced in day 1 of Bahram Nazmi's deposition testimony for purposes of determining accuracy of testimony and context.	.70	122.50 B	1909228
6/12/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of exhibits 4-12 as referenced in Bahram Nazmi's deposition testimony for purposes of providing context to the testimony and evidence.	1.20	210.00 B	1909228
6/12/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 132-240 of Bahram Nazmi's deposition testimony for purposes of determining the role the valve played in the subject incident.	1.60	280.00 B	1909228
6/12/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 132-240 of Bahram Nazmi's deposition testimony and exhibits 4-12 as referenced, for purposes of determining the role the valve played in the subject incident.	.50	87.50 B	1909228
6/13/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of pages 241-348 of Bahram Nazmi's deposition testimony for purposes of determining the role the valve played in the subject incident.	1.90	332.50 B	1909228
6/13/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of exhibits 13-16 as referenced in Bahram Nazmi's deposition testimony for purposes of determining accuracy of testimony and context for responses	.70	122.50 B	1909228
6/13/17	Analysis/Strategy: Review/Analyze: Written legal evaluation of pages 241-348 of Bahram Nazmi's deposition testimony for purposes of determining the role the valve played in the subject incident.	.70	122.50 B	1909228
6/26/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis and evaluation of David Bosche expert report conclusions for purposes of to carrier.	1.10	192.50 B	1909228
6/27/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Erik Anderson's expert report conclusions regarding liability of MDB or its employees for purposes of to carrier.	1.10	192.50 B	1909228
6/28/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Officer Lawson's deposition testimony for purposes of determining causation and damages.	.80	140.00 B	1909228
6/29/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Johnathan Lindley's			

Timekeeper: **BMM2 Bradley M. Marx**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	deposition testimony for purposes of determining causation and damages.	.40	70.00 B	1909228
6/29/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Officer Meeks' deposition testimony for purposes of determining causation and damages.	.80	140.00 B	1909228
6/30/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Garrick Mitchell's expert report conclusions for purposes of determining causation.	.80	140.00 B	1909228
7/19/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Mr. Mitchell's expert report as disclosed by Plaintiff for purposes of evaluating claims and conclusions prior to trial.	.90	157.50 B	1964171
7/19/17	Analysis/Strategy: Draft/Revise: Written evaluation of Mr. Mitchell's rebuttal expert report as disclosed by Plaintiff for purposes of evaluating claims and conclusions prior to trial.	.40	70.00 B	1964171
8/08/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 1-40 of William Carder's deposition as PMK for RMC's deposition transcript for purposes of providing status update to client and prepare trial strategy	1.70	297.50 B	1964171
8/09/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 41-88 of William Carder's deposition as PMK for RMC's deposition transcript for purposes of providing status update to client and prepare trial strategy	1.80	315.00 B	1964171
8/14/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 1-47 of Dr. Bosch expert testimony regarding Plaintiff's damages for purposes of to client and prepare for trial.	1.60	280.00 B	1964171
8/15/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 48-97 of Dr. Bosch expert testimony regarding Plaintiff's damages for purposes of preparing status update to client and prepare for trial.	1.70	297.50 B	1964171
8/17/17	Analysis/Strategy: Draft/Revise: Detailed legal analysis of pages 1-53 of expert Erik Anderson's deposition transcript regarding his hypothesis that a magnetic field caused the inadvertent dump for purposes of preparing status update for client and to prepare trial strategy.	1.40	245.00 B	1964171
8/18/17	Analysis/Strategy: Draft/Revise: Detailed legal analysis of pages 54-85 of expert Erik Anderson's deposition transcript regarding his hypothesis that a magnetic field caused the inadvertent dump for purposes of preparing status update for client and to prepare trial strategy.	1.20	210.00 B	1964171
9/05/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 1-43 of Dr. David			

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Rondinone's deposition transcript for purposes of evaluating his expert opinion as to the valve activation	1.80	315.00 B	1964171
9/07/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 44-93 of Dr. David Rondinone's deposition transcript for purposes of evaluating his expert opinion as to the valve activation	1.60	280.00 B	1964171
9/15/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 1-46 of Officer Linda McGrath's deposition transcript for purposes of evaluating responding officer's testimony and in anticipation of trial.	1.10	192.50 B	1964171
9/18/17	Analysis/Strategy: Draft/Revise: Written legal evaluation of pages 47-77 of Officer Linda McGrath's deposition transcript for purposes of evaluating responding officer's testimony and in anticipation of trial.	1.30	227.50 B	1964171
9/19/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 1-27 of Sgt. Murwin's deposition transcript for purposes of preparing trial strategy.	.90	157.50 B	1964171
9/19/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 1-33 of Sgt. Murwin's deposition transcript for purposes of preparing trial strategy.	1.00	175.00 B	1964171
9/19/17	Analysis/Strategy: Draft/Revise: Written evaluation of pages 1-37 of Officer Stone's deposition transcript for purposes of preparing trial strategy.	1.10	192.50 B	1964171
10/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Plaintiff's Opposition to MIL re Bosh testimony for purposes of preparing reply	1.10	192.50	
10/10/17	Analysis/Strategy: Draft/Revise: Prepare reply in support of MIL re Bosch	1.90	332.50	
10/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of cases and arguments in Plaintiff's Opposition to MIL re Bosch testimony for purposes of preparing reply	1.40	245.00	
10/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of cases and arguments in Plaintiff's Opposition to MIL re Capurro lawsuit for purposes of preparing reply	1.20	210.00	
10/10/17	Analysis/Strategy: Review/Analyze: Detailed legal analysis of Plaintiff's Opposition to MIL re Capurro lawsuit for purpsoes of preparing reply	.90	157.50	
10/10/17	Analysis/Strategy: Draft/Revise: Prepare reply in support of MIL re Capurro lawsuit	1.80	315.00	
10/11/17	Analysis/Strategy: Draft/Revise: Supplement reply in support of MIL re Bosch	1.60	280.00	
10/11/17	Analysis/Strategy: Draft/Revise: Supplement reply in support of MIL re Capurro lawsuit	1.90	332.50	
	MATTER TOTAL:	**55.50**	**9,712.50 B**	
		.00	**.00 N**	
		55.50	**9,712.50 T**	

Blank = Billable/Unbilled * = From Time Entry E=From Error File B = Billed N = Non-billable T = Total W = Written Off

Timekeeper: **BMM2 Bradley M. Marx**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	CLIENT TOTAL:	**55.50**	**9,712.50 B**	
		.00	**.00 N**	
		55.50	**9,712.50 T**	
	TIMEKEEPER TOTAL:	**55.50**	**9,712.50 B**	
		.00	**.00 N**	
		55.50	**9,712.50 T**	

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
5/08/17	Analysis/Strategy: Review/Analyze: Finalize Versa's Amended Responses to MDB's Requests for Production of Documents	.60	45.00 B	1909228
5/08/17	Analysis/Strategy: Draft/Revise: Draft correspondence to all counsel regarding Versa's Amended Responses to MDB's Requests for Production of Documents	.30	22.50 B	1909228
5/09/17	Analysis/Strategy: Review/Analyze: Review and analyze recent file including recent pleadings and discovery from Plaintiff's counsel to identify outstanding discovery issues and develop discovery strategy moving forward	.50	37.50 B	1909228
5/17/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current knowledge of case and move forward in all discovery matters	.10	7.50 B	1909228
5/17/17	Pleadings: Review/Analyze: Review and analyze correspondence from carrier regarding	.10	7.50 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Subpoena to Trooper Meeks	.20	15.00 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Discovery Examination Notice to Trooper Lawson	.20	15.00 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Discovery Examination Notice to Trooper Meeks	.20	15.00 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Discovery Examination Notice to Supervisor Jonathan Lindley	.20	15.00 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Subpoena to Trooper Lawson	.20	15.00 B	1909228
5/18/17	Pleadings: Draft/Revise: Draft Subpoena to Supervisor Jonathan Lindley	.20	15.00 B	1909228
5/25/17	Analysis/Strategy: Communicate (Other External): Communication with Trooper Lawson regarding incident details and discovery testimony	.10	7.50 B	1909228
5/25/17	Analysis/Strategy: Research: Research biographical information of sergeant Jonathan Lindley to locate and discuss incident details and participation	.20	15.00 B	1909228
5/25/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Tim Ackerman of First Legal Investigations regarding service of process of sergeant Jonathan Lindley	.20	15.00 B	1909228
5/25/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Sam Shield of First Legal Investigations regarding service of process upon Jonathan Lindley	.20	15.00 B	1909228
6/03/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Versa			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Products' Engineering Manager Bahram Nazmi regarding	.20	15.00 B	1909228
6/05/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Nevada Highway Patrol Trooper Christopher Meeks	.10	7.50 B	1909228
6/06/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Versa Products' Engineering Manager Bahram Nazmi regarding	.30	22.50 B	1909228
6/06/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Versa Products' Engineering Manager Bahram Nazmi regarding	.30	22.50 B	1909228
6/08/17	Experts/Consultants: Review/Analyze: Review and analyze file to identify newly obtained discovery documents to identify pertinent information needed for defense counsel Garrick Mitchell's initial expert report	.20	15.00 B	1909228
6/08/17	Experts/Consultants: Communicate (Other External): Multiple communications with defense counsel Garrick Mitchell regarding additional records for review in preparation for initial expert report	.20	15.00 B	1909228
6/08/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to former Nevada Highway Patrol supervisor Jonathan Lindley	.10	7.50 B	1909228
6/08/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Nevada Highway Patrol Lieutenant Lawson	.10	7.50 B	1909228
6/08/17	Experts/Consultants: Review/Analyze: Draft detailed correspondence to defense expert Garrick Mitchell regarding initial expert report and expert opinions	.20	15.00 B	1964171
6/08/17	Experts/Consultants: Review/Analyze: Review and analyze file including discovery and records to identify pertinent records for defense expert Garrick Mitchell's review and use in initial expert report and expert opinions	.50	37.50 B	1964171
6/09/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Nevada Highway Patrol Trooper Christopher Meeks	.10	7.50 B	1909228
6/15/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Ashley Camarena of Rimkus Consulting Group regarding initial expert report of Garrick Mitchell	.20	15.00 B	1909228
6/15/17	Analysis/Strategy: Communicate (Other External): Communication with Janeen Russo of Kent Law regarding Stipulation and Order of Dismissal with Prejudice and Agreement to Waive Costs and Attorney's Fees as to Certain Defendants	.10	7.50 B	1964171

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/15/17	Pleadings: Draft/Revise: Draft and prepare Designation of Initial Experts	.80	60.00 B	1964171
6/15/17	Pleadings: Review/Analyze: Review and analyze expert report and packet from Garrick Mitchell in order to prepare Designation of Initial Experts	.30	22.50 B	1964171
6/15/17	Pleadings: Draft/Revise: Draft Defendant's Designation of Initial Experts	.50	37.50 B	1964171
6/15/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from Ashley C. Camarena, MOS of Rimkus regarding initial expert report of Garrick Mitchell	.10	7.50	
6/16/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Joshua Belstock of Rimkus Consulting Group regarding initial expert report of Garrick Mitchell	.20	15.00 B	1909228
6/16/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to Trooper Lindley for attorney's use	.50	37.50 B	1964171
6/16/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to Trooper Lawson for attorney's use	.50	37.50 B	1964171
6/16/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to Trooper Meeks for attorney's use	.50	37.50 B	1964171
6/19/17	Experts/Consultants: Review/Analyze: Review and analyze MDB's Initial Expert Disclosure to identify pertinent information needed for defense counsel Garrick Mitchell's initial expert report	.50	37.50 B	1909228
6/19/17	Experts/Consultants: Communicate (Other External): Multiple communications with defense counsel Garrick Mitchell regarding MDB's Initial Expert Disclosure	.20	15.00 B	1909228
6/19/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Nevada Highway Patrol Trooper Christopher Meeks regarding incident and scope of discovery testimony	.20	15.00 B	1909228
6/19/17	Analysis/Strategy: Review/Analyze: Review and analyze RMC Lamar Holdings and Dragon's Initial Expert Designation to identify key elements of expert report from Dr. David Rondinone (24 pages)	.30	22.50	
6/20/17	Analysis/Strategy: Review/Analyze: Review and analyze hundreds of pages within MDB's Responses to Requests for Productions and Early Case Conference Disclosures to identify any and all vehicle inspection reports	1.00	75.00 B	1909228

Timekeeper: RR6 Rosa Rosales

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/22/17	Experts/Consultants: Communicate (Other External): Multiple communications with defense counsel Garrick Mitchell regarding Driver/Vehicle Examination Reports	.20	15.00 B	1909228
6/22/17	Experts/Consultants: Review/Analyze: Review and analyze Driver/Vehicle Examination Reports to identify pertinent information needed for defense counsel Garrick Mitchell's initial expert report	.30	22.50 B	1909228
6/23/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current knowledge of case and move forward in all discovery matters	.10	7.50 B	1909228
6/26/17	Experts/Consultants: Review/Analyze: Review and analyze Nevada Highway Patrol trooper testimony to identify pertinent information needed for defense counsel Garrick Mitchell's initial expert report	.30	22.50 B	1909228
6/26/17	Experts/Consultants: Communicate (Other External): Multiple communications with defense counsel Garrick Mitchell regarding Nevada Highway Patrol trooper testimony	.20	15.00 B	1909228
6/26/17	Pleadings: Draft/Revise: Draft and prepare Notice of Examination of Custodian of Records for the Department of Public Safety	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Custodian of Records Affidavit for records from Nevada Highway Patrol	.10	7.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Custodian of Records Affidavit for records from Erik Anderson	.10	7.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare detailed Application for Commission to Take Out of State Examination of David Bosch	.50	37.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare detailed Commission to Take Out of State Examination of David Bosch	.30	22.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare detailed Commission to Take Out of State Examination of Erick Anderson	.30	22.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Subpoena Duces Tecum to David Bosch, Ph.D.	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Subpoena Duces Tecum to Custodian of Records for Nevada Highway Patrol	.20	15.00 B	1964171

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/26/17	Pleadings: Draft/Revise: Draft and prepare Subpoena Duces Tecum to Erik Anderson	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Custodian of Records Affidavit for records from the Department of Public Safety	.10	7.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare detailed Application for Commission to Take Out of State Examination of Erick Anderson	.30	22.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Custodian of Records Affidavit for records from David Bosch	.10	7.50 B	1964171
6/26/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Initial Expert Disclosures to identify all information needed to prepare details of Subpoena Duces Tecum to David Bosch, Ph.D. and Erik Anderson	.60	45.00 B	1964171
6/26/17	Analysis/Strategy: Review/Analyze: Review and analyze citations provided by Trooper Meeks to identify all information needed to prepare details of Subpoena Duces Tecum to Nevada Highway Patrol and Department of Public Safety	.60	45.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare detailed Application for Commission to Take Out of State Examination of David Bosch	.30	22.50 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Notice of Examination of Custodian of Records for Nevada Highway Patrol	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Subpoena Duces Tecum to Custodian of Records for the Department of Public Safety	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Notice of Examination of David Bosch	.20	15.00 B	1964171
6/26/17	Pleadings: Draft/Revise: Draft and prepare Notice of Examination of Erik Anderson	.20	15.00 B	1964171
6/26/17	Experts/Consultants: Review/Analyze: Review and analyze file including discovery and records to identify pertinent records for defense expert Garrick Mitchell's review and use in initial expert report and expert opinions	1.50	112.50 B	1964171
6/26/17	Experts/Consultants: Review/Analyze: Draft detailed correspondence to defense expert Garrick Mitchell regarding initial expert report and expert opinions	.20	15.00 B	1964171
6/26/17	Experts/Consultants: Review/Analyze: Review and analyze insurance policy documents in order to draft Defendant's Fifth Supplement to Early Case Conference Disclosures	.40	30.00	
6/26/17	Experts/Consultants: Draft/Revise: Draft Defendant's Fifth Supplement to Early Case Conference Disclosures	.30	22.50	

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/27/17	Analysis/Strategy: Communicate (Other External): Detailed communication with Nicole from Nevada Highway Patrol regarding Subpoena Duces Tecum for records pertaining to subject incident	.20	15.00	
6/28/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Nicole from Nevada Highway Patrol regarding subpoena duces tecum for records and subpoena to Department of Public Safety/Highway Patrol	.20	15.00 B	1909228
6/28/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Colleen Youngman of First Legal Investigations regarding service of process upon Department of Public Safety/Highway Patrol	.20	15.00 B	1909228
6/28/17	Experts/Consultants: Review/Analyze: Review and analyze Versa Valve drawinfs in order to draft Defendant's Sixth Supplement to Early Case Conference Disclosures	.10	7.50	
6/28/17	Experts/Consultants: Draft/Revise: Draft Defendant's Sixth Supplement to Early Case Conference Disclosures	.30	22.50	
7/07/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service of Nevada Highway Patrol	.10	7.50 B	1964171
7/12/17	Experts/Consultants: Draft/Revise: Draft Defendant's Seventh Supplement to Early Case Conference Disclosures	.40	30.00	
7/12/17	Experts/Consultants: Review/Analyze: Review and analyze records from Nevada Highway Patrol in order to draft Defendant's Seventh Supplement to Early Case Conference Disclosures (376 pages)	.70	52.50	
7/12/17	Experts/Consultants: Draft/Revise: Draft detailed correspondence to defense expert Garrick Mitchell regarding scope of defense expert report and expert opinions	.20	15.00	
7/12/17	Experts/Consultants: Review/Analyze: Review and analyze file including discovery and records to identify pertinent records for defense expert Garrick Mitchell's review and use in defense expert report and expert opinions (hundreds of pages)	.50	37.50	
7/13/17	Pleadings: Review/Analyze: Review and analyze rebuttal expert report and packet from Garrick Mitchell in order to prepare Designation of Initial Experts	.30	22.50 B	1964171
7/13/17	Pleadings: Draft/Revise: Draft and prepare Designation of Rebuttal Experts	.80	60.00 B	1964171
7/13/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	knowledge of case and move forward in all discovery matters	.10	7.50	
7/17/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Rebuttal Expert Designation to identify key elements of expert reports from Dr. David Bosch and Erik Anderson (22 pages)	.30	22.50	
7/17/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's 3rd Supplement to Early Case Conference Disclosures (620 pages) to identify pertinent information and materials for use by defense	1.50	112.50	
7/18/17	Analysis/Strategy: Review/Analyze: Review and analyze RMC Lamar Holdings and Dragon's Rebuttal Expert Designation to identify key elements of rebuttal expert report from Dr. David Rondinone (8 pages)	.10	7.50	
7/26/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Trooper Lund	.20	15.00 B	1964171
7/27/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service of David Bosch	.10	7.50 B	1964171
7/27/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service of Erik Anderson	.10	7.50 B	1964171
7/27/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Trooper Murwin	.20	15.00 B	1964171
7/27/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Trooper McGrath	.20	15.00 B	1964171
7/27/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Trooper Stone	.20	15.00 B	1964171
7/27/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Trooper Murwin	.20	15.00 B	1964171
7/27/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Trooper McGrath	.10	7.50 B	1964171
7/27/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Trooper Lund	.20	15.00 B	1964171
7/27/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Trooper Stone	.10	7.50 B	1964171
7/27/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoenas to Nevada Highway Patrol troopers to ensure proper service of process	.10	7.50	
7/28/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoenas to Nevada Highway Patrol troopers to ensure proper service of process	.10	7.50	

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
7/31/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Lori McGrath	.20	15.00 B	1964171
7/31/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Carl Stone	.20	15.00 B	1964171
7/31/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Wayne Lund	.20	15.00 B	1964171
7/31/17	Pleadings: Draft/Revise: Draft and prepare Subpoena to Sargent Murwin	.20	15.00 B	1964171
7/31/17	Pleadings: Review/Analyze: Research dozens of online databases for current biographical information pertaining to witnesses in order to prepare subpoenas and notices of discovery examinations to Lori McGrath, Wayne Lund, and Carl Stone	1.00	75.00 B	1964171
8/01/17	Analysis/Strategy: Draft/Revise: Draft Amended Notice of Discovery Examination of Trooper McGrath	.20	15.00 B	1964171
8/01/17	Analysis/Strategy: Draft/Revise: Draft Amended Subpoena to Lori McGrath	.20	15.00 B	1964171
8/01/17	Analysis/Strategy: Review/Analyze: Review and analyze online sources including Lexis Advance and social media sites to identify current contact information for Lori McGrath as previous subpoena was rejected to due to incorrect address	.20	15.00 B	1964171
8/01/17	Experts/Consultants: Draft/Revise: Draft detailed correspondence to defense expert Garrick Mitchell regarding scope of defense expert report and expert opinions	.20	15.00	
8/01/17	Experts/Consultants: Review/Analyze: Review and analyze file including discovery and records to identify pertinent records for defense expert Garrick Mitchell's review and use in defense expert report and expert opinions (hundreds of pages)	1.00	75.00	
8/01/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from Joshua D. Belstock, B.A., MBA of Rimkus regarding expert file of Garrick Mitchell	.10	7.50	
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Notice of Discovery Examination of Carl Stone	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Notice of Discovery Examination of Wayne Lund	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Notice of Discovery Examination of Sargent Murwin	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Subpoena to Sargent Murwin	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Subpoena to Wayne Lund	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Amended Subpoena to Carl Stone	.20	15.00 B	1964171

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
8/02/17	Analysis/Strategy: Review/Analyze: Review and analyze online sources including Lexis Advance and social media sites to identify current contact information for Wayne Lund as previous subpoena was rejected to due to incorrect address	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Review/Analyze: Review and analyze online sources including Lexis Advance and social media sites to identify current contact information for Carl Stone as previous subpoena was rejected to due to incorrect address	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Lori McGrath	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Carl Stone	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Wayne Lund	.20	15.00 B	1964171
8/02/17	Analysis/Strategy: Draft/Revise: Draft Notice of Discovery Examination of Sargent Murwin	.20	15.00 B	1964171
8/03/17	Analysis/Strategy: Review/Analyze: Analysis of file including hundreds of pages of discovery documents and records to identify records pertaining to expert Erick Anderson for attorney's use	2.00	150.00 B	1964171
8/03/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of process to troopers	.10	7.50	
8/04/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of process to trooper Wayne Lund	.10	7.50	
8/04/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of process to trooper Lori McGrath	.10	7.50	
8/07/17	Experts/Consultants: Draft/Revise: Draft Defendant's Eighth Supplement to Early Case Conference Disclosures	.50	37.50	
8/07/17	Experts/Consultants: Review/Analyze: Review and analyze Garrick Mitchell's expert file in order to draft Defendant's Eighth Supplement to Early Case Conference Disclosures (hundreds of pages)	1.50	112.50	
8/07/17	Analysis/Strategy: Review/Analyze: Review and analyze Notice of Early Case Conference	.10	7.50	
8/07/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of process to trooper Lori McGrath	.10	7.50	
8/08/17	Analysis/Strategy: Draft/Revise: Draft Third Amended Subpoena to Lori McGrath	.20	15.00 B	1964171

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
8/08/17	Analysis/Strategy: Draft/Revise: Draft Second Amended Notice of Discovery Examination of Lori McGrath	.20	15.00 B	1964171
8/09/17	Analysis/Strategy: Review/Analyze: Review and analyze Order regarding Versa's Objection to Discovery Commissioner's Recommendation for Order Dated July 27, 2017	.10	7.50	
8/14/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records to identify records pertaining to expert Rondinone for attorney's use	2.00	150.00 B	1964171
8/14/17	Analysis/Strategy: Review/Analyze: Review and analyze file including hundreds of pages within pleadings and discovery to identify key documents for attorney's use during discovery examination of expert David Rondinone	1.50	112.50	
8/15/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records to identify records pertaining to Garrick Mitchell for attorney's use	1.00	75.00 B	1964171
8/18/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current knowledge of case and move forward in all discovery matters	.10	7.50	
8/21/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence for Trooper McGrath to identify information needed to assist with effecting proper service	.10	7.50	
8/21/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence for Trooper Lund to identify information needed to assist with effecting proper service	.10	7.50	
8/21/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence for Trooper Stone to identify information needed to assist with effecting proper service	.10	7.50	
8/22/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Stone to ensure proper service of process	.10	7.50	
8/22/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Murwin to ensure proper service of process	.10	7.50	
8/23/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records to identify records pertaining to person most knowledgeable for MDB for attorney's use	2.00	150.00 B	1964171
8/23/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Lori McGrath to ensure proper service of process	.10	7.50	

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
8/24/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence of Trooper Wayne Lund to ensure proper service of process	.10	7.50	
8/24/17	Analysis/Strategy: Communicate (Other External): Multiple communications with Sam Shield of First Legal Investigations regarding service of trial subpoena to Troopers Stone and Murwin to ensure proper service of process	.20	15.00	
8/24/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoena to Trooper Wayne Lund to ensure proper service of process	.10	7.50	
8/24/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoena to Trooper McGrath to ensure proper service of process	.10	7.50	
8/25/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to former trooper Wayne Lund for attorney's use	.50	37.50 B	1964171
8/25/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to former trooper Carl Stone for attorney's use	.50	37.50 B	1964171
8/25/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to sergeant Murwin for attorney's use	.50	37.50 B	1964171
8/25/17	Analysis/Strategy: Review/Analyze: Analysis of file including pleadings and records to identify records pertaining to Motion to Strike Cross-Claim for attorney's use during court proceeding	.50	37.50 B	1964171
8/25/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Wayne Lund to ensure proper service of process	.10	7.50	
8/29/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Carl Stone to ensure proper service of process	.10	7.50	
8/29/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper William Murwin to ensure proper service of process	.10	7.50	
8/31/17	Analysis/Strategy: Review/Analyze: Analysis of file including discovery documents and records from Nevada highway patrol to identify records pertaining to Lori McGrath for			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	attorney's use	1.00	75.00 B	1964171
8/31/17	Analysis/Strategy: Draft/Revise: Draft correspondence to District Court Judge regarding examination by all experts of confidential materials and diagrams pertaining to Versa Valves	.30	22.50	
8/31/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from Sheila Mansfield, Judicial Executive Assistant regarding inspection ordered by Judge Sattler	.10	7.50	
9/01/17	Analysis/Strategy: Draft/Revise: Draft Defendant's Ninth Supplement to Early Case Conference Disclosures	.30	22.50	
9/01/17	Analysis/Strategy: Draft/Revise: Review and analyze all updated discovery documents in order to draft Defendant's Ninth Supplement to Early Case Conference Disclosures	.30	22.50	
9/01/17	Analysis/Strategy: Draft/Revise: Draft Supplemental Confidentiality Order	1.00	75.00	
9/01/17	Analysis/Strategy: Review/Analyze: Review and analyze Confidential Protective Order	.10	7.50	
9/06/17	Analysis/Strategy: Review/Analyze: Review and analyze Appointment of Arbitrator for Mid-Century matter	.10	7.50	
9/13/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current knowledge of case and move forward in all discovery matters	.10	7.50	
9/13/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Second Supplement to Early Case Conference Disclosures to identify details of traffic citations in preparation for trial	.10	7.50	
9/18/17	Analysis/Strategy: Review/Analyze: Multiple communications with defense expert Garrick Mitchell regarding trial testimony and scope of initial and rebuttal opinions at trial	.10	7.50	
9/21/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze dozens of early case conference disclosures pertaining to all parties needed to draft Defendant's Pretrial Disclosures including all witnesses and exhibits to be used at trial	2.00	150.00 B	1964171
9/21/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze dozens of deposition transcripts needed to draft Defendant's Pretrial Disclosures including all witnesses and exhibits to be used at trial	1.00	75.00 B	1964171
9/21/17	Pleadings: Draft/Revise: Draft Defendant's Pretrial Disclosures including all witnesses			

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	and exhibits to be used at trial	3.00	225.00 B	1964171
9/21/17	Experts/Consultants: Draft/Revise: Draft correspondence to defense expert Garrick Mitchell regarding supplemental records review	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Lori McGrath	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Trooper Meeks	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Wayne Lund	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Thomas Lawson	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Patrick Bigby	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Scott Palmer	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Custodian of Records for Nevada Highway Patrol	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Daniel Koski	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Johnathan Lindley	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to William Murwin	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Carl Stone	.20	15.00 B	1964171
9/22/17	Pleadings: Draft/Revise: Draft trial subpoena to Tracy Shane	.20	15.00 B	1964171
9/22/17	Analysis/Strategy: Review/Analyze: Review and analyze all online sources to identify current statuses of trial witnesses and order to draft trial subpoenas	.50	37.50 B	1964171
9/22/17	Experts/Consultants: Draft/Revise: Draft detailed correspondence to defense expert Garrick Mitchell regarding scope of defense expert report and expert opinions	.20	15.00	
9/22/17	Experts/Consultants: Review/Analyze: Review and analyze file including discovery and records to identify pertinent records for defense expert Garrick Mitchell's review and use in defense expert report and expert opinions (hundreds of pages)	2.00	150.00	
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Daniel Koski	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Lori McGrath	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Wayne Lund	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Custodian of Records for Nevada Highway Patrol	.20	15.00 B	1964171

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Tracy Shane	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Patrick Bigby	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Scott Palmer	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to William Murwin	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Carl Stone	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Thomas Lawson	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Trooper Meeks	.20	15.00 B	1964171
9/25/17	Pleadings: Draft/Revise: Draft correspondence regarding trial to Johnathan Lindley	.20	15.00 B	1964171
9/25/17	Analysis/Strategy: Review/Analyze: Review and analyze Order to Set Evidentiary Hearing regarding Spoliation	.20	15.00	
9/25/17	Analysis/Strategy: Review/Analyze: Review and analyze Court Minutes regarding Conference Call regarding Inspection Issues	.10	7.50	
9/25/17	Analysis/Strategy: Review/Analyze: Multiple communications with defense expert Garrick Mitchell regarding evidentiary hearing testimony and scope of initial and rebuttal opinions at the hearing	.10	7.50	
9/28/17	Analysis/Strategy: Draft/Revise: Draft Evidentiary Hearing Subpoena to Patrick Bigby	.30	22.50	
9/28/17	Analysis/Strategy: Draft/Revise: Draft Evidentiary Hearing Subpoena to Tracy Shane	.30	22.50	
9/28/17	Analysis/Strategy: Draft/Revise: Draft Evidentiary Hearing Subpoena to Scott Palmer	.30	22.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Sergeant Lindley to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Trooper Carl Stone to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Trooper Wayne Lund to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Research: Research policies and procedures for subpoenas to Nevada Highway Patrol Central Command to ensure proper service of trial subpoena to			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Trooper Christopher Meeks	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Custodian of Records for Nevada Highway Patrol to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Sergeant William Murwin to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Lieutenant Thomas Lawson to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Daniel Anthony Koski to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Trooper Christopher Meeks to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoena to Trooper Meeks to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Communicate (Other External): Communication with Colleen Youngman of First Legal Investigations regarding service of trial subpoena to Trooper Christopher Meeks to ensure proper service of process	.10	7.50	
9/28/17	Analysis/Strategy: Review/Analyze: Review and analyze deposition transcript of Trooper Meeks to ensure proper service of trial subpoena	.30	22.50	
9/28/17	Analysis/Strategy: Communicate (Other External): Detailed communication with Sergeant Jonathan Lindley regarding subpoena for trial appearance	.10	7.50	
9/29/17	Analysis/Strategy: Communicate (Other External): Communication with Sam Shield of First Legal Investigations regarding service of trial subpoena to Trooper Meeks to ensure proper service of process	.10	7.50	
9/29/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Sergeant William Murwin to			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	ensure proper service of process	.10	7.50	
10/02/17	Analysis/Strategy: Review/Analyze: Review and analyze Confirming Order pertaining to Discovery Commissioner's Report and Recommendations to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/02/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Patrick Bigby to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/02/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Scott Palmer to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/02/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Tracy Shane to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/03/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Sixth Supplement to Early Case Conference Disclosures to identify details of lab reports and correspondence regarding testing in preparation for trial	.20	15.00	
10/03/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Lieutenant Thomas Lawson to ensure proper service of process	.10	7.50	
10/03/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Johnathan Troy Lindley to ensure proper service of process	.10	7.50	
10/03/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Carl Stone to ensure proper service of process	.10	7.50	
10/03/17	Analysis/Strategy: Review/Analyze: Multiple communications with defense expert Garrick Mitchell regarding evidentiary hearing testimony and scope of initial and rebuttal opinions at the hearing	.10	7.50	
10/04/17	Analysis/Strategy: Review/Analyze: Review and analyze multiple correspondence from First Legal Investigations regarding service of trial subpoena to Lieutenant Thomas Lawson to ensure proper service of process	.20	15.00	
10/04/17	Analysis/Strategy: Review/Analyze: Multiple communications with defense expert Garrick Mitchell regarding evidentiary hearing testimony and scope of initial and rebuttal opinions at the hearing	.10	7.50	

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
10/05/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of evidentiary hearing subpoena to Tracy Shane to ensure proper service of process	.10	7.50	
10/05/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from First Legal Investigations regarding service of trial subpoena to Trooper Christopher Meeks to ensure proper service of process	.10	7.50	
10/06/17	Analysis/Strategy: Draft/Revise: Draft Defendant's Tenth Supplement to Early Case Conference Disclosures	.40	30.00	
10/06/17	Analysis/Strategy: Review/Analyze: Review and analyze all updated discovery documents in order to draft Defendant's Tenth Supplement to Early Case Conference Disclosures	.30	22.50	
10/09/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze all expert documents from all parties to identify Defendant's trial exhibits in anticipation of upcoming trial	2.00	150.00	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Lori McGrath to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Scott Palmer to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Daniel Koski to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Tracy Shane to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Wayne Lund to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/09/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Carl Stone to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/10/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze hundreds of pages of records within discovery disclosures to identify defendant Versa's trial exhibits	1.00	75.00	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze file including latest discovery documents and pleadings to identify status of matter and outstanding discovery issues as well as upcoming discovery and trial deadlines in order to maintain current			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	knowledge of case and move forward in all discovery matters	.10	7.50	
10/10/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze all deposition transcripts from all parties to identify Defendant's trial exhibits in anticipation of upcoming trial	1.50	112.50	
10/10/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze all pleadings from all parties to identify Defendant's trial exhibits in anticipation of upcoming trial	2.00	150.00	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Erick Panelli to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Paul Gianoli to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Wayne Lund to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Jonathan Lindley to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Carl Stone to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper William Murwin to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Wayne Lund to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Custodian of Records for Nevada Highway Patrol to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence of service to Trooper Lindley to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Due Diligence of service to Trooper Meeks to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Daniel Koski to ensure proper service of trial subpoena	.10	7.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Tracy			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Shane to ensure proper service of trial subpoena	.10	7.50	
10/11/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze hundreds of pages of expert reports to identify defendant Versa's trial exhibits	1.00	75.00	
10/11/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze hundreds of pages of deposition transcript exhibits to identify defendant Versa's trial exhibits	1.00	75.00	
10/11/17	Analysis/Strategy: Review/Analyze: Review and analyze file including all discovery materials to draft Defendant's Evidentiary Hearing Exhibit List	.60	45.00	
10/11/17	Analysis/Strategy: Review/Analyze: Review and analyze updated discovery materials to draft First Supplement to Defendant's Pre-trial Disclosures	.40	30.00	
10/11/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze all discovery responses from all parties to identify Defendant's trial exhibits in anticipation of upcoming trial	2.00	150.00	
10/11/17	Analysis/Strategy: Draft/Revise: Draft First Supplement to Defendant's Pre-trial Disclosures	.40	30.00	
10/11/17	Analysis/Strategy: Draft/Revise: Draft Defendant's Evidentiary Hearing Exhibit List	.40	30.00	
10/11/17	Analysis/Strategy: Review/Analyze: Review and analyze MDB's Trial Subpoena to Travis Covey to identify outstanding discovery issues in preparation for trial	.10	7.50	
10/11/17	Analysis/Strategy: Review/Analyze: Review and analyze sample Exhibit List from Mikki White, Court Clerk to prepare case for trial	.10	7.50	
10/11/17	Analysis/Strategy: Review/Analyze: Review and analyze correspondence from Mikki White, Court Clerk regarding exhibits and procedures for trial for Department 10	.10	7.50	
10/12/17	Other Trial Preparation & Support: Review/Analyze: Review and analyze all disclosures from all parties to identify Defendant's trial exhibits in anticipation of upcoming trial	3.00	225.00	
10/13/17	Analysis/Strategy: Review/Analyze: Review and analyze Affidavit of Service to Trooper Meeks to ensure proper service of trial subpoena	.10	7.50	
10/16/17	Analysis/Strategy: Review/Analyze: Review and analyze Court Minutes regarding Evidentiary Hearing to identify outstanding discovery issues in preparation for trial	.10	7.50	
12/08/17	Analysis/Strategy: Review/Analyze: Review and analyze Order Granting Versa's Motion to Dismiss MDB's Cross-Claim	.30	22.50	
12/12/17	Analysis/Strategy: Review/Analyze: Review and analyze Order Denying MDB's Motion			

Timekeeper: **RR6 Rosa Rosales**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	to Strike Versa's Answer	.20	15.00	
	MATTER TOTAL:	**89.60**	**6,720.00 B**	
		.00	**.00 N**	
		89.60	**6,720.00 T**	
	CLIENT TOTAL:	**89.60**	**6,720.00 B**	
		.00	**.00 N**	
		89.60	**6,720.00 T**	
	TIMEKEEPER TOTAL:	**89.60**	**6,720.00 B**	
		.00	**.00 N**	
		89.60	**6,720.00 T**	

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Timekeeper: **PAS Paul A. Shpirt**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
8/30/17	Analysis/Strategy: Review/Analyze: Continue detailed legal analysis and review of the NRCP 16.1 disclosures of documents, witnesses and computation of damages, latest research into the case law and statutory authority re production of computations of damages and basis for damages in general to prepare a Rule 56 Motion for Summary Judgment on the issue of Monetary Damages sought	.80	172.00 B	1964171
8/30/17	Analysis/Strategy: Draft/Revise: Prepare a Rule 56 Motion for Summary Judgment on the issue of Monetary Damages sought (13 pages)	1.90	408.50 B	1964171
8/31/17	Analysis/Strategy: Review/Analyze: Amend, supplement and revise VERSA's Motion for Summary Judgment as to the strict liability causes of action based on expert's testimony	1.10	236.50 B	1964171
9/08/17	Analysis/Strategy: Review/Analyze: Review Plaintiff's initial briefings on the Motion in Limine to review proposed necessary further research into the issue of citations	.50	107.50 B	1964171
9/11/17	Analysis/Strategy: Review/Analyze: Continue detailed legal analysis and review of the MDB's Motion in Limine No. 2 to preclude evidence of unintentional dumping in 2013, including NRS research into admissibility of prior bad acts, prior habit and conformity and issues related to affirmative defense to prepare a comprehensive opposition thereto	2.10	451.50 B	1964171
9/11/17	Analysis/Strategy: Draft/Revise: Prepare a comprehensive Opposition to MDB's Motion in Limine No. 2 to preclude evidence of unintentional dumping in 2013	1.90	408.50 B	1964171
9/13/17	Analysis/Strategy: Draft/Revise: Prepare motion in limine to preclude the use of animation and re-enactment videos	1.10	236.50 B	1964171
9/13/17	Analysis/Strategy: Draft/Revise: Prepare motion in limine to preclude documents witnesses and evidence not seasonable produced pursuant to NRCP 16.1	1.10	236.50 B	1964171
9/22/17	Analysis/Strategy: Draft/Revise: Prepare a Reply to Plaintiff's Opposition to Summary Judgment on the issue of damages	1.30	279.50 B	1964171
9/22/17	Analysis/Strategy: Review/Analyze: Continue detailed legal analysis and review of the Plaintiff's Opposition to the Motion for Summary Judgment, case law cited, disclosure requirements for witnesses pursuant to NRCP 16.1 to prepare research and draft a Reply thereto	1.90	408.50 B	1964171
9/22/17	Analysis/Strategy: Research: Conduct research into cases cited by Plaintiff in its Opposition to our Motion for Summary Judgment on the topics of computation of damages in light of the issues related to production under NRCP 16.1	.90	193.50 B	1964171

Timekeeper: **PAS Paul A. Shpirt**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/25/17	Analysis/Strategy: Draft/Revise: Amend, supplement and final our Reply to MDB's Opposition to our MSJ and the Request for Judicial Notice listed	1.10	236.50 B	1964171
10/03/17	Analysis/Strategy: Review/Analyze: Continue detailed legal analysis and review of MDB's initial pre-trial disclosures pursuant to NRCP 16.1(a)(3) to determine new documents, previously undisclosed documents. issues related to relevance and hearsay to prepare Objections to Pre-Trial Disclosures	1.80	387.00	
10/03/17	Analysis/Strategy: Draft/Revise: prepare comprehensive Objections to Pre-Trial Disclosures pursuant to NRCP 16.1(a)(3)	1.90	408.50	
10/05/17	Analysis/Strategy: Review/Analyze: Review MDB's Opposition to our Motion in Limine to preclude animation, re-enactment videos and computer graphics during the opening statement, along with cited case law and statutory authority to prepare a comprehensive Reply	1.10	236.50	
10/05/17	Analysis/Strategy: Draft/Revise: Prepare a Reply to MDB's Opposition to our Motion in Limine to preclude animation, re-enactment videos and computer graphics during the opening statement	1.20	258.00	
10/06/17	Analysis/Strategy: Review/Analyze: Review MDB's Opposition to our Motion in Limine to compel production of the demonstrative exhibits between parties within 10 days, along with cited case law and statutory authority to prepare a comprehensive Reply	1.10	236.50	
10/06/17	Analysis/Strategy: Draft/Revise: Review MDB's Opposition to our Motion in Limine to preclude witnesses and documents not seasonably produced pursuant to NRCP 16.1 and NRCP 26, specifically 5th and 6th supplement, along with cited case law and statutory authority to prepare a comprehensive Reply	1.10	236.50	
10/06/17	Analysis/Strategy: Draft/Revise: Prepare a Reply to MDB's Opposition to our Motion in Limine to compel production of the demonstrative exhibits between parties within 10 days	1.20	258.00	
10/06/17	Analysis/Strategy: Draft/Revise: Prepare a Reply to MDB's Opposition to our Motion in Limine to preclude witnesses and documents not seasonably produced pursuant to NRCP 16.1 and NRCP 26, specifically 5th and 6th supplement	1.40	301.00	
10/09/17	Analysis/Strategy: Draft/Revise: Amend, supplement and update argument section for the Opposition to Plaintiffs' emergency motion to strike Versa's answer	.90	193.50	
10/10/17	Analysis/Strategy: Review/Analyze: Review procedural posture of the case, including			

Timekeeper: **PAS Paul A. Shpirt**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	key topics of expert testimony and issues related to various Voir Dire rules for the local second district to prepare a proposed Voir Dire for the jury in this matter	.90	193.50	
10/10/17	Analysis/Strategy: Draft/Revise: Prepare a proposed Voir Dire for the jury in this matter	1.30	279.50	
10/10/17	Analysis/Strategy: Draft/Revise: Prepare a Motion on an Order Shortening Time	.80	172.00	
10/10/17	Analysis/Strategy: Review/Analyze: Review MDB's Submission of its Motion in Limine to Strike Garrick Mitchell, local rules related to submission, the Court's Pre-Trial Order and research on available sanctions to prepare a Motion to Strike the Submissions	1.30	279.50	
10/10/17	Analysis/Strategy: Draft/Revise: O prepare a Motion to Strike MDB's Submission of its Motion in Limine to Strike Garrick Mitchell as untimely and on an Order Shortening Time	1.40	301.00	
10/10/17	Analysis/Strategy: Review/Analyze: Amend, supplement and final our Reply to Plaintiff's Opposition to our Motion to Strike the Fifth Supplement and new computation of damages	1.10	236.50	
10/11/17	Analysis/Strategy: Draft/Revise: Prepare proposed comprehensive list of jury instructions related strictly to products defect claim	1.60	344.00	
10/16/17	Analysis/Strategy: Review/Analyze: Continue detailed legal analysis and review of the MDB's Opposition to our Motion to Strike, their cited cases and case law and argument to prepare a Reply to their Opposition	1.20	258.00	
10/16/17	Analysis/Strategy: Draft/Revise: Prepare a Reply to MDB's Opposition to our Motion to Strike	1.30	279.50	
	MATTER TOTAL:	**38.30**	**8,234.50 B**	
		.00	**.00 N**	
		38.30	**8,234.50 T**	
	CLIENT TOTAL:	**38.30**	**8,234.50 B**	
		.00	**.00 N**	
		38.30	**8,234.50 T**	
	TIMEKEEPER TOTAL:	**38.30**	**8,234.50 B**	
		.00	**.00 N**	
		38.30	**8,234.50 T**	

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Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
5/04/17	Other Written Motions & Submiss.: Draft/Revise: Prepare offer of judgment to MBD for its cross-claim in Fitzsimmons matter	.20	35.00 B	1909228
5/05/17	Written Discovery: Draft/Revise: Prepare Versa's supplemental discovery responses to include design documents	.40	70.00 B	1909228
5/05/17	Depositions: Communicate (Other Outside Counsel): Electronic correspondence with opposing counsel regarding the upcoming deposition of Versa's PMK	.20	35.00 B	1909228
5/05/17	Depositions: Review/Analyze: Detail legal analysis of clients documents in preparation for preparing for Versa's 30(b)(6) deposition	1.90	332.50 B	1909228
5/08/17	Depositions: Travel: Travel from office to airport for flight to New York	.50	87.50 B	1909228
5/08/17	Depositions: Travel: Travel from Las Vegas to New York	6.00	1,050.00 B	1909228
5/08/17	Depositions: Travel: Travel from JFK to Versa's office in New Jersey	.90	157.50 B	1909228
5/08/17	Written Discovery: Draft/Revise: Prepare Versa's supplemental discovery responses to include additional customer complaints	.40	70.00 B	1909228
5/08/17	Depositions: Appear For/Attend: Attend Deposition prep of Versa PMK	3.60	630.00 B	1909228
5/08/17	Depositions: Travel: Travel from Versa's office to hotel	.30	52.50 B	1909228
5/09/17	Depositions: Travel: Travel from hotel to Deposition of Versa PMK	.40	70.00 B	1909228
5/09/17	Depositions: Appear For/Attend: Attend Deposition of Versa PMK	8.50	1,487.50 B	1909228
5/09/17	Written Discovery: Draft/Revise: Prepare Versa's 2nd supplemental discovery responses to include privilege log	.70	122.50 B	1909228
5/09/17	Depositions: Travel: Travel from Deposition of Versa PMK to hotel	.40	70.00 B	1909228
5/10/17	Depositions: Appear For/Attend: Attend Deposition of Versa PMK	8.50	1,487.50 B	1909228
5/10/17	Depositions: Travel: Travel from Deposition of Versa PMK to hotel	.40	70.00 B	1909228
5/10/17	Depositions: Travel: Travel from hotel to Deposition of Versa PMK	.40	70.00 B	1909228
5/11/17	Other Written Motions & Submiss.: Plan & Prepare For: Prepare affidavit of Paige S. Shreve for Versa's Motion for Protective Order	.40	70.00 B	1909228
5/11/17	Depositions: Travel: Travel from Las Vegas airport to office	.50	87.50 B	1909228
5/11/17	Other Written Motions & Submiss.: Plan & Prepare For: Prepare supplemental information including additional facts in Versa's Motion for Protective Order	1.60	280.00 B	1909228

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Timekeeper Time Diary
From 5/04/17 through 12/31/17

Selections: Clnt-Matter: 27350-1536 to 27350-1536
Billed and Unbilled

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
5/11/17	Depositions: Travel: Travel from New York back to Las Vegas	7.90	1,382.50 B	1909228
5/11/17	Depositions: Travel: Travel from New Jersey to JFK	.90	157.50 B	1909228
5/12/17	Depositions: Review/Analyze: Detailed legal analysis of MDB's disclosures for purposes of preparing for Versa's Motion for spoilation(823 pages)	3.40	595.00 B	1909228
5/12/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Patrick Bigby's deposition for purposes of preparing Versa's Motion for Spoilation(144 pages)	1.40	245.00 B	1909228
5/14/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Tracy Shane's deposition for purposes of preparing Versa's Motion for Spoilation (152 pages)	1.40	245.00 B	1909228
5/14/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Scott Palmers's deposition for purposes of preparing Versa's Motion for Spoilation(436 pages)	3.70	647.50 B	1909228
5/15/17	Other Written Motions & Submiss.: Review/Analyze: Prepare revisions and supplements to Versa's Motion for spoilation to add facts from MDB depositions and additional facts and analysis of the same	3.20	560.00 B	1909228
5/16/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Opposition to Motion to Continue (8 pages)	4.30	752.50 B	1909228
5/16/17	Other Written Motions & Submiss.: Review/Analyze: Research case law cited in MDB's Motion to Continue in preparation for preparing opposition of the same	.90	157.50 B	1909228
5/16/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's Motion to Continue	.30	52.50 B	1909228
5/16/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of Nevada case law to contradict case law cited in MDB's Motion to Continue in preparation for preparing opposition of the same	1.30	227.50 B	1909228
5/16/17	Other Written Motions & Submiss.: Review/Analyze: Research Nevada case law to contradict case law cited in MDB's Motion to Continue in preparation for preparing opposition of the same	1.70	297.50 B	1909228
5/17/17	Other Written Motions & Submiss.: Review/Analyze: Prepare supplemental analysis regarding MDB's Motion to Continue as procedurally improper	1.40	245.00 B	1909228
5/23/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Motion to Compel MDB's counsel to disclose reservation of rights letters and counsels letter to client requesting client to preserve evidence (10 pages)	4.90	857.50 B	1909228

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Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
5/23/17	Other Written Motions & Submiss.: Research: Research Nevada case law regarding compelling opposing counsel to disclose reservation of rights letters and counsels letter to client requesting client to preserve evidence	.90	157.50 B	1909228
5/23/17	Other Written Motions & Submiss.: Review/Analyze: Detail legal analysis of Nevada case law regarding compelling opposing counsel to disclose reservation of rights letters and counsels letter to client requesting client to preserve evidence	1.30	227.50 B	1909228
6/06/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Washoe County case law regarding filing a request for submission prior to opposing party filing an opposition in preparation for preparing the request for submission to Versa's Motion for Summary Judgement	1.30	227.50 B	1909228
6/06/17	Dispositive Motions: Research: Research Washoe County case law regarding filing a request for submission prior to opposing party filing an opposition in preparation for preparing the request for submission to Versa's Motion for Summary Judgement	1.10	192.50 B	1909228
6/07/17	Fact Investigation/Development: Communicate (Other Outside Counsel): Teleconference with RMC's counsel regarding discovery plan	.70	122.50 B	1909228
6/07/17	Fact Investigation/Development: Appear For/Attend: Appear telephonically for Court Mandated Status Check	.60	105.00 B	1909228
6/07/17	Depositions: Communicate (With Client): Electronic correspondence to Gerry regarding his deposition transcript	.10	17.50 B	1909228
6/08/17	Depositions: Draft/Revise: Prepare errata to Gerry Gramegna's deposition transcript	.20	35.00 B	1909228
6/09/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Scott Palmers's deposition for purposes of supplementing Versa's Reply in support of its Motion for Spoilation to include deposition testimony regarding the electrical components of the trailer and how it applies to the valve(436 pages)	2.90	507.50 B	1909228
6/09/17	Dispositive Motions: Draft/Revise: Prepare and supplement Versa's Reply in support of its Motion for Spoilation to include deposition testimony of Scott Palmer regarding the electrical components of the trailer and how it applies to the valve	2.40	420.00 B	1909228
6/09/17	Other Written Motions & Submiss.: Communicate (Other Outside Counsel): Teleconference with MDB's counsel regarding stipulation to extend discovery dates	.20	35.00 B	1909228
6/12/17	Experts/Consultants: Communicate (With Client): Telephone conference with Expert regarding upcoming disclosure deadline	.40	70.00 B	1909228

Blank = Billable/Unbilled * = From Time Entry E=From Error File B = Billed N = Non-billable T = Total W = Written Off

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/12/17	Experts/Consultants: Communicate (With Client): Telephone conference with Barham regarding expert questions	.20	35.00 B	1909228
6/12/17	Written Motions and Submissions: Communicate (Other Outside Counsel): Telephone conference with MDB's counsel regarding motion for good faith settlement and sao extending deadlines	.30	52.50 B	1909228
6/12/17	Written Motions and Submissions: Communicate (Other Outside Counsel): Telephone conference with RMC Lamar's counsel regarding motion for good faith settlement and sao extending deadlines	.40	70.00 B	1909228
6/12/17	Other Written Motions & Submiss.: Communicate (Other Outside Counsel): Teleconference with MDB's counsel regarding deficiencies in its Motion for Good Faith Settlement	.20	35.00 B	1909228
6/19/17	Depositions: Travel: Fly from Las Vegas to Reno	3.70	647.50 B	1909228
6/19/17	Depositions: Appear For/Attend: Prepare deposition outline of Officers Meek	1.10	192.50 B	1909228
6/19/17	Depositions: Appear For/Attend: Prepare deposition outline of Trooper Lindley	.60	105.00 B	1909228
6/19/17	Depositions: Appear For/Attend: Detailed legal analysis of traffic accident reports in preparation for preparing for officer depositions	1.70	297.50 B	1909228
6/19/17	Depositions: Appear For/Attend: Prepare deposition outline of Trooper Lawson	.70	122.50 B	1909228
6/19/17	Depositions: Travel: Travel from office to airport	.50	87.50 B	1909228
6/19/17	Depositions: Travel: Travel from airport to hotel	.40	70.00 B	1909228
6/20/17	Depositions: Travel: Fly from Reno to Las Vegas	1.60	280.00 B	1909228
6/20/17	Depositions: Travel: Travel from hotel to deposition	.40	70.00 B	1909228
6/20/17	Depositions: Travel: Travel from deposition to airport	.40	70.00 B	1909228
6/20/17	Depositions: Appear For/Attend: Attend deposition of Officers Meek, Trooper Lawson and Trooper Lindley	8.10	1,417.50 B	1909228
6/20/17	Depositions: Travel: Travel from airport in Las Vegas to office	.50	87.50 B	1909228
6/22/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Versa's Reply in support of its Motion to Compel (5 pages)	2.70	472.50 B	1909228
6/22/17	Other Written Motions & Submiss.: Research: Research Nevada case law to refute case law cited in MDB's Opposition to Versa's Motion to Compel in preparation for preparing			

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Reply of the same	.40	70.00 B	1909228
6/22/17	Other Written Motions & Submiss.: Research: Research case law cited in MDB's Opposition to Versa's Motion to Compel in preparation for preparing Reply of the same	.40	70.00 B	1909228
6/22/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's Opposition to Versa's Motion to Compel	.20	35.00 B	1909228
6/22/17	Other Written Motions & Submiss.: Review/Analyze: Detail legal analysis of Nevada case law to refute case law cited in MDB's Opposition to Versa's Motion to Compel in preparation for preparing Reply of the same	.90	157.50 B	1909228
6/22/17	Other Written Motions & Submiss.: Review/Analyze: Detail legal analysis of case law cited in MDB's Opposition to Versa's Motion to Compel in preparation for preparing Reply of the same	.70	122.50 B	1909228
6/23/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Versa's Opposition to MDB's request for submission (6 pages)	4.60	805.00 B	1909228
6/23/17	Other Written Motions & Submiss.: Research: Research Nevada case law to refute MDB's cases cited in its Motion to strike Versa's request for submission in preparation for preparing Opposition of the same	.70	122.50 B	1909228
6/23/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of Nevada case law to refute MDB's cases cited in its Motion to strike Versa's request for submission in preparation for preparing Opposition of the same	1.40	245.00 B	1909228
6/23/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of case law cited in MDB's Motion to strike Versa's request for submission in preparation for preparing Opposition of the same	1.30	227.50 B	1909228
6/23/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's Motion to strike Versa's request for submission in preparation for preparing Opposition of the same	.30	52.50 B	1909228
6/26/17	Written Discovery: Review/Analyze: Detailed legal analysis of Bahram's deposition testimony in order to respond to MDB's counsel regarding their meet and confer on production of documents based on Bahram's testimony of documents not produced	.70	122.50 B	1909228
6/26/17	Written Discovery: Review/Analyze: Detailed legal analysis of documents produced in order to respond to MDB's counsel regarding their meet and confer on production of documents based on Bahram's testimony of documents not produced	1.10	192.50 B	1909228

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
6/26/17	Written Discovery: Communicate (Other External): Electronic correspondence with MDB's counsel regarding their meet and confer on production of documents based on Bahram's testimony of documents not produced	.20	35.00 B	1909228
6/26/17	Written Discovery: Review/Analyze: Detailed legal analysis of MDB's RFP in order to respond to MDB's counsel regarding their meet and confer on production of documents based on Bahram's testimony of documents not produced	.30	52.50 B	1909228
6/28/17	Written Discovery: Communicate (Other External): Telephone conference with MDB's counsel regarding their meet and confer on production of documents based on Bahram's testimony of documents not produced	.40	70.00 B	1909228
6/28/17	Written Discovery: Communicate (With Client): Telephone conference with Bahram regarding MDB's counsel request for production of documents based on his testimony of documents not produced	.40	70.00 B	1909228
7/06/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of case law cited in MDB's Motion to Amend Pleadings to add Peter Paul for purposes of preparing opposition of the same	1.60	280.00 B	1964171
7/06/17	Other Written Motions & Submiss.: Research: Research case law cited in MDB's Motion to Amend Pleadings to add Peter Paul for purposes of preparing opposition of the same	.40	70.00 B	1964171
7/06/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's disclosures to determine if they produced any documents to show that it knew of Peter Paul's existence prior Versa depo in support of Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul	2.10	367.50 B	1964171
7/06/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of Versa's disclosures and responses to written discovery to determine if they produced any documents to show that it knew of Peter Paul's existence prior Versa depo in support of Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul	1.70	297.50 B	1964171
7/06/17	Other Written Motions & Submiss.: Research: Research case law to refute case law cited in MDB's Motion to Amend Pleadings to add Peter Paul in preparation for preparing Opposition of the same	.60	105.00 B	1964171
7/06/17	Other Written Motions & Submiss.: Review/Analyze: Detail legal analysis of case law to refute case law cited in MDB's Motion to Amend Pleadings to add Peter Paul in preparation for preparing Opposition of the same	1.40	245.00 B	1964171

Timekeeper Time Diary
From 5/04/17 through 12/31/17

Selections: Clnt-Matter: 27350-1536 to 27350-1536
Billed and Unbilled

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
7/06/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's Motion to Amend Pleadings to add Peter Paul for purposes of preparing opposition of the same	.40	70.00 B	1964171
7/07/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of Bahram's deposition testimony to refute statements made in MDB's Motion to Amend Pleadings to add Peter Paul for purpose of preparing opposition to the same	.90	157.50 B	1964171
7/07/17	Other Written Motions & Submiss.: Draft/Revise: Prepare affidavit of David B. Avakian in support of Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul	.30	52.50 B	1964171
7/07/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Introduction to Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul (1 1/2 pages)	.80	140.00 B	1964171
7/07/17	Other Written Motions & Submiss.: Draft/Revise: Prepare factual background section of Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul (1 pages)	.60	105.00 B	1964171
7/10/17	Other Written Motions & Submiss.: Draft/Revise: Prepare legal argument section of Versa's Opposition to MDB's Motion to Amend Pleadings to add Peter Paul (6 pages)	3.60	630.00 B	1964171
7/12/17	Written Discovery: Communicate (Other Outside Counsel): Electronic correspondence with MDB's counsel regarding missing documents in which they need to supplement their written discovery responses	.20	35.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Draft/Revise: Prepare legal argument section to VERSA's Opposition to MDB's Motion to Continue Trial (4 pages)	2.40	420.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Introduction section to VERSA's Opposition to MDB's Motion to Continue Trial (1 1/2 pages)	.80	140.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of MDB's Motion to Continue trial for purposes of preparing opposition of the same	.40	70.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Research: Research case law cited in MDB's Motion to Continue Trial for purposes of preparing opposition of the same	.60	105.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of case law cited in MDB's Motion to Continue Trial for purposes of preparing opposition of the same	1.60	280.00 B	1964171
7/12/17	Other Written Motions & Submiss.: Research: Research case law to refute case law cited in MDB's Motion to Continue Trial in preparation for preparing Opposition of the same	.70	122.50 B	1964171
7/12/17	Other Written Motions & Submiss.: Review/Analyze: Detail legal analysis of case law to			

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Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	refute case law cited in MDB's Motion to Continue trial in preparation for preparing Opposition of the same	1.40	245.00 B	1964171
7/13/17	Dispositive Motions: Research: Research case law cited in MDB's opposition regarding assumption of the risk for purposes of preparing Reply in support of Motion for Summary Judgment	.60	105.00 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of NV case law cited regarding assumption of the risk to refute case law cited in MDB's opposition regarding the same for purposes of preparing Reply in support of Motion for Summary Judgment	1.80	315.00 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Mr. Andersons expert report for purposes of preparing Reply in support of Motion for Summary Judgment	.40	70.00 B	1964171
7/13/17	Dispositive Motions: Research: Research NV case law cited regarding assumption of the risk to refute case law cited in MDB's opposition regarding the same for purposes of preparing Reply in support of Motion for Summary Judgment	.90	157.50 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Dr. Bosch's expert report for purposes of preparing Reply in support of Motion for Summary Judgment	.60	105.00 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Gerry Gramegna's deposition testimony for purposes of preparing Reply in support of Motion for Summary Judgment (75 pages)	1.10	192.50 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Scott Palmer's deposition testimony for purposes of preparing Reply in support of Motion for Summary Judgment (196 pages)	1.10	192.50 B	1964171
7/13/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of case law cited in MDB's opposition regarding assumption of the risk for purposes of preparing Reply in support of Motion for Summary Judgment	1.30	227.50 B	1964171
7/14/17	Dispositive Motions: Draft/Revise: Prepare legal argument section of Reply in support of Motion for Summary Judgment regarding assumption of the risk (4 pages)	2.60	455.00 B	1964171
7/17/17	Dispositive Motions: Draft/Revise: Detailed legal analysis of MDB's 3rd Party Complaint against Versa in preparation for preparing Motion to Dismiss regarding the same (state farm case)	.90	157.50 B	1964171
7/17/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Court's holding in prior rulings regarding Motion to Dismiss for purposes of preparing Versa's Motion to Dismiss			

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	MDB's 3rd Party Complaint (state farm case)	1.30	227.50 B	1964171
7/17/17	Dispositive Motions: Draft/Revise: Prepare Versa's Motion to Dismiss MDB's 3rd Party Complaint (State Farm case)	3.70	647.50 B	1964171
7/18/17	Depositions: Travel: Fly for Las Vegas to Reno	3.70	647.50 B	1964171
7/18/17	Depositions: Travel: Travel from office to airport for flight to Reno	.50	87.50 B	1964171
7/18/17	Depositions: Travel: Travel from Reno Airport to Hotel	.30	52.50 B	1964171
7/18/17	Depositions: Draft/Revise: Prepare an outline for deposition of RMC Lamar PMK	.60	105.00 B	1964171
7/18/17	Depositions: Review/Analyze: Detailed legal analysis of RMC Lamar's responses to written discovery and document disclosures for purposes of preparing for deposition of the same	1.90	332.50 B	1964171
7/19/17	Depositions: Travel: Fly for Reno to Las Vegas (flight delayed)	4.20	735.00 B	1964171
7/19/17	Depositions: Appear For/Attend: Attend deposition of RMC Lamar PMK	3.90	682.50 B	1964171
7/19/17	Depositions: Travel: Travel from Las Vegas airport to office	.50	87.50 B	1964171
7/19/17	Depositions: Travel: Travel from deposition to Reno airport	.30	52.50 B	1964171
7/19/17	Depositions: Travel: Travel from hotel to deposition	.30	52.50 B	1964171
7/28/17	Dispositive Motions: Draft/Revise: Supplement Motion to Strike for failure to provide police reports to include additional legal analysis regarding the failure of MDB to disclose the police reports (5 pages)	3.10	542.50 B	1964171
7/31/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of Gus Badia in support of objection to Discovery Commissioner's reports and recommendation regarding Motion for Protective Order	.40	70.00 B	1964171
8/01/17	Dispositive Motions: Communicate (Other Outside Counsel): Electronic correspondence to opposing counsel regarding the pending Motions	.20	35.00 B	1964171
8/02/17	Expert Discovery: Communicate (Other Outside Counsel): Electronic correspondence to opposing counsel regarding their expert disclosures and expert job files	.20	35.00 B	1964171
8/03/17	Dispositive Motions: Communicate (Other Outside Counsel): Electronic correspondence with opposing counsel regarding stipulations to dismiss the third-party complaint regarding implied indemnity in the State Farm case	.20	35.00 B	1964171
8/10/17	Court Mandated Conferences: Draft/Revise: Prepare memorandum regarding what			

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	occurred at the mandatory status hearing	.30	52.50 B	1964171
8/16/17	Depositions: Review/Analyze: Detailed legal analysis of RMC Lamar's expert David Rondinone's expert and rebuttal reports in preparation of his deposition	1.40	245.00 B	1964171
8/16/17	Depositions: Appear For/Attend: Attend deposition of RMC Lamar's expert David Rondinone	2.10	367.50 B	1964171
8/17/17	Depositions: Review/Analyze: Detailed legal analysis of all expert reports and depositions including Garrick Mitchell, Mr. Anderson, Dr. Bosch and Dr. Randone in preparation for preparing for Garrick Mitchell's deposition	2.40	420.00 B	1964171
8/17/17	Depositions: Travel: Travel to Airport to Colorado for Deposition of Garrick Mitchell	.40	70.00 B	1964171
8/17/17	Depositions: Travel: Travel to Colorado for Deposition of Garrick Mitchell	4.60	805.00 B	1964171
8/17/17	Depositions: Travel: Travel from airport to Hotel for Deposition of Garrick Mitchell	1.30	227.50 B	1964171
8/18/17	Depositions: Travel: Travel from deposition to Airport to return to Las Vegas from Deposition of Garrick Mitchell	.80	140.00 B	1964171
8/18/17	Depositions: Travel: Travel from Airport to Office	.40	70.00 B	1964171
8/18/17	Depositions: Appear For/Attend: Attend deposition of Garrick Mitchell	3.10	542.50 B	1964171
8/18/17	Depositions: Appear For/Attend: Deposition preparation with Garrick Mitchell	.80	140.00 B	1964171
8/18/17	Depositions: Travel: Travel back to Las Vegas from Colorado for Deposition of Garrick Mitchell	4.70	822.50 B	1964171
8/23/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Erik Anderson's deposition for purposes of preparing Versa's Motion for Summary Judgment (99 pages)	1.20	210.00 B	1964171
8/23/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of David Bosch's deposition for purposes of preparing Versa's Motion for Summary Judgment (111 pages)	1.60	280.00 B	1964171
8/28/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law regarding the necessity of having an expert in order to create a disputed fact for purposes of preparing Versa's Motion for Summary Judgment	1.80	315.00 B	1964171
8/28/17	Dispositive Motions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Versa's Motion for Summary Judgment (2 pages)	1.10	192.50 B	1964171
8/28/17	Dispositive Motions: Research: Research Nevada case law regarding the necessity of			

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Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	having an expert in order to create a disputed fact for purposes of preparing Versa's Motion for Summary Judgment	1.30	227.50 B	1964171
8/28/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Scott Palmers's deposition for purposes of preparing Versa's Motion for Summary Judgment (436 pages)	1.90	332.50 B	1964171
8/28/17	Dispositive Motions: Draft/Revise: Prepare introduction of Versa's Motion for Summary Judgment (2 pages)	1.20	210.00 B	1964171
8/29/17	Dispositive Motions: Draft/Revise: Prepare introduction section of Versa's Motion in limine to Strike Mr. Anderson as an expert (2 pages)	1.10	192.50 B	1964171
8/29/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Erik Anderson's deposition for purposes of preparing Versa's Motion in limine to Strike Mr. Anderson as an expert (99 pages)	.90	157.50 B	1964171
8/29/17	Dispositive Motions: Draft/Revise: Prepare Versa's Motion for Summary Judgment (11 pages total)	3.10	542.50 B	1964171
8/29/17	Dispositive Motions: Draft/Revise: Prepare legal argument section of Versa's Motion in limine to Strike Mr. Anderson as an expert (12 pages total)	1.70	297.50 B	1964171
8/29/17	Dispositive Motions: Draft/Revise: Prepare statement of undisputed facts of Versa's Motion for Summary Judgment (2 pages)	1.40	245.00 B	1964171
8/29/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law regarding striking an expert for purposes of preparing Versa's Motion in limine to Strike Mr. Anderson as an expert	.90	157.50 B	1964171
8/29/17	Dispositive Motions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Versa's Motion in limine to Strike Mr. Anderson as an expert (1 pages)	.60	105.00 B	1964171
8/29/17	Dispositive Motions: Research: Research Nevada case law regarding striking an expert for purposes of preparing Versa's Motion in limine to Strike Mr. Anderson as an expert	.60	105.00 B	1964171
8/30/17	Dispositive Motions: Research: Research Nevada case law regarding limiting the scope of expert testimony for purposes of preparing Versa's Motion in limine to limit the testimony of Dr. Bosch at trial	.60	105.00 B	1964171
8/30/17	Dispositive Motions: Draft/Revise: Continue preparing legal argument section of Versa's Motion in limine to Strike Mr. Anderson as an expert (12 pages total)	4.40	770.00 B	1964171

Timekeeper Time Diary
From 5/04/17 through 12/31/17

Selections: Clnt-Matter: 27350-1536 to 27350-1536
Billed and Unbilled

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
8/30/17	Dispositive Motions: Draft/Revise: Prepare introduction section of Versa's Motion in limine to limit the testimony of Dr. Bosch at trial (2 page)	1.30	227.50 B	1964171
8/30/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law regarding limiting the scope of expert testimony for purposes of preparing Versa's Motion in limine to limit the testimony of Dr. Bosch at trial	.80	140.00 B	1964171
8/30/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of David Bosch's deposition for purposes of preparing Versa's Motion in limine to limit the testimony of Dr. Bosch at trial (111 pages)	1.20	210.00 B	1964171
8/31/17	Dispositive Motions: Draft/Revise: Continue preparing Versa's Motion for Summary Judgment (11 pages total)	3.90	682.50 B	1964171
8/31/17	Dispositive Motions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Versa's Motion in limine to limit the testimony of Dr. Bosch at trial (1 page)	.70	122.50 B	1964171
8/31/17	Dispositive Motions: Draft/Revise: Prepare legal argument section of Versa's Motion in limine to limit the testimony of Dr. Bosch at trial (9 pages)	4.60	805.00 B	1964171
9/01/17	Dispositive Motions: Draft/Revise: Revise Versa's Motion for Summary Judgment to include a section regarding the necessity of expert testimony to argue a manufacturing or design defect (6 additional pages)	1.70	297.50 B	1964171
9/01/17	Dispositive Motions: Draft/Revise: Revise legal argument section of Versa's Motion in limine to Strike Mr. Anderson as an expert to include additional quotes and analysis form Mr. Anderson's deposition transcript that support him not meeting the Hallmark standard (4 additional pages)	3.20	560.00 B	1964171
9/06/17	Written Motions and Submissions: Research: Research Nevada case law regarding the compelling of demonstrative exhibits prior to trial for purposes of preparing Motion in limine of the same	.90	157.50 B	1964171
9/06/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Nevada case law regarding the compelling of demonstrative exhibits prior to trial for purposes of preparing Motion in limine of the same	1.60	280.00 B	1964171
9/06/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion in Limine to Compel demonstrative exhibits prior to trial	.60	105.00 B	1964171
9/06/17	Written Motions and Submissions: Draft/Revise: Prepare introduction of Motion in Limine to Compel demonstrative exhibits prior to trial (2 pages)	1.30	227.50 B	1964171

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Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/07/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument of Motion in Limine to Compel demonstrative exhibits prior to trial (8 pages)	4.80	840.00 B	1964171
9/07/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's disclosures to determine whether it produced any documents related to Cappurro trucking purposes of preparing Motion in limine to preclude reference to Cappurro Trucking Lawsuit	3.60	630.00 B	1964171
9/11/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Nevada case law regarding preclusion of lawsuits in which the Defendant was not a party to for purposes of preparing Motion in limine to preclude reference to Cappuro Trucking Lawsuit	2.10	367.50 B	1964171
9/11/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's experts job files regarding documents related to Cappurro trucking purposes of preparing Motion in limine to preclude reference to Cappuro Trucking Lawsuit	2.90	507.50 B	1964171
9/11/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of deposition testimony referencing Cappurro trucking lawsuit for purposes of preparing Motion in Limine to preclude reference to Cappuro Trucking Lawsuit	2.40	420.00 B	1964171
9/12/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion in Limine to preclude reference to Cappuro Trucking Lawsuit	.60	105.00 B	1964171
9/12/17	Written Motions and Submissions: Draft/Revise: Prepare introduction to Motion in Limine to preclude reference to Cappuro Trucking Lawsuit (2 pages)	1.30	227.50 B	1964171
9/12/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument to Motion in Limine to preclude reference to Cappuro Trucking Lawsuit (12 pages)	5.40	945.00 B	1964171
9/13/17	Written Motions and Submissions: Draft/Revise: Prepare revisions to Versa's Motion in Limine to limit Dr. Bosch to include an additional argument section regarding duplicative testimony (3 additional pages)	2.80	490.00 B	1964171
9/13/17	Written Motions and Submissions: Communicate (Other Outside Counsel): Electronic correspondence to MDB's counsel regarding stipulation and order regarding agreed upon Motions in Limine	.20	35.00 B	1964171
9/13/17	Written Motions and Submissions: Draft/Revise: Prepare stipulation and order regarding agreed upon Motions in Limine	.40	70.00 B	1964171
9/19/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's			

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	Motion to Strike Garrick Mitchell for purposes of preparing opposition of the same	.30	52.50 B	1964171
9/19/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Nevada case law cited in MDB's Motion to Strike Garrick Mitchell for purposes of preparing opposition of the same	1.60	280.00 B	1964171
9/19/17	Written Motions and Submissions: Research: Research Nevada case law cited in MDB's Motion to Strike Garrick Mitchell for purposes of preparing opposition of the same	.70	122.50 B	1964171
9/19/17	Written Motions and Submissions: Research: Research Nevada case law to refute the case law cited in MDB's Motion to Strike Garrick Mitchell for purposes of preparing opposition of the same	1.10	192.50 B	1964171
9/19/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Nevada case law to refute the case law cited in MDB's Motion to Strike Garrick Mitchell for purposes of preparing opposition of the same	1.70	297.50 B	1964171
9/20/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Garrick Mitchell's expert report for purposes of preparing opposition to MDB's Motion to Strike Garrick Mitchell	.60	105.00 B	1964171
9/20/17	Written Motions and Submissions: Draft/Revise: Prepare introduction to opposition to MDB's Motion to Strike Garrick Mitchell (1.5 pages)	.90	157.50 B	1964171
9/20/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of opposition to MDB's Motion to Strike Garrick Mitchell (1.5 pages)	.70	122.50 B	1964171
9/20/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of Garrick Mitchell's deposition transcript for purposes of preparing opposition to MDB's Motion to Strike Garrick Mitchell (121 pages)	1.40	245.00 B	1964171
9/20/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument section of opposition to MDB's Motion to Strike Garrick Mitchell (11 pages)	4.70	822.50 B	1964171
9/21/17	Written Motions and Submissions: Draft/Revise: Revise and supplement Versa's opposition to Motion in Limine No. 2 to exclude irrelevant and unduly prejudicial evidence to add in additional information regarding the three unintentional dumping (2 pages)	1.10	192.50 B	1964171
9/21/17	Written Motions and Submissions: Research: Research case law regarding enforcement of agreements to Motions in Limine for purposes of preparing Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at			

Blank = Billable/Unbilled * = From Time Entry E=From Error File B = Billed N = Non-billable T = Total W = Written Off

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	trial	1.90	332.50 B	1964171
9/21/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of case law regarding enforcement of agreements to Motions in Limine for purposes of preparing Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial	3.10	542.50 B	1964171
9/21/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial	.60	105.00 B	1964171
9/21/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion for Order Shortening Time on Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial (3 pages)	.60	105.00 B	1964171
9/21/17	Written Motions and Submissions: Draft/Revise: Prepare Motion for Order Shortening Time on Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial (4 pages)	2.20	385.00 B	1964171
9/22/17	Written Motions and Submissions: Draft/Revise: Prepare introduction of Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial (1.5 pages)	1.40	245.00 B	1964171
9/22/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument of Motion to Enforce the agreement to exclude evidence of settlement negotiations or mediation at trial (9 pages)	4.30	752.50 B	1964171
9/26/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Erik Anderson's deposition for purposes of preparing Versa's Reply in support of Motion in limine to Strike Mr. Anderson as an expert (99 pages)	.90	157.50 B	1964171
9/26/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion for Order Shortening Time on Motion to Strike MDB's Fifth Supplemental Disclosures (3 pages)	.60	105.00 B	1964171
9/26/17	Written Motions and Submissions: Draft/Revise: Prepare Motion for Order Shortening Time on Motion to Strike MDB's Fifth Supplemental Disclosures(4 pages)	2.20	385.00 B	1964171
9/26/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's opposition to Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same	.40	70.00 B	1964171

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/26/17	Written Motions and Submissions: Research: Research case law cited in MDB's opposition to Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same	.90	157.50 B	1964171
9/26/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of case law cited in MDB's opposition to Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same	1.70	297.50 B	1964171
9/26/17	Written Motions and Submissions: Research: Research case law to refute the case law cited in MDB's opposition to Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same	1.10	192.50 B	1964171
9/26/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of case law to refute the case law cited in MDB's opposition to Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same	2.10	367.50 B	1964171
9/27/17	Written Motions and Submissions: Draft/Revise: Prepare introduction of Versa's Reply in support of Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same (1 page)	.70	122.50 B	1964171
9/27/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument of Versa's Reply in support of Versa's MIL to Strike Mr. Anderson for purposes of preparing reply of the same (9 page)	4.60	805.00 B	1964171
9/27/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's fifth supplement for purposes of preparing Motion to Strike the same on order shortening time (1,022 pages)	3.20	560.00 B	1964171
9/28/17	Written Motions and Submissions: Review/Analyze: Continue Detailed legal analysis of MDB's fifth supplement for purposes of preparing Motion to Strike the same on order shortening time (1,022 pages)	3.80	665.00 B	1964171
9/28/17	Written Motions and Submissions: Research: Research of case law regarding striking untimely disclosed documents even if they were newly discovered for purposes of preparing Motion to Strike MDB's Fifth Supplement on order shortening time	.90	157.50 B	1964171
9/28/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of case law regarding striking untimely disclosed documents even if they were newly discovered for purposes of preparing Motion to Strike MDB's Fifth Supplement on order shortening time	1.70	297.50 B	1964171
9/28/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in			

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	support of Motion to Strike MDB's Fifth Supplement on order shortening time	.60	105.00 B	1964171
9/28/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument of Motion to Strike MDB's Fifth Supplement on order shortening time (11 pages)	2.70	472.50 B	1964171
9/28/17	Written Motions and Submissions: Draft/Revise: Prepare introduction of Motion to Strike MDB's Fifth Supplement on order shortening time (2 pages)	1.30	227.50 B	1964171
9/28/17	Dispositive Motions: Communicate (Other Outside Counsel): Teleconference with MDB's counsel and the Court regarding hearing on Evidentiary Sanctions	.60	105.00 B	1964171
9/29/17	Written Motions and Submissions: Draft/Revise: Continue preparing legal argument of Motion to Strike MDB's Fifth Supplement on order shortening time (11 pages)	3.20	560.00 B	1964171
10/02/17	Other Written Motions & Submiss.: Research: Research Nevada case law regarding enforcement of agreed upon Motions in limine when a party reneges	1.80	315.00	
10/02/17	Other Written Motions & Submiss.: Draft/Revise: Revise Motion to Strike MDB's 5th Supplemental disclosures to include additional analysis of prejudice to Versa if it is allowed	1.40	245.00	
10/02/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Motion for an Order Shortening Time on Versa's Motion to Strike MDB's 5th Supplemental Disclosures	.70	122.50	
10/03/17	Other Written Motions & Submiss.: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion to Enforcement of agreed upon Motions in limine when a party reneges	.40	70.00	
10/03/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Introduction of Motion to Enforcement of agreed upon Motions in limine when a party reneges (2 pages)	.90	157.50	
10/03/17	Other Written Motions & Submiss.: Draft/Revise: Prepare Motion for an Order Shortening Time on Versa's Motion to Enforce	.70	122.50	
10/03/17	Other Written Motions & Submiss.: Draft/Revise: Prepare order shortening time for Motion to Strike 5th Supplement	.20	35.00	
10/03/17	Other Written Motions & Submiss.: Review/Analyze: Detailed legal analysis of Nevada case law regarding enforcement of agreed upon Motions in limine when a party reneges	2.70	472.50	
10/03/17	Other Written Motions & Submiss.: Draft/Revise: Prepare legal argument of Motion to Enforcement of agreed upon Motions in limine when a party reneges (8 pages)	4.20	735.00	
10/04/17	Written Motions and Submissions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Motion to Strike MDB's 6th Supplement on order shortening time	.60	105.00	

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
10/04/17	Written Motions and Submissions: Draft/Revise: Prepare introduction of Motion to Strike MDB's 6th Supplement on order shortening time (2 pages)	1.20	210.00	
10/04/17	Written Motions and Submissions: Research: Research of case law regarding striking untimely disclosed documents even though the documents were in the possession of the party seeking to strike the documents for purposes of preparing Motion to Strike MDB's 6th Supplement on order shortening time	.80	140.00	
10/04/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of case law regarding striking untimely disclosed documents even though the documents were in the possession of the party seeking to strike the documents for purposes of preparing Motion to Strike MDB's 6th Supplement on order shortening time	1.90	332.50	
10/04/17	Written Motions and Submissions: Review/Analyze: Detailed legal analysis of MDB's sixth supplement for purposes of preparing Motion to Strike the same on order shortening time	1.70	297.50	
10/04/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of MDB's Motion to Strike Versa's Answer	.60	105.00	
10/04/17	Dispositive Motions: Research: Research case law cited in MDB's Motion to Strike Versa's Answer for purposes of preparing Opposition to the same	.70	122.50	
10/04/17	Written Motions and Submissions: Draft/Revise: Prepare Order Shortening time for Motion to Enforce	.20	35.00	
10/04/17	Written Motions and Submissions: Draft/Revise: Prepare legal argument of Motion to Strike MDB's Sixth Supplement on order shortening time (10 pages)	3.30	577.50	
10/05/17	Written Motions and Submissions: Draft/Revise: Continue Preparing legal argument of Motion to Strike MDB's Sixth Supplement on order shortening time (10 pages)	2.10	367.50	
10/05/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of case law cited in MDB's Motion to Strike Versa's Answer for purposes of preparing Opposition to the same	1.30	227.50	
10/05/17	Dispositive Motions: Research: Research Nevada case law to refute the case law cited in MDB's Motion to Strike Versa's Answer for purposes of preparing Opposition to the same	1.20	210.00	
10/05/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law to refute the case law cited in MDB's Motion to Strike Versa's Answer for purposes of			

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	preparing Opposition to the same	1.90	332.50	
10/05/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Versa's responses to written discovery for purposes of preparing Versa's opposition to MDB's Motion to Strike Versa's Answer	1.90	332.50	
10/05/17	Dispositive Motions: Review/Analyze: Detailed legal analysis Bahram Nazmi's deposition testimony for purposes of preparing Versa's opposition to MDB's Motion to Strike Versa's Answer (427 pages)	2.10	367.50	
10/05/17	Dispositive Motions: Review/Analyze: Detailed legal analysis Gerry Gramegna's deposition testimony for purposes of preparing Versa's opposition to MDB's Motion to Strike Versa's Answer (75 pages)	1.70	297.50	
10/06/17	Dispositive Motions: Draft/Revise: Prepare legal argument section of VERSA's opposition to MDB's Motion to Strike Versa Answer (22 pages)	4.60	805.00	
10/06/17	Dispositive Motions: Draft/Revise: Prepare detailed declaration of Bahram Namzi n support of Versa's Opposition to MDB's Motion to Strike Versa's Answer (2 pages)	1.20	210.00	
10/06/17	Dispositive Motions: Draft/Revise: Prepare introduction to Versa's Opposition to MDB's Motion to Strike Versa's Answer (3 pages)	1.70	297.50	
10/06/17	Dispositive Motions: Review/Analyze: Continue detailed legal analysis Bahram Nazmi's deposition testimony for purposes of preparing Versa's opposition to MDB's Motion to Strike Versa's Answer (427 pages)	2.60	455.00	
10/07/17	Dispositive Motions: Draft/Revise: Continue preparing legal argument section of VERSA's opposition to MDB's Motion to Strike Versa Answer (22 pages)	5.10	892.50	
10/07/17	Dispositive Motions: Draft/Revise: Prepare affidavit of David B. Avakian n support of Versa's Opposition to MDB's Motion to Strike Versa's Answer (2 pages)	.70	122.50	
10/09/17	Dispositive Motions: Research: Research case law cited in MDB's Opposition to Motion to Strike 5th Supplement for purposes of preparing opposition of the same	.60	105.00	
10/09/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of MDB's Opposition to Versa's Motion to Strike 5th Supplement for purposes of preparing Reply of the same	.40	70.00	
10/09/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of case law cited in MDB's Opposition to Motion to Strike 5th Supplement for purposes of preparing opposition of the same	1.40	245.00	

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
10/09/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law to refute the case law cited in MDB's Opposition to Versa's Motion to Strike 5th Supplement for purposes of preparing Reply of the same	1.60	280.00	
10/09/17	Dispositive Motions: Draft/Revise: Supplement VERSA's opposition to MDB's Motion to Strike Versa Answer to include a section regarding no award of attorneys fees (1 pages)	.60	105.00	
10/09/17	Dispositive Motions: Draft/Revise: Prepare reply to Motion to Strike 5th Supplement (8 pages)	3.20	560.00	
10/09/17	Dispositive Motions: Research: Research Nevada case law to refute the case law cited in MDB's Opposition to Versa's Motion to Strike 5th Supplement for purposes of preparing Reply of the same	.80	140.00	
10/10/17	Dispositive Motions: Draft/Revise: Continue preparing reply to Motion to Strike 5th Supplement (8 pages)	1.60	280.00	
10/10/17	Dispositive Motions: Draft/Revise: Prepare Order Shortening time for Motion to Strike MDB's request for submissiom	.20	35.00	
10/10/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of MDB's Motion to allow jury to view the subject truck and trailer for purposes of preparing opposition of the same	.40	70.00	
10/10/17	Dispositive Motions: Research: Research case law cited in MDB's Motion to allow the jury to view the subject truck and trailer for purposes of preparing opposition of the same	.60	105.00	
10/10/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of case law cited in MDB's Motion to allow the jury to view the subject truck and trailer for purposes of preparing opposition of the same	1.60	280.00	
10/10/17	Dispositive Motions: Research: Research Nevada case law to refute the case law cited in MDB's Motion to allow the jury to view the subject truck and trailer for purposes of preparing opposition of the same	.90	157.50	
10/10/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law to refute the case law cited in MDB's Motion to allow the jury to view the subject truck and trailer for purposes of preparing Opposition of the same	1.80	315.00	
10/10/17	Dispositive Motions: Draft/Revise: Prepare affidavit of David B. Avakian in support of Opposition to Motion to allow jury to view the subject truck and trailer	.40	70.00	
10/10/17	Dispositive Motions: Draft/Revise: Prepare introduction of Opposition to Motion to allow jury to view the subject truck and trailer (1 page)	.70	122.50	

Timekeeper: **PS5 Paige Shreve**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
10/10/17	Dispositive Motions: Draft/Revise: Prepare legal argument of Opposition to Motion to allow jury to view the subject truck and trailer (6 page)	2.70	472.50	
10/11/17	Dispositive Motions: Research: Research Nevada case law to refute the case law cited in MDB's Opposition to Versa's Motion to Strike 5th Supplement for purposes of preparing Reply of the same	.80	140.00	
10/11/17	Dispositive Motions: Draft/Revise: Continue preparing legal argument of Opposition to Motion to allow jury to view the subject truck and trailer (6 page)	1.30	227.50	
10/11/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of MDB's Opposition to Versa's Motion to Enforce for purposes of preparing Reply of the same	.40	70.00	
10/11/17	Dispositive Motions: Research: Research case law cited in MDB's Opposition to Motion to Enforce for purposes of preparing reply of the same	.70	122.50	
10/11/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of case law cited in MDB's Opposition to Motion to enforce for purposes of preparing reply of the same	1.60	280.00	
10/11/17	Dispositive Motions: Review/Analyze: Detailed legal analysis of Nevada case law to refute the case law cited in MDB's Opposition to Versa's Motion to enforce for purposes of preparing Reply of the same	1.90	332.50	
10/11/17	Court Mandated Conferences: Review/Analyze: Detailed legal analysis of case file for purposes of assessing which documents to be used as exhibits at the evidentiary hearing for the Motion to Strike MDB's cross-claim	2.70	472.50	
10/12/17	Dispositive Motions: Draft/Revise: Prepare Reply to Motion to Enforce (5 page)	3.10	542.50	
10/24/17	Settlement/Non-Binding ADR: Review/Analyze: Detailed legal analysis of SAO to dismiss Plaintiff Olivia John for purposes of authorizing the same	.20	35.00	
	MATTER TOTAL:	**424.00**	**74,200.00 B**	
		.00	**.00 N**	
		424.00	**74,200.00 T**	
	CLIENT TOTAL:	**424.00**	**74,200.00 B**	
		.00	**.00 N**	
		424.00	**74,200.00 T**	
	TIMEKEEPER TOTAL:	**424.00**	**74,200.00 B**	
		.00	**.00 N**	
		424.00	**74,200.00 T**	

Blank = Billable/Unbilled * = From Time Entry E=From Error File B = Billed N = Non-billable T = Total W = Written Off

Timekeeper: **BDW Brandon D. Wright**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/02/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of Plaintiff's complaint defendant's answer's matter's DOT investigation material, Court Orders in re summary judgement, MDB's deposition transcript for purposes of preparing Motion to Consolidate amateur for all purposes (230+ pages).	1.90	351.50 B	1964171
9/05/17	Analysis/Strategy: Draft/Revise: Prepared detailed introduction and procedural history section in Motion to consolidate for purposes of consolidating remaining matter (6 pages) .	1.80	333.00 B	1964171
9/09/17	Analysis/Strategy: Research: Conducted detailed legal research in re Bull v. McCuskey, 96 Nev. 706, 615 P.2d 957 (1980) State ex. rel. Dept. of Highways v. Nevada Aggregates & Asphalt Co., 92 Nev. 370, 551 P.2d 1095 (1976). NRCP 16(c)(3) Daniel, Mann, Johnson & Mendenhall v. Hilton Hotels Corp., 98 Nev. 113, 115, 642 P.2d 1086, 1087 (1982) and state and federal progeny for purposes of preparing Defendant's Motion in re scope of causation opinion in Mtn to exclude law witness opinions.	1.30	240.50 B	1964171
9/09/17	Analysis/Strategy: Draft/Revise: Prepared legal argument sections in re Motion to exclude lay witness opinion in re causation for purposes of excluding the same (6 pages) .	1.90	351.50 B	1964171
9/09/17	Analysis/Strategy: Draft/Revise: Prepared affidavit in support of motion to exclude lay witness opinion for purposes of complying with local rules and authenticating exhibits.	.30	55.50 B	1964171
9/09/17	Analysis/Strategy: Draft/Revise: Review, revise and supplement defendant's motion to exclude lay witness opinion to include additional legal authority supporting motion for purposes of circulation and signature (12 pages).	.50	92.50 B	1964171
9/09/17	Analysis/Strategy: Draft/Revise: Prepared detailed introduction section in re Defendant's Motion in re prior lawsuits in re factual background and procedural history for purposes of preparing motion. (3 pages).	1.10	203.50 B	1964171
9/11/17	Analysis/Strategy: Draft/Revise: Conducted detailed legal research in re Kelly v. New West Fed. Sav., 56 Cal. Rptr.2d 803, 808 (1996),State ex. rel. Dept. of Highways v. Nevada Aggregates & Asphalt Co., 92 Nev. 370, 551 P.2d 1095 (1976). NRCP 16(c)(3), Richmond v. State, 118 Nev. 924, 932, 59 P.3d 1249 (2002) and state and federal progeny in re scope and effect of MIL in re prior incident for purposes of preparing legal argument section in re the same,	.90	166.50 B	1964171
9/11/17	Analysis/Strategy: Draft/Revise: Prepared legal standard section in re Defendant's MIL prior law suits for purposes of preparing written legal argument section given the same.	.50	92.50 B	1964171

Timekeeper: **BDW Brandon D. Wright**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
9/11/17	Analysis/Strategy: Draft/Revise: Conducted detailed legal research in re prior incident/ lawsuits Desert Cab Inc. v. Marino, 108 Nev. 32, 823 P.2d 898 (1992), Eldorado Club v. Graff, 78 Nev. 507 (1962), Southern Pac. Co. v. Harris, 80 Nev. 426, 431 (1964), Old Chief v. United States, 519 U.S. 172, 180 (1997) and state and federal progeny in re impermissible character evidence for purposes of preparing legal argument in re the same in Defendant's MIL to exclude prior incidents.	1.40	259.00 B	1964171
9/11/17	Analysis/Strategy: Draft/Revise: Prepared legal argument section in Defendant's MIL in re exclude prior incidents MIL standard, irrelevant and unfairly prejudicial for purposes of excluding the same (7 pages).	1.90	351.50 B	1964171
9/11/17	Analysis/Strategy: Draft/Revise: Prepared detailed factual and procedural background in re Defendant's MIL to exclude prior lawsuits (4 pages).	1.30	240.50 B	1964171
9/12/17	Analysis/Strategy: Draft/Revise: Prepared legal argument section in re defendant's MIL in re prior incident in re improper character evidence (5 pages).	1.40	259.00 B	1964171
9/12/17	Analysis/Strategy: Draft/Revise: Prepared legal argument section in re defendant's MIL in re prior incident in re improper impeachment evidence and conclusion section in Defendant's MIL to exclude the same (4 pages).	1.20	222.00 B	1964171
9/12/17	Analysis/Strategy: Draft/Revise: Review revise and supplement Defendant's MIL to exclude improper character evidence with affidavit authenticating exhibits and list of exhibits for purposes of circulation and signature. (16 pages).	.80	148.00 B	1964171
9/12/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of MDB'S PMK'S (Mr. Palmer's) deposition transcripts (Vol. 1-3) and exhibits and register of actions Amended cross-claims for purposes of preparing MIL in re Exclude lay witness opinions regarding how the dump occurred (-350+ pages)	1.90	351.50 B	1964171
9/12/17	Analysis/Strategy: Review/Analyze: Comminuted detailed legal analysis of Mr. Bigby, and Ms. Shay and MDB's ROG and RFPD on VERSA (and Versa responses) for purposes of preparing MIL to exclude lay witness testimony regarding how the subject incident occurred (-150 pages).	1.10	203.50 B	1964171
9/12/17	Analysis/Strategy: Draft/Revise: Supplemented Defendant's MIL in re prior incidents to include supplemental detailed arguments in re improper character evidence as grounds for exclusion (7 additional pages).	1.80	333.00 B	1964171
9/13/17	Analysis/Strategy: Draft/Revise: Supplement MIL only expert about accident to include excerpts of Mr. Palmer's deposition testimony for purposes of (16 pages) circulation and			

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	signature.	.90	166.50 B	1964171
9/13/17	Analysis/Strategy: Draft/Revise: Review revise and supplement MIL in re lay witness testimony to include additional arguments based on Mr. palmer's deposition testimony for purposes of circulation and signature (13 pages).	1.10	203.50 B	1964171
10/06/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of Defendant's MIL in re similar versa vales, Mr. Palmer's deposition transcript and Plaintiff's opposition to Defendant's MIL for purposes of preparing reply (-225+ pages).	1.30	240.50	
10/06/17	Analysis/Strategy: Research: Continued detailed legal research in re Stackiewick v. Nissan 100 Nev. 443, (1983), Jones v. Mather 348 F2d 394 (1965), Ginnis v. Mapes 86 nev. 408 (1970) Andres v. Harley, 106 Nev. 533 (1990) and state and federal progeny for purposes of preparing Defendant's reply motion in re Similar Versa Valve failures.	1.20	222.00	
10/06/17	Analysis/Strategy: Draft/Revise: Prepared legal argument section in reply brief in re substantially similar n reply to MDB opposition to VERSA'S motion in re similar valves (4 pages).	1.30	240.50	
10/07/17	Analysis/Strategy: Research: Conducted detailed legal research in re Andrews v. Harley Davidson, Inc., 106 Nev. 533, 538, 796 P.2d 1092, 1096 (1990), Richmond v. State, 118 Nev. 924, 932, 59 P.3d 124 (2002) and Kelly v. New W. Fed. Sav., 49 Cal. App. 4th 659, 670, 56 Cal. Rptr. 2d 803, 808 (1996) and state and federal proginey for purposes of preparing VERSA'S reply to MDB'S MIL OPP to MIL to exclude prior lawsuits.	.80	148.00	
10/07/17	Analysis/Strategy: Draft/Revise: Prepared VERSA'S Reply to MDB'S opposition in re MIL to exclude prior lawsuits for purposes of excluding the same during trial (6 pages).	1.90	351.50	
10/07/17	Analysis/Strategy: Research: Continued detailed legal analysis of Andrews v. Harley Davidson, Inc., 106 Nev. 533, 538, 796 P.2d 1092, 1096 (1990), Stackiewicz v. Nissan Motor Corp., 100 Nev. 443, 449, (Nev. 1984) and state and federal progeny for purposes of preparing reply to MIL to exclude similar valve failures during trial.	.60	111.00	
10/07/17	Analysis/Strategy: Draft/Revise: Prepared VERSA'S reply to MDB'S Opp to VERSA'S MIL to exclude evidence of prior valve failures during trial (6 pages).	1.80	333.00	
10/07/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of VERSA'S MIL and MDB'S Opp in re to exclude prior similar valve failures during trial and Mr. Palmer'd deposition transcript for purposes of preparing VERSA'S reply to the same (-230 pages).	1.40	259.00	
10/07/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of Defendant's			

Timekeeper: **BDW Brandon D. Wright**

Date	Description	Hours	Amount	Invoice #
C: 27350	**Hartford Insurance Company**			
M: 1536	**Fitzsimmons, Ernest & Carol v Versa Products, Co**			
	MIL in re prior law suits, MDB's Opposition to the same, Plaintiff's complaint, SAO consolidations and MDB'S PMK'S deposition transcript in re prior valve failures for purposes of preparing VERSA'S reply to MBD'S Opposing to MIL to exclude prior lawsuits. (-150 pages)	1.30	240.50	
10/09/17	Analysis/Strategy: Research: Conducted detailed legal analysis of Richmond v. State, 118 Nev. 924, 931-32, 59 P.3d 1249, 1254 (2002). and NRCP 16.1 and comments to rule and state and federal progeny for purposes of preparing VERSA'S reply in re MIL to exclude alternative theories of dump.	.40	74.00	
10/09/17	Analysis/Strategy: Draft/Revise: Prepared VERA'S reply to MDB'S opp to VERSA'S MIL to exclude alternate theories in re subject dump and EMF at trial for purposes of limiting the same (5 pages)	1.40	259.00	
10/09/17	Analysis/Strategy: Review/Analyze: Continued detailed legal analysis of Mr. Paler's deposition transcript, Mr. Anderson and Dr. Boch's expert reports VERA'S MII and MDB'S opp in order to prepare VERA'S Reply to MIL how the subject dump occurred. (-200+ pages).	1.30	240.50	
	MATTER TOTAL:	**39.70**	**7,344.50 B**	
		.00	**.00 N**	
		39.70	**7,344.50 T**	
	CLIENT TOTAL:	**39.70**	**7,344.50 B**	
		.00	**.00 N**	
		39.70	**7,344.50 T**	
	TIMEKEEPER TOTAL:	**39.70**	**7,344.50 B**	
		.00	**.00 N**	
		39.70	**7,344.50 T**	

Date	Description		Hours	Amount		Invoice #
		FINAL TOTAL:	**1,225.30**	**225,790.50**	**B**	
			.00	**.00**	**N**	
			1,225.30	**225,790.50**	**T**	

Blank = Billable/Unbilled * = From Time Entry E=From Error File B = Billed N = Non-billable T = Total W = Written Off

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2018-01-05 02:10:55 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6468484 : yviloria

EXHIBIT 4

27350 - 1536
Avakian

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AUG 19 2016
ACCOUNTS PAYABLE - LA

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6493132
Invoice Date: August 16, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$4,704.00
Expenses	902.78
State Taxes	0.00
Other	0.00
Total Current Charges	$5,606.78

(see attached pages for detail)

Total Now Due **$5,606.78**

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
06/13/16	GFM	DIVISION MGR	INITIAL FILE REVIEW; MAKE INSPECTION ARRANGEMENTS.	3.00	240.00	720.00
06/15/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND SPARKS, NV; REVIEW DOCUMENTS EN ROUTE; MEET WITH PAUL SHPIRT; VISUALLY INSPECT, PHOTOGRAPH, AND FUNCTIONALLY TEST SUBJECT TRUCK.	12.00	240.00	2,880.00
06/16/16	GFM	DIVISION MGR	ADDITIONAL DOCUMENT REVIEW.	1.00	240.00	240.00
06/17/16	GFM	DIVISION MGR	RESEARCH BELLY-DUMP CONTROL VALVES.	1.00	240.00	240.00
07/08/16	GFM	DIVISION MGR	CORRESPONDENCE WITH DAVID AVAKIAN; RESIZE PHOTOGRAPHS AND PROVIDE TO CLIENT IN ADVANCE OF TELECONFERENCE.	0.60	240.00	144.00
07/14/16	GFM	DIVISION MGR	REVIEW FILE; PARTICIPATE IN TELECONFERENCE.	2.00	240.00	480.00
			Total Fees:	**19.60**		**$4,704.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	19.60	4,704.00
	19.60	$ 4,704.00

EXPENSE SUMMARY

Expense	*Amount*
AUTOMOBILE MILEAGE	40.00
PHOTOGRAPHS	110.00

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6493132

August 16, 2016
Page 3

TRIP EXPENSES	6.80	
PARKING AND TOLLS	24.00	
TRANSPORTATION	721.98	
Total Expenses:		$ 902.78
Total Amount Due:		$ 5,606.78

27350-15310

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

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LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6519307
Invoice Date: April 11, 2017
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$392.00
Expenses	0.00
State Taxes	0.00
Other	0.00
Total Current Charges	$392.00

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6519307

April 11, 2017
Page 2

08/16/16	6493132	$5,606.78	11/15/16	$5,606.78	$0.00
10/31/16	6501734	$4,838.71	12/30/16	$4,838.71	$0.00
12/27/16	6507140	$9,324.00		$0.00	$9,324.00
					$9,324.00
			Total Now Due		**$9,716.00**

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6519307

April 11, 2017
Page 3

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
03/03/17	GFM	DIVISION MGR	REVIEW FILE; TELEPHONE CONVERSATION WITH PAIGE SHREVE.	1.60	245.00	392.00
			Total Fees:	**1.60**		**$392.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	1.60	392.00
	1.60	$ 392.00

Total Fees and Expenses: $ 392.00

Balance Due From Previous Invoice(s): $9,324.00

Total Amount Due: $ 9,716.00

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27350-1536

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Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

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ACCOUNTS PAYABLE

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6522544
Invoice Date: May 9, 2017
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$1,225.00
Expenses	0.00
State Taxes	0.00
Other	0.00
Total Current Charges	$1,225.00

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6522544

May 9, 2017
Page 2

08/16/16	6493132	$5,606.78	11/15/16	$5,606.78	$0.00
10/31/16	6501734	$4,838.71	12/30/16	$4,838.71	$0.00
12/27/16	6507140	$9,324.00		$0.00	$9,324.00
04/11/17	6519307	$392.00		$0.00	$392.00
					$9,716.00

Total Now Due **$10,941.00**

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6522544

May 9, 2017
Page 3

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
04/27/17	GFM	DIVISION MGR	REVIEW DOCUMENTS PROVIDED BY CLIENT.	3.00	245.00	735.00
04/28/17	GFM	DIVISION MGR	REVIEW DOCUMENTS PROVIDED BY CLIENT.	2.00	245.00	490.00
			Total Fees:	**5.00**		**$1,225.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	5.00	1,225.00
	5.00	$ 1,225.00

Total Fees and Expenses: $ 1,225.00

Balance Due From Previous Invoice(s): $9,716.00

Total Amount Due: $ 10,941.00

21350-1537

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

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ACCOUNTS PAYABLE - LA

LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6501734
Invoice Date: October 31, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$4,200.00
Expenses	638.71
State Taxes	0.00
Other	0.00
Total Current Charges	$4,838.71

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

Vendor: 27990 Rimkus Consulting Group, Inc
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Date: 12/19/16 Page 1
Check#: 175365 Amount: 4,838.71
Scanned By: NOUNE.AIRAPETIAN

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6501734

October 31, 2016
Page 2

08/16/16	6493132	$5,606.78	$0.00	$5,606.78
				$5,606.78

Total Now Due **$10,445.49**

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6501734

October 31, 2016
Page 3

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DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
09/28/16	GFM	DIVISION MGR	CORRESPONDENCE WITH CLIENT; REVIEW AND COMMENT ON PROPOSED PROTOCOL; ARRANGE FOR FOLLOWUP INSPECTION.	1.00	240.00	240.00
10/10/16	GFM	DIVISION MGR	REVIEW FILE; PARTICIPATE IN PRE-INSPECTION TELECONFERENCE.	1.00	240.00	240.00
10/13/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND RENO, NEVADA.	8.00	240.00	1,920.00
10/13/16	GFM	DIVISION MGR	ATTEND AND PARTICIPATE IN JOINT DESTRUCTIVE EXAMINATION OF TRUCK; PROCESS PHOTOGRAPHS.	6.00	240.00	1,440.00
10/21/16	GFM	DIVISION MGR	TELEPHONE CONVERSATION WITH DAVID AVAKIAN; REVIE W ADDITIONAL DOCUMENTS PROVIDED BY CLIENT; CONSU LT WITH BNS; REVIEW AERIAL PHOTOGRAPHS OF ACCIDE NT AREA.	1.50	240.00	360.00
			Total Fees:	**17.50**		**$4,200.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	17.50	4,200.00
	17.50	$ 4,200.00

EXPENSE SUMMARY

Expense	*Amount*
AUTOMOBILE MILEAGE	41.66
PHOTOGRAPHS	59.50
TRIP EXPENSES	115.35

PARKING AND TOLLS	13.00	
TRANSPORTATION	409.20	
Total Expenses:		**$ 638.71**
Total Fees and Expenses:		**$ 4,838.71**
Balance Due From Previous Invoice(s):		**$5,606.78**
Total Amount Due:		**$ 10,445.49**

27350-1537

RIMKUS
Consulting Group, Inc.

P.O. BOX 4673
HOUSTON, TEXAS 77210
(702) 304-1508

FEDERAL ID: 76-0163936

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LEWIS, BRISBOIS, BISGAARD & SMITH, L.L.P.
6385 SOUTH RAINBOW BLVD., STE. 600
LAS VEGAS, NV 89118
CONTACT: DAVID AVAKIAN

Invoice Number: 6507140
Invoice Date: December 27, 2016
File Number: 01208443

Re: WILT/FITZSIMMONS V MDB TRUCKING VEHICLE ACCIDEN IR 80 WEST NEAR MILE MARKER 39-RENO, NV

Style: ANGELA MICHELLE WILT/ERNEST BRUCE & CAROL FITZSIMMONS V. MDB TRUCKIN
Insured: VERSA PRODUCTS COMPANY (SELF-INSURED)
Cause No.: CV15-02410/CV15-02349
Claim No.: 301659206480/301659206480/

FOR PROFESSIONAL SERVICES RENDERED

CURRENT BILLING

Consulting Fees	$7,680.00
Expenses	1,644.00
State Taxes	0.00
Other	
Total Current Charges	$9,324.00

(see attached pages for detail)

Outstanding Invoices

Date	*Invoice*	*Invoice Amount*	*Date Paid*	*Payment Received*	*Balance*

BILLS ARE DUE AND PAYABLE UPON RECEIPT

PLEASE REFERENCE OUR FILE NUMBER AND INVOICE NUMBER ON CHECK AND MAKE PAYABLE TO:

RIMKUS CONSULTING GROUP

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Date: 5/23/17 Page 1
Check#: 187400 Amount: 1,644.00
Scanned By: NOUNE.AIRAPETIAN

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6507140

December 27, 2016
Page 2

08/16/16	6493132	$5,606.78	11/15/16	$5,606.78	$0.00
10/31/16	6501734	$4,838.71		$0.00	$4,838.71
					$4,838.71

Total Now Due **$14,162.71**

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	*Init.*	*Title*	*Description of Services*	*Hours*	*Rate*	*Amount*
11/02/16	GFM	DIVISION MGR	TRAVEL BETWEEN RCG OFFICE AND INSPECTION SITE E OF SPARKS, NEVADA.	8.00	240.00	1,920.00
11/02/16	GFM	DIVISION MGR	MEET WITH CLIENT AT MDB YARD; PARTICIPATE IN AND DOCUMENT JOINT INSPECTION OF SAND TRUCK, INCLUDING REMOVAL OF VERSA VALVE FROM TRAILER #3; DRIVE TO ACCIDENT SITE AND OBTAIN DRIVE-THROUGH VIDEO.	6.00	240.00	1,440.00
11/03/16	GFM	DIVISION MGR	PROCESS PHOTOGRAPHS AND VIDEO; CORRESPONDENCE WITH PAIGE SHREVE.	0.50	240.00	120.00
11/08/16	GFM	DIVISION MGR	CORRESPONDENCE WITH CLIENT; MAKE ARRANGEMENTS TO ATTEND JOINT EXAMINATION IN PHOENIX NOV. 30.	0.50	240.00	120.00
11/29/16	GFM	DIVISION MGR	TRAVEL FROM RCG DENVER OFFICE TO TEMPE, AZ.	3.50	240.00	840.00
11/30/16	GFM	DIVISION MGR	DRIVE FROM HOTEL TO INSPECTION LOCATION; MEET WITH CLIENT; ATTEND JOINT DESTRUCTIVE INSPECTION OF TWO VALVE ASSEMBLIES.	10.00	240.00	2,400.00
11/30/16	GFM	DIVISION MGR	RETURN TO DENVER FROM TEMPE, AZ; REVIEW FILE EN ROUTE.	3.50	240.00	840.00
			Total Fees:	**32.00**		**$7,680.00**

TIME SUMMARY

Title	*Hours*	*Fees*
DIVISION MGR	32.00	7,680.00
	32.00	$ 7,680.00

EXPENSE SUMMARY

RIMKUS

Consulting Group, Inc.

File Number: 01208443
Invoice Number: 6507140

December 27, 2016
Page 4

Expense	*Amount*
AUTOMOBILE MILEAGE	128.02
PHOTOGRAPHS	251.00
TRIP EXPENSES	394.68
PARKING AND TOLLS	53.00
TRANSPORTATION	817.30

Total Expenses:	**$ 1,644.00**
Total Fees and Expenses:	**$ 9,324.00**
Balance Due From Previous Invoice(s):	**$4,838.71**
Total Amount Due:	**$ 14,162.71**

F I L E D
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2018-01-05 02:10:55 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6468484 : yviloria

EXHIBIT 5

FILED
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CV15-02349
2017-05-15 12:00:28 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6100324 : tbritton

JOSH COLE AICKLEN
Nevada Bar No. 007254
Josh.aicklen@lewisbrisbois.com
DAVID B. AVAKIAN
Nevada Bar No. 009502
David.avakian@lewisbrisbois.com
PAIGE S. SHREVE
Nevada Bar No. 013773
Paige.shreve@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
702.893.3383
FAX: 702.893.3789
Attorneys for Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS COMPANY, INC.

DISTRICT COURT

WASHOE COUNTY, NEVADA

ERNEST BRUCE FITZIMMONS and CAROL FITZSIMMONS, Husband and Wife, Plaintiffs, vs. MDB TRUCKING, LLC, et. al. Defendants. AND ALL RELATED CASES.	Case No. CV15-02349 Dept. 10 **DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC's CROSS-CLAIM PURSANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION**

COMES NOW, Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS COMPANY, INC., by and through its attorneys of record, Josh Cole Aicklen, Esq., David B. Avakian, Esq. and Paige S. Shreve, Esq., of the law firm LEWIS BRISBOIS BISGAARD & SMITH, LLP, and hereby request an Order dismissing Defendant/Cross-Claimant/Cross-Defendant MDB TRUCKING, LLC's Cross-Claims against it, or in the

alternative issuing an adverse jury instruction.

This Motion is based upon the Memorandum of Points and Authorities; the Affidavit of David B. Avakian, Esq. included herein; NRCP 37; NRS 47.250; the Exhibits attached hereto; and any other evidence the Court may entertain at the Hearing on this Motion.

DATED this 15th day of May, 2017

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

JOSH COLE AICKLEN
Nevada Bar No. 007254
DAVID B. AVAKIAN
Nevada Bar No. 009502
PAIGE S. SHREVE
Nevada Bar No. 013773
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS COMPANY, INC.

AFFIDAVIT OF DAVID B. AVAKIAN, ESQ. IN SUPPORT OF DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC's CROSS-CLAIM PURSANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

DAVID B. AVAKIAN, ESQ., being first duly sworn, deposes and states as follows:

1. I am a Partner at LEWIS BRISBOIS BISGAARD & SMITH LLP, and am duly licensed to practice law in the State of Nevada.

2. I am competent to testify to the matters set forth in this Affidavit, and will do so if called upon.

3. I am an attorney of record representing Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS COMPANY, INC. in the subject lawsuit currently pending in Department 10 of the Second Judicial District Court for the State of Nevada, Case Number CV15-02349.

4. Attached hereto as **Exhibit 1** is a true and correct copy of MDB's Cross-Claim.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the Deposition Transcript of MDB's PMK, Scott Palmer, Volume III.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the Deposition Transcript of MDB's PMK, Scott Palmer, Volume II.

7. Attached hereto as **Exhibit 4** is a true and correct copy of the Deposition Transcript of MDB's PMK, Scott Palmer, Volume I.

8. Attached hereto as **Exhibit 5** is a true and correct copy of the Declaration by David R. Bosch, Ph.D.

9. Attached hereto as **Exhibit 6** is a true and correct copy of MDB's Responses to VERSA's Requests for Admissions.

10. Attached hereto as **Exhibit 7** is a true and correct copy of the Deposition Transcript of Tracy Shane.

11. Attached hereto as **Exhibit 8** is a true and correct copy of the Deposition Transcript of Patrick Bigby.

FURTHER AFFIANT SAYETH NAUGHT.

DAVID B. AVAKIAN, ESQ.

SUBSCRIBED AND SWORN to before me
this 15th day of May, 2017.

NOTARY PUBLIC
In and for said County and State

MITCHELL COX
Notary Public-State of Nevada
APPT. NO. 14-12973-1
My Appt. Expires February 14, 2018

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant/Cross-Claimant, MDB TRUCKING, LLC ("hereinafter referred to as "MDB"), has brought Cross-Claims[1] against VERSA PRODUCTS COMPANY, INC. (hereinafter referred to as "VERSA"), in which it asserts a contribution claim against VERSA for a personal injury claims brought by Plaintiffs, Ernest Fitzsimmons and Carol Fitzsimmons ("Fitzsimmons"); Angela Wilt ("Wilt"); Rosa, Benjamin, Cassandra and Natalie Robles ("Robles"); Sonya Corthell ("Corthell"); Beverly, Patrick and Ryan Crossland ("Crossland"); Olivia and Naykyla John ("John"); Kandise Baird ("Kins"); James Bible ("Bible"); and Geneva Remmerde ("Remmerde") (collectively referred to as "Plaintiffs"). See, MDB's Cross-Claim against VERSA, a true and correct copy attached hereto as **Exhibit 1**. Plaintiffs were driving westbound on IR80 when a semi-trailer driven by Daniel Koski and owned by Cross-Claimant MDB spilled gravel on the freeway, causing multiple automobile accidents and the injuries alleged by the Plaintiffs. MDB's contribution claim is based on its allegation that the inadvertent gravel dump was due to an alleged "defect" with the VERSA valve on the subject trailer.

In discovery, ***MDB admitted that the VERSA valve did not have any product defect or design defect***. See **Exhibit 2** at P. 97:16-25;98:1-17. MDB's forensic experts, are ***investigating "the sources of electro magnetic fields"*** that could have "energized" the valve at issue. See, **Exhibit 5**.

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[1] There are a total of nine different lawsuits filed by the Plaintiffs. All except for two of the above mentioned lawsuits have been consolidated for discovery and trial purposes. The remaining two cases, James Bible (CV16-01914) and Geneva Remmerde (CV16-00976), have been consolidated for discovery purposes only. VERSA is named as a direct defendant in all nine cases, except for Remmerde. VERSA is only a Third-Party Plaintiff/Defendant in that case.

In all nine of the above-mentioned lawsuits, MDB filed cross-claims/third-party Complaints against VERSA for equitable indemnity and contribution. VERSA filed a Motion to Dismiss MDB's Indemnity claim against VERSA in all nine cases. The Court granted VERSA's Motion to Dismiss, leaving MDB with a cross-claim for contribution only against VERSA.

Simply put, MDB had a duty to preserve all relevant evidence and it did not. MDB was aware that the subject truck valve and trailers are critically relevant to this matter as they are the centerpiece of the resulting litigation. Thus, because MDB was on notice that the truck and trailers, including the valve components, were relevant to this litigation, MDB had a pre and post litigation duty to preserve the evidentiary value contained within the truck and trailers by removing such evidence from service.

However, MDB did not take the subject truck trailers and valve out of service after the subject incident and continued to keep them in service for over two years after the subject incident and a year an a half after the first lawsuit was filed. The only reason MDB removed the subject truck and trailers out of service was because the experts in the subject litigation removed the subject valve for destructive testing. See, **Exhibit 3** at P. 84:19-24. Further, after the subject litigation and even after the first lawsuit was filed, ***MDB discarded the electrical component parts that are used in activating the subject valve***. See, **Exhibit 3** at P. 169:16-22. In doing so, MDB intentionally spoliated critical evidence that VERSA absolutely requires to defend against MDB's baseless cross-claim.

Therefore, and pursuant to NRCP 37, VERSA respectfully requests that the Court strike MDB TRUCKING, LLC's Cross-Claims against VERSA, or in the alternative issue an adverse jury instruction against MDB due to MDB's failure to preserve key evidence that is crucial to VERSA's defense.

II. FACTUAL BACKGROUND

On March 6-8, 2017, VERSA took the deposition of MDB's 30(b)(6) witness, Scott Palmer. During Mr. Palmer's deposition, he testified that the subject valve did not have a defect. Mr. Specifically, Mr. Palmer testified:

> Q. I'm going to ask you the same question again for after the July 2014 incident on Trailer 6775. Did MDB in their investigation after the dump-- again, this is right after, not since litigation-- did MDB find any defect with that Versa valve?
>
> MR. PALMER: No. That remained in service until such time litigation started.

Q. And on that same trailer, the same Versa valve, did MDB in their investigation right after the subject incident -- again, pre-litigation, right after -- did MDB discover any design defect with the Versa valve?

MR. PALMER: No. But, once again, we weren't looking for any sort of design defects or functionality defects. It worked.

Q. Okay.

MR. PALMER: To the best of our knowledge it still worked.

See, **Exhibit 2** at P. 97:16-25;98:1-17.

Additionally, during Mr. Palmer's deposition, he testified that MDB performed numerous repair work on the subject truck and trailers after the subject incident which relate directly to providing electricity to the VERSA valve. Mr. Palmer testified to the following repairs:

Q. MDBMAINT 129, can you -- we'll transition a little bit, but can you start with the date of the work order and what this work order was for.

MR. PALMER: 12/18/14 is the date.

Q. And what was this work order for?

MR. PALMER: It was for the screws being loose on the four-way. So they were tightened and tested.

Four-way -- the four-way cable refers to the leftover cable that plugs in the front of the trailer that operates the Versa valves or operates whatever -- whatever particular trailer you plug it into, it operates something.

On end up, it operates the tailgate; on bottom dumps, it operates the Versa valves that dump the trailers.

So it came in for the gates not operating with the switch. And one of the wires was loose, so we tightened it in and put it back in service.

See, **Exhibit 4** at P. 90:7-22.

Q. Okay. We can go to the next one.
Can you tell me the date on this one, please.

MR. PALMER: 2/5/15.

Q. And what is this work order for?

MR. PALMER: We put a new driver's seat in it. And then we replaced the seven-way and four-way cords, cables, and replaced leaking axle flange gasket.

Q. Okay. So is this four-way cord different from the work order we discussed of the four-way plug in MDBMAINT 129?

MR. PALMER: No, it would be the same -- it would be the same cord. But this one, on the prior one, on 12/18/14, we replaced - we tightened the screws on the plug itself.

On this work order on 2/5/15, we actually replaced the seven-way cable and the four-way cable.

Id. at P. 91:10-23.

Q. Okay. And here, he replaced the four-way cord?

MR. PALMER: Yes, and the seven-way cord.

Id. at P. 92:6-7.

Q. Okay. I'm going to go to the next one. This would be MDBMAINT 160. Can you tell me the date on this one and what occurred, please.

MR. PALMER: It's August 5th, 2014. And Pat Bigby replaced the four-way socket on the front of 6773.

At least, I am assuming that's what he replaced. It could be the four-way socket on the front or the back. It doesn't distinguish between the two on this work order. But I'm assuming it's the one on the front. That's the one that gets unplugged and plugged all the time, and we replace them as soon as -- any issues whatsoever, we replace them.

Id. at P. 103:19-25;104:1-4.

Q. Okay. You can go to the next one. MDBMAINT 170, can you tell me the date and what occurred on this one, please.

MR. PALMER: 12/18/14. And this would have been another replace the four-way socket. And I didn't write on there either, where - whether it was the front or the rear, but I'm assuming it's the front again.

Id. P. 105:21-25;106:1-2.

Further, Mr. Palmer testified that it was normal for MDB to replace the four-way socket that is used to send electricity to the VERSA valve at least every four to five months. Id. at P. 106:14-17. In fact, Mr. Palmer even testified to replacing and discarding the four-way plug and cords ***four months*** after the first lawsuit was filed:

> Q. All right. We'll go to the next one. This is MDB 273. And can you tell me the date on this one and what occurred.
>
> MR. PALMER: 12/2/15?
>
> Q. Uh-huh.
>
> MR. PALMER: Replaced -- pulled out four-way plug. Replaced four-way plug. Issues still exist. Found all wires pulled out of - at tractor. Also reattach wires and tested okay.
>
> Q. So this one indicates -- it says issues still exist. Was there -- is there another work order that would have been performed indicating that there was an issue there prior?
>
> MR. PALMER: No, this is another -- this probably happened when the driver came to the yard, unhooked his trailer and its hoses and electrical, pulled out from underneath the trailer to hook up to a different trailer and forgot to unhook his four-way. I don't have -- I don't know, and I don't have a memory of that. That's probably what happened.
>
> So the four-way stayed plugged into the trailer. When he pulled away, it yanked -- pulled the plug off the end of the cord.
>
> So if you read this, Pat put a new plug on the end of the cord, but it still didn't work. And then he found out that it also pulled out the other end of the wiring on the tractor, it pulled it that hard. So he reattached the wires on both ends, and then it worked okay.
>
> Q. Okay. So the -- Pat indicating issues still exist?
>
> MR. PALMER: No, he said -- yeah, he replaced four-way plug, issues still exist. Then he found all the wires pulled out at the tractor, also reattached wires and tested okay.

Id. at P. 94:2-25;95:1-5.

Finally, MDB admits that the subject truck was not in the same condition as it was at the time of the subject incident and the subject truck and trailers continued to be used at the time MDB responded to VERSA's Requests for Admissions. Specifically, MDB admitted:

REQUEST FOR ADMISSION NO. 13:

Admit that the Peterbuilt truck that allegedly spilled gravel on the roadway in this case is not in the same exact condition as it was at the time of the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Admitted.

REQUEST FOR ADMISSION NO. 14:

Admit that the Ranco semi-trailer that allegedly spilled gravel on the roadway in this case continues to be used since the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Admitted.

REQUEST FOR ADMISSION NO. 15:

Admit that the Peterbuilt semi-trailer that allegedly spilled gravel on the roadway in this case continues to be used to haul trailers since the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Admitted.

See, Exhibit 6 at P. 4:8-22.

REQUEST FOR ADMISSION NO. 24:

Admit that you or someone on your behalf continued to use and operate the subject VERSA valve on the same subject trailer from the time of the subject incident to the present.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

Admitted.

Id. at P. 6:8-12

REQUEST FOR ADMISSION NO. 26:

Admit that the subject VERSA valve has now been operated hundreds of times after the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Admitted with the qualification that by the addition of the pin lock system, MDB cannot determine when the VERSA valve may have failed by self-activating.

Id. at P. 6:18-23.

III. LEGAL ARGUMENT

A. MDB Had a Legal Duty to Preserve All Relevant Evidence

It is well established in Nevada that a party is entitled to have the jury instructed on all of her case theories that are supported by the evidence. Bass-Davis v. Davis, 122 Nev. 442, 447, 134 P.3d 103, 106 (2006). Accordingly, even when an action has not been commenced and there is only a potential for litigation, the litigant is under a duty to preserve evidence which it knows or reasonably should know is **relevant to the action.** Fire Ins. Exch. v. Zenith Radio Corp., 103 Nev. 648, 651, 747 P.2d 911, 914 (1987). Thus, where a party is on notice of potential litigation, the party is subject to sanctions for actions taken which prejudice the opposing party's discovery efforts. Fire Ins. Exch. v. Zenith Radio Corp., 103 Nev. 648, 651, 747 P.2d 911, 914 (1987)

Here, as the Court is aware, the instant case does not involve a negligible fender bender. Contrarily, this case involves a serious twenty car accident, resulting from when one of MDB's trucks released a truckload of material onto a busy interstate highway. With so many parties involved and due to the gravity of the event, ***it is clear that MDB was on notice that there was potential litigation on the horizon*** where liability would be an issue. MDB was well-aware that both police and EMT's were on scene and numerous people were transported to local hospitals with serious injuries. Moreover, as MDB's truck, trailers and the subject VERSA valve are the centerpiece of the resulting litigation, MDB knew, or should have reasonably known, that the truck, trailers and valve were relevant to the instant litigation. Thus, because MDB was on notice that the truck and trailers were relevant to potential litigation, MDB had a pre-litigation duty to preserve the evidentiary value contained within the truck, trailers and valve by removing such evidence from service and continued use.

Moreover, as MDB's cross-claim against VERSA asserts that the subject valve caused or contributed to the accident because it allegedly operated inadvertently, MDB

was on notice and knew, or should have reasonably known, *that any parts*, mechanical, electrical, or otherwise, that are *related to the valve's operation*, (in any capacity), *are relevant to the instant litigation*. Thus, because MDB was on notice that all parts related to the subject valve were relevant to potential litigation, MDB had a pre and post litigation duty to preserve the evidentiary value contained within such evidence by retaining the evidence instead of conveniently discarding, and ultimately destroying, such critical evidence.

Simply put, MDB's actions of not preserving the aforementioned evidence not only goes staunchly against case law and the spirit of the discovery rules, but it also *detrimentally affects VERSA's ability to defend itself* from MDB's baseless lawsuit by removing crucial evidence that supports VERSA's liability theories. Accordingly, in the interest of upholding the validity of Nevada's discovery rules and remedying the outstanding injustice, both case law and statutory law dictate that this Court should sanction MDB. Indeed, without an appropriate sanction, MDB's discovery violations unfairly tip the scales of justice in MDB's favor.

B. This Court Should Strike MDB's Cross-Claim Because of MDB's Discovery Violations Pursuant to NRCP 37 and Prevailing Case Law

1. MDB's Discovery Violations Are Abusive Litigation Practices

Nevada allows for the dismissal of a case based upon an offending party's abuse of discovery. GNLV Corp. v. Serv. Control Corp., 111 Nev. 866, 870, 900 P.2d 323, 325 (1995). Indeed, the Nevada Rules of Civil Procedure permit the Court to strike out pleadings or dismiss an action entirely for discovery abuses. See NRCP 37(b)(2)(C). Additionally, a district court has the inherent equitable power to dismiss actions as a sanction for abusive litigation practices. Parkinson v. Bernstein, Nos. 59947, 61089, 2014 Nev. Unpub. LEXIS 2176, at *1 (Dec. 22, 2014).

Dismissal is a proper sanction where a plaintiff possesses the evidence at issue but disposes of it before filing a complaint. CSA Serv. Ctr., LLC v. Air Design Sys., LLC, No. 57674, 2013 Nev. Unpub. LEXIS 686, at *8 (May 31, 2013). Dismissal of a party's

complaint as a sanction does not need to be "'preceded by other less severe sanctions." CSA Serv. Ctr., LLC v. Air Design Sys., LLC, No. 57674, 2013 Nev. Unpub. LEXIS 686, at *7 (May 31, 2013). A court's authority to impose sanctions "'is rooted in a court's fundamental interest in protecting its own integrity and that of the judicial process.'" Halverson v. Hardcastle, 123 Nev. 245, 261 n.26, 163 P.3d 428, 440 (2007) (quoting Cummings v. Wayne County, 210 Mich. App. 249, 533 N.W.2d 13, 14 (Mich. Ct. App. 1995).

Here, MDB is knowingly pursuing a meritless claim against VERSA and, disappointingly, MDB has destroyed evidence that VERSA could have used to dispel the baseless claims. As the record unequivocally demonstrates, MDB's expert has asserted that ***the subject valve does not suffer from any design or manufacturing defect.*** See, **Exhibit 2** at P. 97:16-25;98:1-17.

Again, MDB has readily admitted that there were no mechanical issues or defects with the subject valve; ***yet, MDB is still pursuing a claim*** against VERSA under the pretext that VERSA is somehow liable because an independent, inexplicable energy force activated the subject valve. See, **Exhibit 5**.

To muddy the waters even more, MDB not only continued to operate the subject truck, trailer, and valve at issue in this case, but MBD, ***while on notice*** to preserve relevant evidence, ***removed*** and ***threw away*** the electrical components that control the subject valve. See, **Exhibit 3** at P. 169:16-22; **Exhibit 6** at P. 4:13-22. Mr. Palmer testified to the same:

> Q. Okay. Did you save the plugs that you changed after the July 2014 event until the time that the forensic inspection, electrical inspection had occurred?
>
> MR. PALMER: No.
>
> Q. What did you do with the plugs or any plugs that you changed on the subject trailers?
>
> MR. PALMER: We throw them in the garbage after that, yeah.

See, **Exhibit 3** at P. 169:16-22.

To state the obvious, such electrical components support VERSA's defense that something other than the valve itself (such as a defect or malfunction like the electrical components MDB destroyed) activated the subject valve and caused the underlying accident. Accordingly, applying Parkinson, because ***MDB destroyed highly relevant evidence that VERSA requires to prove the case is meritless,*** this Court should strike MDB's cross-claim against VERSA to curtail any further unnecessary litigation costs and free up the Court's docket for cases with actual veracity.

2. A Young Factor Analysis Supports the Court Striking MDB's Cross-Claim

While dismissal need not be preceded by other less severe sanctions, it should be imposed only after thoughtful consideration of all the factors involved in a particular case. See, Young v. Johnny Ribeiro Bldg., 106 Nev. 88, 92, 787 P.2d 777, 779 (1990). The factors a Court may properly consider include, but are not limited to:

1) the degree of willfulness of the offending party;
2) the extent to which the non-offending party would be prejudiced by a lesser sanction;
3) the severity of the sanction of dismissal relative to the severity of the discovery abuse;
4) whether any evidence has been irreparably lost;
5) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party;
6) the policy favoring adjudication on the merits;
7) Whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney; and
8) the need to deter both the parties and future litigants from similar abuses.

Id.

a. MDB Willfully Destroyed Evidence Pertinent to VERSA's Liability Defense

The first factor of the Young analysis specifically addresses the degree of willfulness of the offending party. Young, 106 Nev. at 93. The Nevada Supreme Court found conduct willful when the violating party fails to disclose evidence in way that

demonstrates "active concealment" or appears to be "intentional or at least highly reckless." N. Am. Props. v. McCarran Int'l Airport, No. 61997, 2016 Nev. Unpub. LEXIS 487, at *9 (Feb. 19, 2016)

Here, after being on notice to preserve all relevant evidence, MDB: 1) compromised the evidence's integrity by continuing to operate the subject truck, trailers, and subject valve for two years; and 2) actively destroyed evidence by removing and trashing components involved with how the subject valve activates. See, **Exhibit 3** at P. 169:16-22; **Exhibit 4** at P. 84:19-24; **Exhibit 6** at P. 4:13-22. MDB should have removed the subject truck, trailers and valve from service immediately after the accidents to preserve their condition as they existed at the time of the accident. However, MDB continued to habitually use such evidence in its business operations, thus corrupting the integrity of the evidence. Id. Consequently, MDB's tainting of the evidence created a highly prejudicial situation for VERSA because MDB essentially destroyed the very evidence VERSA requires to defend it's case.

Moreover, knowing that MDB's main theory of liability against VERSA was that the subject valve was somehow "energized," MDB removed and spoliated electrical parts that activated the subject value. See, **Exhibit 5**. Put simply, ***MDB discarded the electrical component parts that are used in activating the subject valve***. Such conduct appears intentional or, at the very least, highly reckless considering the magnitude of the instant case and the competing theories of liability. Moreover, such conduct appears intentional or highly reckless when viewed in the proper context that such evidence supports VERSA's defense that it's valve functioned properly. Accordingly, applying Young and N. AM. Props, because MBD's intentional or reckless conduct rises to a level of willfulness, MBD's destruction of evidence and it's failure to preserve the integrity of evidence weighs in favor of this Court striking MDB's cross-claim against VERSA.

b. A Lesser Sanction Would Adversely Harm Versa Because it Would Needlessly Increase Litigation Costs and Severely Prejudice VERSA's Liability Defense

The second factor of the Young analysis specifically addresses the extent to which the non-offending party would be prejudiced by a lesser sanction. See, Young, 106 Nev. at 93. The Nevada Supreme Court looks to whether the problems caused by the discovery violation are substantial and correctable when determining prejudice. N. Am. Props. 2016 Nev. Unpub. LEXIS 487 at *9.

Here, a lesser sanction would prejudice VERSA for two reasons. First, a lesser sanction would force VERSA to approach trial without crucial defense evidence while simultaneously rewarding MDB for it's conduct. Second, a lesser sanction needlessly increases VERS's litigation cots and does nothing to remedy the discovery abuses. Versa is unable to test the electrical component parts to determine if there was a malfunction which activated the valve. Accordingly, applying Young, because a lesser sanction would not remedy MDB's spoliation of critical evidence, a lesser sanction will only force VERSA to incur unnecessary and expensive litigation costs. Thus, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

c. Dismissal of MDB's Cross-Claim Balances the Harm of MDB's Destruction of Evidence Necessary for VERSA to Assert a Proper Defense

The third factor of the Young analysis addresses the severity of the sanction of dismissal relative to the severity of the discovery abuse. See, Young, 106 Nev. at 93. Courts have held that severe sanctions are warranted when the aggravating party ***violates both the letter and spirit*** of the discovery rules. See, N. Am. Props, 2016 Nev. Unpub. LEXIS 487 at *10.

Here, the instant discovery violations are a text book example of conduct that violates both the letter and spirit of discovery: ***MDB threw away key evidence that VERSA needs to prove it's case.*** See, **Exhibit 3** at P. 169:16-22. Such conduct has a nullifying effect on VERSA's ability to defend itself in this matter. Essentially, MDB's destruction of

evidence functions indirectly as an informal dismissal of VERSA's defenses. Accordingly, applying Young and N. Am. Props., because MDB's actions have a similar effect as a dispositive Motion, dismissal of MDB's cross-claim is proportionate to MDB's discovery abuses and, therefore, this factor weighs in favor of the Court striking MDB's cross-claim.

d. Unquestionably, MBD Irreparably Destroyed Highly Relevant Evidence

The fourth factor of the Young analysis addresses whether any evidence has been irreparably lost. Young, 106 Nev. at 93. Although evidence may not be irreparably lost, the Court may hold this factor against the aggravating party if the abusive conduct greatly undermines the utility of the subject evidence by robbing the aggrieved party of the opportunity to carefully review and consider the evidence before trial. See, N. Am. Props. 2016 Nev. Unpub. LEXIS 487 at *11.

Here, this is an open and closed case - ***MDB irreparably lost evidence***. See, **Exhibit 3** at P. 169:16-22. MDB threw away the electrical components that relate to the core issue of why the subject valve activated. Id. Additionally, through the continued used of the truck, trailers, and subject valve after the accident, MDB forever destroyed VERSA's ability to investigate the condition of such evidence as it existed at the time of the accidents. See, **Exhibit 4** at P. 84:19-24; **Exhibit 6** at P. 4:8-22. Accordingly, applying Young and N. Am. Props., because MDB irreparably spoliated evidence, which unduly prejudice VERSA, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

e. An Alternative Sanction Would Not Be Fair to VERSA Since MDB's Destruction of Evidence Has a Nullifying Effect on VERSA's Defenses

The fifth factor of the Young analysis addresses the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly

withheld or destroyed evidence to be admitted by the offending party. Young, 106 Nev. at 93. The purpose of alternative sanctions is to restore the prejudiced party to the same position it would have been absent the discovery violation. See, Turner v. Hudson Transit Lines, 142 F.R.D. 68, 74 (S.D.N.Y. 1991).

Here, MDB's discovery violations have undermined VERSA's liability defenses by destroying key evidence and, thus, such violations have created unequal footing in favor of MDB as the parties approach trial. Although it is feasible to administer a lesser sanction, it is both unquestionably unfair and economically unsound. The indirect consequence of allowing a lesser sanction is that such action sends a message that the discovery rules are only bark, with no bite. A lesser sanction will force VERSA to approach trial with essential tools missing from its tool belt - the crucial evidence that MDB destroyed. More importantly, as outlined above, a lesser adverse instruction sanction requires additional unnecessary and costly litigation fees. Accordingly, applying Young, as any other sanction would not be as fair as dismissing MDB's meritless cross-claim, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

f. Public Policy Favors Dismissing this Meritless Claim

The sixth factor of the Young analysis addresses the public policy favoring adjudication on the merits. Young, 106 Nev. at 93. Although courts favor adjudicating cases on their merits, gross discovery abuses will qualify as circumstances when case-ending sanctions, or sanctions that effectively act as case-ending sanctions, are appropriate. See, Foster v. Dingwall, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010) (not hearing the case on its merits appropriate when relevant evidence been irreparably lost due to the willful actions).

Here, under normal circumstances, policy favors that a Court adjudicate a traditional case on its merits. However, the instant case is distinguishable from a traditional case for two reasons. First, MDB's expert has readily admitted that the subject valve has no design or manufacturing defects. See, **Exhibit 2** at P. 97:16-25;98:1-17; **Exhibit 5; Exhibit 7** at P. 84:25;85:1-12; **Exhibit 8** at P.118:6-19. Second, ***MDB destroyed***

key defense evidence, which constituted a gross discovery abuse and created an unjust chilling effect on VERSA's liability defenses. See, **Exhibit 3** at P. 169:16-22; **Exhibit 6** at P. 4:8-22; P. 6:8-23. Accordingly, applying Young and Foster, because MDB's cross-claim is meritless and MDB irreparably destroyed key defense evidence, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

g. Whether Sanctions Unfairly Operate to Penalize a Party for the Misconduct of His or Her Attorney

The sixth factor of the Young analysis addresses whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney. Young at 93.

Here, at this point in litigation, there is no evidence in the record to suggest that MDB's counsel had an part in the destruction of the subject evidence. Accordingly, applying Young, because *MDB actively destroyed evidence on its own volition*, void of counsel's misconduct, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

h. This Is a Perfect Example of the Abuses that Case Law and the Discovery Rules seek to Prohibit and, thus, this Court Should Use this Opportunity to Deter Future Similar Conduct

The last factor of the Young analysis addresses the need to deter both the parties and future litigants from similar abuses. Young, 106 Nev. at 93. Courts have held that discovery *sanctions are applicable* as to deterring future conduct *when there is underlying abusive conduct at issue*. See, GNLV Corp., 111 Nev. at 871.

Here, MDB's conduct has undermined the Nevada's Rules of Civil Procedure and the very spirit of discovery. This case stems from an accident *involving multiple vehicles and serious injuries*. If ever there was a time to preserve evidence, this is the case. However, MDB saw it fit to destroy critical defense evidence while on actual notice (i.e. after the first Complaint was filed) that such evidence was relevant to the subject litigation. See, **Exhibit 3** at P. 169:16-22; **Exhibit 6** at P. 4:8-22; P. 6:8-23. Allowing for anything less than dismissal of MDB's cross-claim would establish an improper precedent and could lead to a slippery slope of allowable discovery abuses. Accordingly, applying

Young and GNLV Corp., because the Court needs to deter similar future conduct analogous to MDB's instant conduct, this factor strongly weighs in favor of the Court striking MDB's cross-claim.

3. Nevada Statutory and Case Law Allows for a Rebuttable Presumption that Evidence Willfully Suppressed Would Be Adverse to the Suppressing Party if Produced

When evidence is willfully suppressed, NRS 47.250(3) creates a rebuttable presumption that ***the evidence would be adverse if produced.*** Bass-Davis v. Davis, 122 Nev. 442, 448, 134 P.3d 103, 106 (2006). A rebuttable presumption is a rule of law by which the finding of a basic fact gives rise to a presumed fact's existence, unless the presumption is rebutted. Van Wart v. Cook, 557 P.2d 1161, 1163 (Okla. Civ. App. 1976). However, the party seeking the presumption's benefit has the burden of demonstrating that the evidence was destroyed with intent to harm. Bass-Davis v. Davis, 122 Nev. 442, 448, 134 P.3d 103, 107 (2006).

When such evidence is produced, the presumption that the evidence was adverse applies, and the burden of proof shifts to the party who destroyed the evidence. Id. To rebut the presumption, the destroying party must then prove, by a preponderance of the evidence, that the destroyed evidence was not unfavorable. Id. If not rebutted, the fact-finder then presumes that the evidence was adverse to the destroying party. Id.

Here, as addressed in the Young analysis, MDB willfully destroyed crucial evidence that is pertinent to VERSA's liability defenses. See, **Exhibit 3** at P. 169:16-22; **Exhibit 6** at P. 4:8-22; P. 6:8-23. With MDB's continual use of the subject truck, trailers, and valve after the subject accident, MDB corrupted the integrity and value of such evidence. Such continued use after being on notice to preserve evidence demonstrates MDB's intent to harm the integrity of the evidence and harm VERSA's defense of the case. Additionally, MDB's cognizant destruction of the key electrical components, that cause the valve to activate, demonstrate by a preponderance of the evidence that MDB intended to harm VERSA by destroying the evidence that supports VERSA's liability defenses. Id. MBD may try to hide behind a procedural argument that it threw away the

critical evidence as part of its business operations; however, such an argument would constitute a red hearing because MDB should not have even operated the subject truck, trailers and valve to artificially create a situation that called for replacement and repair of such components. Id. Accordingly, applying Bass-Davis, because MDB intentionally suppressed and destroyed crucial evidence, this Court should advise the jury that such evidence would be adverse against MDB if MDB had properly produced such evidence.

4. **At a Minimum, Nevada Case Law Provides for an Adverse Inference Instruction that the Evidence MDB Destroyed May Have Been Unfavorable to MDB**

Unlike a rebuttable presumption, an adverse inference has been defined as "[a] logical and reasonable conclusion of a fact not presented by direct evidence but which, by process of logic and reason, a trier of fact may conclude exists from the established facts." Bass-Davis v. Davis, 122 Nev. 442, 448, 134 P.3d 103, 107 (2006). An inference simply allows the trier of fact to determine, based on other evidence, that a fact exists. Id. ***An inference should be permitted when evidence is negligently lost or destroyed, without the intent to harm another party.*** Id. at 449. The adverse inference provides the necessary mechanism for restoring the evidentiary balance. Id. Generally, in cases based on negligently lost or destroyed evidence, an adverse inference instruction is tied to a showing that the party controlling the evidence had notice that it was relevant at the time when the evidence was lost or destroyed. Id. at 450.

Here, in the event that the Court does not find that MDB willfully attempted to suppress and destroy the subject evidence, the Court should at least remedy the current inequity by issuing an adverse inference against MDB. The evidence demonstrates that MDB at a minimum negligently destroyed evidence by continuing to operate the subject truck, trailers and valve and discarded components that relate directly to how the valve activates. See, **Exhibit 3** at P. 169:16-22; **Exhibit 6** at P. 4:8-22; P. 6:8-23. Accordingly, although the current situation calls for the Court to order more severe sanctions, the Court should at a minimum issue an adverse inference against MDB.

IV. CONCLUSION

Based on the foregoing, VERSA respectfully requests that the Court grant VERSA's Motion and strike MDB's cross-claims, or in the alternative, issue an adverse instruction against MDB.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document filed in this court does not contain the social security number of any person

DATED this 15th day of May, 2017

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

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EXHIBIT LIST

Exhibit 1	MDB's Cross-Claim Against VERSA
Exhibit 2	Deposition Transcript of Scott Palmer, Volume III
Exhibit 3	Deposition Transcript of Scott Palmer, Volume II
Exhibit 4	Deposition Transcript of Scott Palmer, Volume I
Exhibit 5	Declaration by David R. Bosch, Ph.D
Exhibit 6	MDB's Responses to VERSA's Requests for Admission
Exhibit 7	Deposition Transcript of Tracy Shane
Exhibit 8	Deposition Transcript of Patrick Bigby

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2017, a true and correct copy of **MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC's CROSS-CLAIM PURSANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION** was served via U.S. Mail addressed as follows:

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/s/ Susan Kingsbury
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F I L E D
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2018-01-05 02:10:55 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6468484 : yviloria

EXHIBIT 6

4845-3057-6394.1

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VERSA PRODUCTS COMPANY, INC.

IN THE SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

ERNEST BRUCE FITZIMMONS and CAROL FITZSIMMONS, Husband and Wife, Plaintiffs, vs. MDB TRUCKING, LLC, et. al. Defendants.	Case No. CV15-02349 Dept. 10 **NOTICE OF ENTRY**
AND ALL RELATED CASES.	

TO: ALL INTERESTED PARTIES:

///

///

PLEASE TAKE NOTICE that the Order was entered by the above-entitled Court on the 8th of December, 2017, a copy of which is attached hereto as **Exhibit 1** and made a part hereof.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document filed in this court does not contain the social security number of any person

DATED this 28th day of December, 2017

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

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LIST OF EXHIBITS

Exhibit 1	Order

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 28th day of December, 2017, I did cause a true copy of the foregoing **NOTICE OF ENTRY** to be served via the electronic filing system with the Court and addressed as follows:

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EXHIBIT 1

4845-3057-6394.1

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Transaction # 6431279

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

***

ERNEST BRUCE FITZSIMMONS, et al.,

Plaintiffs,

Case No. CV15-02349

Dept. No. 10

vs.

MDB TRUCKING, LLC; et al.,

Defendants.

_____/

ORDER

Presently before the Court is DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Motion"). The Motion was filed by Defendant/Cross-Claimant/Cross-Defendant VERSA PRODUCTS, INC. ("Versa") on May 15, 2017.[1] Defendant/Cross-Claimant, MDB Trucking, LLC ("MDB") filed MDB'S OPPOSITION TO VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE AND/OR SPOLIATION INSTRUCTIONS ("the Opposition") on June 2, 2017. Versa filed DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA

[1] Versa filed the ERRATA TO DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC's CROSS-CLAIM PURSUANT TO NRCP 37; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Errata") on May 5, 2017. The Errata clarifies Versa is bringing the Motion pursuant to NRCP 37, not NRCP 35 as noted in the caption to the Motion. The reference to NRCP 35 is made only in the caption to the pleading; therefore, the Court presumes it is merely a typographical error.

PRODUCTS COMPANY, INC.'S REPLY TO MDB'S OPPOSITION TO VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 37; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION ("the Reply") on June 12, 2017, and contemporaneously submitted the matter for the Court's consideration. The Court entered an ORDER on August 1, 2017, setting the Motion for oral argument.[2] The Court heard the arguments of counsel on August 29, 2017, and took the matter under submission.

The Court felt case concluding sanctions were a potential discovery sanction for the alleged abuse following the oral argument. An evidentiary hearing affording both sides the opportunity to present witnesses was required given this conclusion. *See generally, Nevada Power v. Fluor Illinois*, 108 Nev. 638, 837 P.2d 1354 (1992). The Court entered an ORDER ("the September Order") on September 22, 2017, directing the parties to set the matter for an evidentiary hearing. The evidentiary hearing was conducted on October 13, 2017 ("the October Hearing"). Versa called one expert witness, Scott Palmer ("Palmer"), and one lay witness Garrick Mitchell ("Mitchell") at the October Hearing. MDB called one expert witness, Dr. David Bosch ("Dr. Bosch"), and two lay witnesses, Patrick Bigby ("Bigby") and Erik Anderson ("Anderson") at the October Hearing. The Court admitted numerous exhibits during the October Hearing. The Court permitted the parties to argue their respective positions. Trial was scheduled to begin on October 30, 2017. The Court was aware of its obligation to make detailed findings of facts and conclusions of law. Further, the Court wanted to fulfill these obligations in a thoughtful manner and in writing pursuant to the mandates of the Nevada Supreme Court. The Court informed the parties the Motion would be granted and vacated the trial date. The Court took the matter under submission. This written ORDER follows.

This case arises from a personal injury action. A COMPLAINT ("the Complaint") was filed by Plaintiffs Ernest Bruce Fitzsimmons and Carol Fitzsimmons, on December 4, 2015. Numerous other plaintiffs were joined into the Fitzsimmons case. It is alleged on July 7, 2014, Defendant Daniel Anthony Koski ("Koski"), while driving a truck for MDB, negligently spilled a load of

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[2] There were numerous other pre-trial motions scheduled for oral argument on the same date.

gravel into the roadway. The spilled gravel caused the driving plaintiffs to lose control of their vehicles and numerous accidents occurred. The plaintiffs sustained physical and emotional injuries as a result of the accidents. In response to the Complaint, MDB filed a THIRD-PARTY COMPLAINT ("the MDB Cross-Claim") June 15, 2016. The MDB Cross-Claim had two causes of action relative to Versa: Implied Indemnification and Contribution.[3] MDB alleges it was not Koski's negligence that caused the gravel to spill; rather, the spill was caused by the "unreasonably dangerous and defective" design and manufacture of the trailer that held the gravel. The MDB Cross-Claim, 3:5-7. Therefore, MDB brought the Cross-Claim against the manufacturers of the trailer and its components, including Versa. MDB avers Versa produced a solenoid valve which would, "activate inadvertently allowing the gates to open and release the load [of gravel] carried by the trailer." The MDB Cross-Claim, 3:10-11. MDB also claims there were safer alternatives available to Versa; the solenoid valve was unreasonably dangerous and defective; and Versa failed to provide appropriate safety mechanisms regarding the solenoid valve. The MDB Cross-Claim, 3:12-18.

Versa has denied its product is defective and further denies any responsibility for the spilling of the gravel. Additionally, Versa filed DEFENDANT/CROSS-CLAIMANT VERSA PRODUCTS COMPANY, INC.'S ANSWER TO PLAINTIFFS ERNEST BRUCE FITZSIMMONS AND CAROL FITZSIMMONS' FIRST AMENDED COMPLAINT AND CROSS-CLAIM AGAINST MDB TRUCKING, LLC; DANIEL ANTHONY KOSKI; AND DOES I-X, INCLUSIVE ("the Versa Cross-Claim") on June 29, 2016. The Versa Cross-Claim alleges one cause of action against MDB: Contribution. Versa alleges MDB "negligently operated, maintained, owned, serviced and/or entrusted the subject trailer...." The Versa Cross-Claim, 10:17-18. Versa and MDB are the only remaining parties in this litigation: all of the plaintiffs consolidated into these proceedings, and all of the other defendants have been dismissed and/or settled.

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[3] Versa filed CROSS-DEFENDANT VERSA PRODUCTS COMPANY INC.'S MOTION TO DISMISS CROSS-CLAIMANT, MDB TRUCKING, LLC'S THIRD CAUSE OF ACTION FOR IMPLIED INDEMNITY PURSUANT TO NRCP 12(B)(5) ("the MTD") on June 27, 2016. The Court granted the MTD on October 19, 2016. The only remaining cause of action alleged by MDB against Versa is for Contribution.

The Motion avers MDB has destroyed or disposed of critical evidence which directly impacts Versa's ability to represent itself in the instant litigation. Specifically, the Motion contends after the accident MDB continued to use the truck in question; failed to keep the truck in the same condition as it was on the day in question; serviced the truck routinely; repaired and replaced the electrical systems that control the solenoid which operated the Versa valve; and failed to take steps to preserve this critical evidence knowing litigation was highly probable. The Opposition contends there has been no spoliation of evidence in this case. Further, the Opposition posits there was nothing more than routine maintenance done on the trailer; therefore, Versa's ability to defend itself has not been impaired.

The Motion avers MDB had a duty to preserve the discarded electrical systems in anticipation of the underlying action. In *Fire Ins. Exchange v. Zenith Radio Corp.*, 103 Nev. 648, 651, 747 P.2d 911, 914 (1987), the Nevada Supreme Court held, "even where an action has not been commenced and there is only a potential for litigation, the litigant is under a duty to preserve the evidence which it knows or reasonably should know is relevant to the action." The Motion concludes the appropriate sanction for the failure to preserve this crucial evidence should be dismissal of the entire action. *See generally Young v. Johnny Ribeiro Building Inc.*, 106 Nev. 88, 787 P.2d 777 (1990), and NRCP 37.

Discovery sanctions are within the discretion of the trial court. *See Stubli v. Big D Int'l Trucks, Inc.*, 107 Nev. 309, 312, 810 P.2d 785, 787 (1991), and *Kelly Broadcasting v. Sovereign Broadcast,* 96 Nev. 188, 192, 606 P.2d 1089, 1092 (1980). "Generally, sanctions may only be imposed where there has been willful noncompliance with the court's order, or where the adversary process has been halted by the actions of the unresponsive party." *Zenith*, 103 Nev. at 651, 747 P.2d at 913 (citing *Finkelman v. Clover Jewelers Blvd. Inc.*, 91 Nev. 146, 147, 532 P.2d 608, 609 (1975) and *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973)). *Accord GNLV Corp. v. Service Control Corp.*, 111 Nev. 866, 869, 900 P.2d 323, 325 (1995). Dismissal of an entire action with prejudice is a dramatic punishment for a discovery abuse. The Nevada Supreme Court cautions district courts the use of such a Draconian sanction should be approached with caution. "The dismissal of a case, based upon a discovery abuse such as the

destruction or loss of evidence, 'should be used only in extreme situations; if less drastic sanctions are available, they should be utilized.'" *GNLV*, 111 Nev. at 870, 900 P.2d at 326 (citation omitted). Additionally, the *Nevada Power* Court held it was an abuse of discretion for a district court to grant case concluding sanctions without an evidentiary hearing. The *Nevada Power* Court held the party facing a case terminating sanction needs an "opportunity to present witnesses or to cross-examine [the movant] or their experts with regard to [the discovery violations]." *Nevada Power*, 108 Nev. at 646, 837 P.2d at 1360. *Cf. Bahena v. Goodyear Tire & Rubber Co. ("Bahena II")*, 126 Nev. 606, 612, 245 P.3d 1182, 1186 (2010).

The Nevada Rules of Civil Procedure provide that a party who fails to comply with discovery orders or rules can be sanctioned for that failure. NRCP 37(b). Sanctions against a party can be graduated in severity and can include: designation of facts to be taken as established; refusal to allow the disobedient party to support or oppose designated claims or defenses; prohibition of the offending party from introducing designated matters in evidence; an order striking out pleadings or parts thereof or dismissing the action; or rendering a judgment by default against the disobedient party. NRCP 37(b)(2). Case concluding sanctions need not be preceded by other less severe sanction. *GNLV*, 111 Nev. at 870, 900 P.2d at 325. A disobedient party can also be required to pay the reasonable expenses, including attorney fees caused by the failure. NRCP 37(b)(2)(E).

The *Young* Court adopted an eight factor analysis ("the *Young* factors") district courts must go through if they feel a discovery abuse is so severe it warrants dismissal. The *Young* Court held, "every order of dismissal with prejudice as a discovery sanction be supported by an express, careful and preferably written explanation of the court's analysis of the pertinent factors." *Young*, 106 Nev. at 93, 787 P.2d at 780. The *Young* factors are as follows: (1) the degree of willfulness of the offending party; (2) the extent to which the non-offending party would be prejudiced by a lesser sanction; (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse; (4) whether any evidence has been irreparably lost; (5) the feasibility and fairness of less severe sanctions; (6) the policy favoring adjudication on the merits; (7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney; and (8) the need to deter parties and future litigants from similar abuses. *Id.* In discovery abuse situations where possible case-

concluding sanctions are warranted, the trial judge has discretion in deciding which factors are to be considered on a "case-by-case" basis. *Bahena II*, 126 Nev. at 610, 245 P.3d at 1185 (citing *Higgs v. State*, 126 Nev. 1, 17, 222 P.3d 648, 658 (2010)). The *Young* factor list is not exhaustive and the Court is not required to find that all factors are present prior to making a finding. "Fundamental notions of fairness and due process require that discovery sanctions be just and . . . relate to the specific conduct at issue." *GNLV*, 111 Nev. at 870, 900 P.2d at 325.

The Nevada Supreme Court has addressed orders of case concluding sanctions on numerous occasions. The *Zenith* Court found a party whose agent destroyed and/or lost a television prior to the commencement of the underlying action, after the party's expert had an opportunity to test the television and opine on the television as a cause of a fire, had committed a discovery abuse warranting case concluding sanctions.[4] The *Zenith* Court held, "[t]he actions [of the appellant] had the effect of reserving to itself all expert testimony based upon examination of the television set." 103 Nev. at 652, 747 P.2d at 914.

The *Kelly Broadcasting* Court held the striking of an answer and entry of a judgment in favor of the non-offending party (Kelly) was an appropriate sanction for failing to complete discovery by the offending party (Sovereign). *Kelly Broadcasting*, 96 Nev. at 192, 606 P.2d at 1092. Sovereign argued a lesser sanction of striking only the affirmative defense to which the interrogatories applied was a more appropriate sanction. The *Kelly Broadcasting* Court disagreed, noting "[t]he question is not whether this court would as an original matter have entered a default judgment as a sanction for violating a discovery rule; it is whether the trial court abused its discretion in so doing. We do not find an abuse of discretion in this case." *Id.*

The *Stubli* Court upheld case concluding sanctions when the appellant or its agents failed to preserve evidence related to the cause of a trucking accident. The respondent provided expert affidavits which posited the cause of the accident could have been something other than the respondent's work on the truck. "The experts further asserted that appellant's failure to preserve the

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[4] The trial court actually struck the appellant's expert witness from the trial. The appellant indicated it had insufficient evidence to proceed without its expert and the trial court granted summary judgment in favor of the respondent. *Zenith*, 103 Nev. at 651, 747 P.2d at 913.

[truck and its components] had made it impossible for respondents to establish their defense theory." *Stubli*, 107 Nev. at 312, 810 P.2d at 787. *See also, North American Properties v. McCarran International Airport*, 2016 WL 699864 (Nev. Supreme Court 2016). *But see, GNLV, supra* (case concluding sanctions not appropriate when other evidence existed which experts could use to assist in their analysis including the statements of witnesses who saw the spoliated evidence).

The Court has considered the arguments of counsel, all of the pleadings on file in the instant action, the testimony of the witnesses at the evidentiary hearing, the exhibits admitted at that hearing, and the relevant case law discussed, *supra.* The issue presented in the case is actually very narrow: MDB claims it was a defective solenoid manufactured by Versa that malfunctioned causing a truck full of gravel to dump onto one of the two busiest roadways in Washoe County. MDB does not dispute the electrical systems were not preserved in anticipation of the trial or potential testing. MDB took no steps to warn its employees to keep any components in the electrical system should they need to be replaced. There are no pictures taken of the electrical system or the components. MDB's employees cannot testify to the condition of the components when they were replaced. Versa avers there were other potential causes of the malfunction, including an electrical issue. Versa further contends it cannot present these issues to the jury in support of its defense because the evidence no longer exists. The Court reviews the *Young* factors as follows:

I. *Willfulness*

The first *Young* factor is willfulness. In *Childers v. State*, 100 Nev. 280, 283, 680 P.2d 598, 599 (1984), the Nevada Supreme Court found the term willful, "implies simply a purpose or willingness to commit the act or to make the omission in question. The word does not require in its meaning any intent to violate law, or to injure another, or to acquire any advantage." Willfulness may be found when a party fails to provide discovery and such failure is not due to an inability on the offending party's part. *Havas v Bank of Nevada*, 96 Nev. 567, 570, 613 P.2d 706, 708 (1980). The Nevada Supreme Court has not opined that it is necessary to establish wrongful intent to establish willfulness.

Clearly MDB should have anticipated extensive litigation as a result of the incident that occurred on July 7, 2014. This was not a mere "slip and fall" where the putative plaintiff initially claims he/she is not injured only later to come back and sue. There were numerous accidents and injuries as a result of collisions occurring on a highway. MDB, or its counsel, had to know there would be litigation as a result of these events. The Court heard no testimony that MDB took any steps to preserve the truck or trailer in any way. There was no testimony indicating memorialization of the condition of the vehicle was ever contemplated by anyone at MDB. On the contrary, the truck and trailer continued to be in use after the events of July 7, 2014. It was subject to "routine" maintenance. The Court may have condoned the continued use of the truck, and even the trailer, had there been *any* steps taken to preserve the appearance of these items as they existed at the time of the event, or prior to the "routine" maintenance. The memorialization did not occur.

It would have been simple to inform the shop staff to photograph the truck and trailer on or about July 7, 2014. It would have required minimal effort to inform the shop staff to preserve any electrical parts taken off the truck or trailer during the maintenance. If these steps had been taken the Court would be looking at this case through the prism of *GNLV* because both parties would have had alternative ways to prove or disprove their theory of the case. Based on the inaction of MDB in preserving or memorializing the condition of the truck and trailer the Court must view this case through the prism of *Stubli* and *Zenith*: MDB alone has the ability to call experts to support their position. Versa's expert has a theory he can neither confirm nor refute based on the loss of the electrical components. The Court does not find MDB intentionally disposed of the components in order to harm Versa, nor were MDB's employees acting with any malevolence; however, the Court does find MDB is complicit of benign neglect and indifference to the needs of Versa regarding discovery in this action.

II. <u>The possibility of a lesser sanction</u>

The second *Young* factor is possible prejudice to Versa if a lesser sanction were imposed. The Court would consider lesser sanctions, including an adverse inference instruction, a rebuttable presumption instruction, and the striking of the MDB's expert as alternative sanctions. The Court

does not find any of these sanctions strike the appropriate balance between MDB's actions and the harm imposed on Versa's case. Should the Court strike Dr. Bosch from being a witness at the trial MDB would be in the same position as the appellant in *Zenith*: unable to prove its case given the lack of expert testimony and subject to a motion for summary judgment. This outcome would be a patent waste of limited judicial resources and of the jury's time. The Court does not find an adverse inference instruction pursuant to NRS 47.250(3) and *Bass-Davis v. Davis*, 122 Nev. 442, 134 P.3d 103 (2006), is appropriate under the circumstances before the Court.[5] As noted by the *Zenith* Court, "[t]he actions of [MDB] had the effect of reserving to itself all expert testimony based upon examination of the [electronic components]. Any adverse presumption which the court might have ordered as a sanction for the spoliation of evidence would have paled next to the testimony of the expert witness." *Zenith*, 103 Nev. at 652, 747 P.2d at 914. Additionally, an adverse inference instruction requires an "intent to harm another party through the destruction and not simply the intent to destroy evidence." *Bass-Davis*, 122 Nev. at 448, 134 P.3d at 106. The Court does not find MDB intended to harm Versa by destroying or disposing of the electrical components; therefore, it could not give this instruction. The Court can conceive of no other sanction which would be appropriate under these circumstances.

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[5] At oral argument counsel for MDB stated:

> Recently the Nevada Supreme Court has declared that the Bass versus Davis case is the prevailing case on the spoliation of evidence, not Young versus Ribeiro. And in a case called Walmart Stores, Inc. versus the Eighth Judicial District, No. 48488, January 31st of 2008, the court said, "It is an abuse of discretion for a district court not to consider the case of Bass-Davis versus Davis when imposing sanctions pursuant to Nevada Rule of Civil Procedure 37 for an allegation of spoliation."

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING, 208:15-24. The citation to an unpublished disposition of the Nevada Supreme Court issued prior to January 1, 2016, is a violation of ADKT 0504 and SCR 123 (the SCR was repealed by the ADKT). The Court found it difficult to believe the Nevada Supreme Court would make such a sweeping change to firmly established precedent as that represented by counsel in an unpublished disposition. The Court was unfamiliar with *Walmart*, so the Court endeavored to familiarize itself with the case. The Court looked up the case number provided by counsel on the Nevada Supreme Court webpage. Troublingly, the Court was unable to verify the veracity of the proposition proffered by MDB *because the parties agreed to dismiss their proceedings and the Nevada Supreme Court vacated the order upon which MDB makes its argument.* The Nevada Supreme Court had granted a Writ of Mandamus on January 31, 2008; however, it withdrew that order on a subsequent date. The Nevada Supreme Court webpage indicates the parties contacted the Supreme Court on February 2, 2008, and indicated they had settled their case. The Nevada Supreme Court entered an order vacating the January 31, 2008, order upon which MDB relies and "den[ied] the petition as moot" on February 13, 2008. In short, the "case" MDB relies upon does not even exist.

III. The severity of the sanction of dismissal relative to the severity of the discovery abuse

"The dismissal of a case, based upon a discovery abuse . . . should be used only in extreme situations; if less drastic sanctions are available, they should be utilized." *GNLV*, 111 Nev. at 870, 900 P.2d at 325 (*citing Young*, 106 Nev. at 92, 787 P.2d at 779-80). The Court is keenly aware that granting the Motion effectively ends the case. The Court does not take this action lightly. The *only* issue in this case is why the door to the trailer opened causing the gravel to dump into the roadway. The Court finds MDB's disposal of the electronic components without memorializing them in any way effectively halted the adversarial process. It left all of the "cards" in MDB's hands and left Versa with nothing other than a theory it could neither prove nor disprove. MDB could simply rely on its expert during trial and argue Versa had no proof of its theory and the theory itself was preposterous. This is the position taken by MDB at the evidentiary hearing. Versa is left with no way of verifying its theory of the case.

Counsel for MDB directed the Court's attention at the evidentiary hearing to the strength of their expert (Dr. Bosch) and the weakness of Versa's expert (Palmer). Counsel further emphasized the lack of plausibility of the Palmer's conclusions that it could have been an abraded wire which caused an electrical failure rather than some issue with the solenoid or the Versa valve. The Court is not convinced this should be the deciding factor in resolving the issue of case concluding sanctions for the following reasons:

1. MDB's own employee (the same employees who serviced the truck and trailer) acknowledged at the evidentiary hearing that the abrasions Palmer referenced actually do occur;[6] and

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[6] Q: Okay. You also mentioned that you want to replace those cords, the seven and the – the seven-conductor and the four-conductor cords because they will get cut on the deck plate, they will get abraded, they will become cracked; is that correct?

A: I have seen that, yes.

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING (testimony of Patrick Bigby), 154:1-6.

2. Dr. Bosch had to acknowledge, though grudgingly and with great circumspection, that it was possible though highly unlikely the electrical system could have caused the valve in question to open.[7]

The Court's decision regarding the issue presented in the Motion is not predicated on who has the "stronger case" or the "better expert" at the evidentiary hearing. If this were the analysis the Court would agree with MDB: Dr. Bosch is a very credible witness and it is likely MDB has the more compelling argument to present to the jury. This, however, is not the issue. The issue in the Court's analysis is MDB's actions deprived Versa of *any* ability to prove its case: the adversarial process was stymied by MDB regarding the most critical pieces of evidence. Had MDB's witnesses testified the abrasions never occur, or abrasions were photographed and/or documented and none existed on this truck, the Court's conclusion may have been different. Here we know it *could have occurred* as Palmer suggested.

IV. Whether evidence is irreparably lost

Clearly the relevant evidence is lost. The employees of MDB testified at the evidentiary hearing the electronic components had been thrown away.

V. The feasibility and fairness of a less severe sanctions

The Court discussed the possibility of less severe sanctions in section II. The same analysis applies here. There does not appear to be any sanction short of case concluding sanctions which would be appropriate under the circumstances of this case. The Court also acknowledges that progressive sanctions are not always necessary. The circumstances presented in the Motion are unique and the most severe sanction is appropriate.

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[7]Q: Is there any scenario under which current from the seven-prong cord having contact with the four-prong cord could open the versa valve?

A: Anything is possible, but it's highly improbable in this case.

TRANSCRIPT OF PROCEEDINGS, EVIDENTIARY HEARING (testimony of Dr. Bosch), 161:5-9. Dr. Bosch's testimony clearly established he did not believe there was a short or other electrical failure that caused the valve to open.

VI. The policy favoring adjudication on the merits; and

VII. The need to deter parties and future litigants from similar abuse

The Court considers the sixth and eighth *Young* factors together. Nevada has a strong policy, and the Court firmly believes, that cases should be adjudicated on their merits. *See, Scrimer v. Dist. Court*, 116 Nev. 507, 516-517, 998 P.2d 1190, 1196 (2000). *See also, Kahn v. Orme*, 108 Nev. 510, 516, 835 P.2d 790, 794 (1992). Further, there is a need to deter litigants from abusing the discovery process established by Nevada law. When a party repeatedly and continuously engaged in discovery misconduct the policy of adjudicating cases on the merits is not furthered by a lesser sanction. *Foster*, 126 Nev. at 65, 227 P.3d at 1048. The case *sub judice* is not one of systemic discovery abuse. However, the Court concludes to allow the case to go forward as it is currently postured would be the antithesis of allowing it to proceed "on the merits." The merits of Versa's case would not be able to be evaluated by the jury because Versa could not test its theory on the actual components. The jury would be left to guess about what may have occurred rather than weigh the competing theories presented. MDB would have an overwhelmingly unfair advantage given its action.

The Court balances the laudable policy of trial on the merits against the need to deter future litigants from abusing the discovery process. The Court turns back to the *Zenith* Court's direction to all potential litigants regarding their duty to preserve evidence. The *Zenith* Court stated, "[i]t would be unreasonable to allow litigants, by destroying physical evidence prior to a request for production, to sidestep the district court's power to enforce the rules of discovery." *Id.* 103 Nev. at 651, 747 P.2d at 913. *Accord, Colfer v. Harmon*, 108 Nev. 363, 832 P.2d 383 (1992). To allow this case to go forward, when the only evidence which may have supported Versa's defense was in the sole possession of MDB and MDB did nothing to preserve or document that evidence, would set a dangerous precedent to similarly situated parties in the future. It would also be antithetical to a potential litigant's obligation to preserve the very evidence it may have to produce during discovery.

When the Court balances the sixth and eighth *Young* factor it concludes dismissal of MDB's claims against Versa are appropriate.

VIII. *Whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney*

There is no evidence to show MDB's counsel directed MDB to destroy or fail to memorialize the evidence in question. The Court finds this factor to be inapplicable to the *Young* analysis.

"Fundamental notions of fairness and due process require that discovery sanctions be just and . . . relate to the specific conduct at issue." *GNLV*, 111 Nev. at 870, 900 P.2d at 325 (*citing Young*, 106 Nev. at 92, 787 P.2d at 779-80). The Court recognizes that discovery sanctions should be related to the specific conduct at issue. The discovery abuse in this case crippled one party's ability to present its case. Weighing all eight factors above the Court concludes the dismissal of the MDB Cross-Claim is appropriate. Due to the severity of MDB's discovery abuse there are no lesser sanctions that are suitable.

It is hereby **ORDERED** DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S MOTION TO STRIKE DEFENDANT/CROSS-CLAIMANT/CROSS-DEFENDANT MDB TRUCKING, LLC'S CROSS-CLAIM PURSUANT TO NRCP 35; OR IN THE ALTERNATIVE, FOR AN ADVERSE JURY INSTRUCTION is **GRANTED**. MDB TRUCKING, LLC'S CROSS-CLAIM is DISMISSED.

DATED this 8 day of December, 2017.

ELLIOTT A. SATTLER
District Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this ____ day of December, 2017, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 8 day of December, 2017, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JOSH AICKLEN, ESQ.
MATTHEW ADDISON, ESQ.
KATHERINE PARKS, ESQ.
BRIAN BROWN, ESQ.
THIERRY BARKLEY, ESQ.
SARAH QUIGLEY, ESQ.
JESSICA WOELFEL, ESQ.
JACOB BUNDICK, ESQ.
NICHOLAS WIECZOREK, ESQ.

Sheila Mansfield
Judicial Assistant

FILED
Electronically
CV15-02349
2018-01-05 02:02:27 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6468433 : csulezic

JOSH COLE AICKLEN
Nevada Bar No. 007254
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LEWIS BRISBOIS BISGAARD & SMITH LLP
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Las Vegas, Nevada 89118
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FAX: 702.893.3789
Attorneys for Defendant/Cross-Defendant
VERSA PRODUCTS COMPANY, INC.

DISTRICT COURT

WASHOE COUNTY, NEVADA

ERNEST BRUCE FITZIMMONS and CAROL FITZSIMMONS, Husband and Wife, Plaintiffs, vs. MDB TRUCKING, LLC, et. al. Defendants. AND ALL RELATED CASES.	Case No. CV15-02349 Dept. 10 **DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S VERIFIED MEMORANDUM OF COSTS**

COMES NOW, Defendant/Cross-Defendant VERSA PRODUCTS COMPANY, INC., by and through its attorneys of record, Josh Cole Aicklen, Esq., David B. Avakian, Esq. and Paige S. Shreve, Esq., of LEWIS BRISBOIS BISGAARD & SMITH, LLP, and submits the following Verified Memorandum of Costs to be recovered against Cross-Claimant MDB TRUCKING, LLC pursuant to NRS 18.005; NRS 18.020; and NRS 18.110.

///

///

This Memorandum of Costs and Disbursements is based upon VERSA's Offer of Judgment under NRCP 68, the pleadings and papers on file herein, the verification of attorneys' fees and costs by defense counsel, and any evidence to be considered by this Court.

VERSA submits its verified Memorandum of Costs within five (5) days of entry of Judgment pursuant to NRS 18.110(1). VERSA also requests its reasonable expert witness fees based upon the circumstances surrounding the exports' testimony at the evidentiary hearing and the necessity of his travel. See, NRS 18.005(5).

The undersigned hereby verifies, under penalty of perjury, that the following costs were incurred by Defendant in the defense of this matter:

COSTS FROM LEWIS BRISBOIS BISGAARD & SMITH, LLP (LBBS)

1.	Travel-Hotel	$ 2,669.84
2.	Travel- Meals	$ 983.93
3.	Travel-Air	$ 6,068.44
4.	Travel-Car	$ 1,446.32
5.	Travel-Taxi	$ 77.10
6.	Mileage	$ 28.35
7.	Court Filing Fees	$ 4,664.00
8.	Witness Fee	$ 876.00
9.	Mediator Fee	$ 250.00
10.	Conference Call	$ 6.75
11.	DVD Copies	$ 100.00
12.	Mail	$ 77.96
13.	Deposition Transcripts	$12,070.52
14.	Court Reporter	$ 2,000.00
15.	Parking	$ 95.00
16.	Filing Services	$ 179.21
17.	Copies	$ 146.40
18.	Records Reproduction	$ 3,848.82
19.	Service of Process	$ 4,679.17
20.	Videotape Deposition	$ 1,985.00
21.	Consulting Services	$ 2,813.76
22.	Expert	$13,706.49
	LEGAL COSTS:	**$58,773.06**

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document filed in this court does not contain the social security number of any person.

DATED this 5th day of January, 2018.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By

JOSH COLE AICKLEN
Nevada Bar No. 007254
DAVID B. AVAKIAN
Nevada Bar No. 009502
PAIGE S. SHREVE
Nevada Bar No. 013773
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant
VERSA PRODUCTS COMPANY, INC.

AFFIDAVIT OF JOSH COLE AICKLEN IN SUPPORT OF DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S VERIFIED MEMORANDUM OF COSTS

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

I, JOSH COLE AICKLEN, ESQ., do declare and state as follows:

1. I am an Owner of Lewis Brisbois Bisgaard & Smith LLP, and am duly licensed to practice law in the State of Nevada. I am competent to testify to the matters set forth in this Affidavit, and will do so if called upon. I am the attorney of record representing Defendant/Cross-Defendant VERSA PRODUCTS COMPANY, INC. in the subject lawsuit currently pending in Department 10 of the Second Judicial District Court for the State of Nevada, Case Number CV15-02349.

2. I participated in the entirety of the litigation, which culminated in an evidentiary hearing on October 13, 2017 with the Court finding in favor of Defendant and striking MDB's cross-claims.

3. Part of the defense costs involved retaining experts to prepare reports and attend evidentiary hearing, attend multiple depositions all over the country and issuing trial and deposition subpoenas to witnesses. VERSA incurred expert witness costs of **$13,706.49** reviewing this matter's voluminous records, preparing multiple reports, preparing for the evidentiary hearing and testifying to the Court at the evidentiary hearing. The total costs in the case were $58,773.06.

4. The entirety of the costs in this case were reasonable and customary for Washoe County.

By _____
JOSH COLE AICKLEN, ESQ.

SUBSCRIBED AND SWORN to before me this 5th day of January, 2018.

_____
NOTARY PUBLIC in and for said COUNTY and STATE

E. WILCZYNSKI
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 01-27-20
Certificate No: 12-8840-1

LEWIS BRISBOIS BISGAARD & SMITH LLP
ATTORNEYS AT LAW

LIST OF EXHIBITS

Exhibit 1	Disbursement Diary and Supporting Documentation for Costs

CERTIFICATE OF SERVICE

I hereby certify that on this 5th of January, 2018, a true and correct copy of **DEFENDANT/CROSS-DEFENDANT VERSA PRODUCTS COMPANY, INC.'S VERIFIED MEMORANDUM OF COSTS** was served electronically via the Court's e-filing system addressed as follows:

Matthew C. Addison, Esq.
Jessica L. Woelfel, Esq.
McDONALD CARANO WILSON LLP
100 W. Liberty St., 10th Floor
Reno, NV 89501
RMC LAMAR HOLDINGS, INC.

Nicholas M. Wieczorek, Esq.
Jeremy J. Thompson, Esq.
CLARK HILL PLLC
3800 Howard Hughes Pkwy, Ste. 500
Las Vegas, NV 89169
Attorneys for MDB TRUCKING, LLC and DANIEL ANTHONY KOSKI

An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

F I L E D
Electronically
CV15-02349
2018-01-05 02:02:27 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6468433 : csulezic

Exhibit 1

From 1/01/16 Through 12/31/17 *Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company

1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
6/23/16	ME	Meals: Paul Shpirt #12 Inv#:8594-97802 06/15/2016 Lunch with Garrick Mitche Rimkus Consulting after site inspection at 10:30 a.m. in Sparks, Nevada				20.59	P A/P-P	1697968
8/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:073116STMT-SBOWERS Trans Date: 06/30/2016 Washoe Co 2nd Dist Genera, Filing fee of demand for jury trial				320.00	P A/P-P	1740974
8/16/16	CS	E123-Consulting Services: Rimkus Consulting Group, Inc Inv#:6493132 Professional services rendered on 06/13/16 - 07/14/16	171377			5,606.78	P A/P-P	1740974
10/12/16	CC1	Conference Call: Soundpath Conferencing c/o American Teleconferencing Services Inv#:2132501800-101216 Conference call of David Avakian on 10/10/2	174347			4.67	W A/P-P	
10/18/16	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:9237-103671 10/17/2016 Trip t Reno for depositions				137.59	P A/P-P	1767907
10/18/16	L	Travel Expense-Car: Paige Shreve #12 Inv#:9237-103671 10/17/2016 Trip to Re for depositions				66.19	P A/P-P	1767907
10/18/16	ME	Meals: Paige Shreve #12 Inv#:9237-103671 10/17/2016 Food - Trip to Reno for depositions				15.50	P A/P-P	1767907
10/18/16	ME	Meals: Paige Shreve #12 Inv#:9237-103671 10/17/2016 Food - Trip to Reno for depositions				31.97	P A/P-P	1767907
10/20/16	2	Mileage: Paige Shreve #12 Inv#:9237-103778 10/16/2016 Travel to airport for Reno for depositions (Miles 17.50)				9.45	W A/P-P	
10/20/16	ME	Meals: Paige Shreve #12 Inv#:9237-103778 10/16/2016 Food - Reno for Depositions				6.98	P A/P-P	1767907
10/20/16	ME	Meals: Paige Shreve #12 Inv#:9237-103778 10/16/2016 Food - Reno for Depositions				18.62	P A/P-P	1767907
10/20/16	ME	Meals: Paige Shreve #12 Inv#:9237-103778 10/17/2016 Food - Reno for Depositions				3.09	P A/P-P	1767907
11/14/16	VD	E118-Videotaped Depo: Hoogs Reporting Group, Inc. Inv#:18488 Videotaped deposition of Carol & Ernest Bruce Fitzsimmons on 10/17/16	11995			510.00	P A/P-P	1797838
11/16/16	CC1	Conference Call: Soundpath Conferencing c/o American Teleconferencing Services Inv#:2132501800-091216 Conference call of Josh Cole Aicklen on 09/06/2016	172664			2.08	W A/P-P	
11/16/16	M	Parking: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Reno - parkin court hearing				5.00	P A/P-P	1797838
11/28/16	K	Travel Expense-Air: American Express Inv#:NOV2016-STMT 432046 P Shreve 11/18/16 0685601737	176170			12.00	P A/P-P	1797838
11/28/16	K	Travel Expense-Air: American Express Inv#:NOV2016-STMT 432045 P Shreve 11/29/16 LAS PHX LAS 2465231898	176170			521.96	P A/P-P	1797838
11/29/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22330052 Records of Fitzsimmons, Ernest from Remsa Ambulance Services	178466			83.50	P A/P-P	1797838
11/29/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22380051 Records of Fitzsimmons, Carol from Remsa Ambulance Services	178466			83.50	P A/P-P	1797838

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

From 1/01/16 Through 12/31/17 *Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat	Source	Invoice No.
12/02/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22394396 Records of Fitzsimmons, Carol from fallon Physical Therapy	177295			107.00	P	A/P-P	1797838
12/02/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22397261 Records of Fitzsimmons, Carol from Quail Surgical & Pain Managemen	178466			125.20	P	A/P-P	1797838
12/02/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22398016 Records of Fitzsimmons, Carol from North Lyon County Fire Protecti District	178466			74.50	P	A/P-P	1797838
12/05/16	CC1	Conference Call: Soundpath Conferencing c/o American Teleconferencing Services Inv#:2132501800-101216 Conference call of David Avakian on 10/10/2	174246			4.67	W	A/P-P	
12/05/16	K	Travel Expense-Air: American Express Inv#:OCT2016STMT 119133 P Shreve 10/16/16 LAS RNO LAS 2455392368	173901			460.38	P	A/P-P	1797838
12/06/16	CC1	Conference Call: Soundpath Conferencing c/o American Teleconferencing Services Conference call of David Avakian on 10/10/2016	174246			4.67-	W	A/P-P	
12/11/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22412298 Records of Fitzsimmons, Carol from Sierra Regional Spine Institute	178466			72.00	P	A/P-P	1797838
12/13/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22417398 Records of Fitzsimmons, Carol from Reno Diagnostic Center	178466			139.11	P	A/P-P	1797838
12/14/16	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:9418-106513 11/30/2016 Hotel during trip to Phoenix for testing				232.48	P	A/P-P	1797838
12/14/16	2	Mileage: Paige Shreve #12 Inv#:9418-106513 11/29/2016 Travel to airport for Phoenix for testing (Miles 17.50)				9.45	W	A/P-P	
12/14/16	L	Travel Expense-Car: Paige Shreve #12 Inv#:9418-106513 11/29/2016 Rental car during trip to Phoenix for testing				85.75	P	A/P-P	1797838
12/14/16	L	Travel Expense-Car: Paige Shreve #12 Inv#:9418-106513 11/30/2016 Gas during trip to Phoenix for testing				4.49	P	A/P-P	1797838
12/14/16	M	Parking: Paige Shreve #12 Inv#:9418-106513 11/29/2016 Parking for testing i Phoenix				21.00	P	A/P-P	1797838
12/14/16	ME	Meals: Paige Shreve #12 Inv#:9418-106513 11/30/2016 Meal during trip to Pho for testing				4.28	P	A/P-P	1797838
12/14/16	ME	Meals: Paige Shreve #12 Inv#:9418-106513 11/30/2016 Meal during trip to Pho for testing				7.13	P	A/P-P	1797838
12/14/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22419456 Records of Fitzsimmons, Carol from Sierra Regional Spine Institute	178466			67.00	P	A/P-P	1797838
12/18/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22423041 Records of Fitzsimmons, Ernest from Northern Nevada Emergency	179586			70.50	P	A/P-P	1797838
12/20/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22426435 Records of Fitzsimmons, Carol from Northern Nevada Emergency	178466			71.00	P	A/P-P	1797838
12/20/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22426744 Records of Fitzsimmons, Carol from Nothern Nevada Emergency	178466			61.50	P	A/P-P	1797838
12/21/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	179076						

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat	Source	Invoice No.
		22430466 Records of Fitzsimmons, Ernest from Northern Nevada Emergency				53.50	P	A/P-P	1797838
12/21/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	180701						
		22431008 Records of Fitzsimmons, Carol from Reno Diagnostic Center				67.00	P	A/P-P	1854674
12/22/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	179586						
		22431945 Records of Fitzsimmons, Ernest from Sierra Neurosurgery Group				105.70	P	A/P-P	1797838
12/22/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	179586						
		22432016 Records of Fitzsimmons, Carol from Sierra Regional Spine Institute				187.89	P	A/P-P	1797838
12/23/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	179586						
		22435311 Records of Fitzsimmons, Ernest from Silverada Family Care				359.60	P	A/P-P	1797838
12/23/16	VD	E118-Videotaped Depo: All American Court Reporters Inv#:1110780 Videotaped	179521						
		deposition of Fitsimmons, Ernest on 11/30/16				1,475.00	P	A/P-P	1797838
12/27/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	180701						
		22438141 Records of Fitzsimmons, Ernest from Wal-Mart stores, Inc.				61.50	P	A/P-P	1854674
12/27/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	180701						
		22438511 Records of Fitzsimmons Carol from Wal-Mart Stores, Inc				61.50	P	A/P-P	1854674
12/28/16	K	Travel Expense-Air: American Express Inv#:DEC2016STMT 119811 P Shreve	177821						
		11/30/16 0685701769				12.00	P	A/P-P	1797838
12/28/16	K	Travel Expense-Air: American Express Inv#:DEC2016STMT 119820 P Shreve	177821						
		11/30/16 0685701786				12.00	P	A/P-P	1797838
12/28/16	K	Travel Expense-Air: American Express Inv#:DEC2016STMT 119822 P Shreve	177821						
		11/30/16 0685701792				12.00	P	A/P-P	1797838
12/28/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	180701						
		22442073 Records of Fitzsimmons, Carol from Quail Surgical & Pain Managemen Clinic				66.00	P	A/P-P	1854674
12/29/16	DVD	Dvd Copies		4.00	25.00	100.00	P	DSB	1854674
12/29/16	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	181347						
		22445423 Records of Fitzsimmons, Carol from Gentiva health Services				137.00	P	A/P-P	1854674
1/26/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	181885						
		22500354 Records of Fitzsimmons, Ernest from North Lyon County Fire Protect				83.50	P	A/P-P	1854674
1/31/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	181885						
		22512848 Records of Fitzsimmons, Carol from Orthopedic Rrehab Specialists o Nevada				153.64	P	A/P-P	1854674
2/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	182478						
		22541562 Records of Fitzsimmons, Ernest from Wal-Mart Stores, Inc.				61.50	P	A/P-P	1854674
2/13/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	183018						
		22547024 Records of Fitzsimmons, Ernest from Renown Regional Medical Records Processing Center				322.30	P	A/P-P	1854674
2/28/17	K	Travel Expense-Air: American Express Inv#:FEB2017STMT 120754 P Shreve	183532						
		03/05/17 LAS RNO LAS 2491084130				474.72	P	A/P-P	1854674
3/09/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In	187329						

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
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Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
		22604759 Records of Fitzsimmons, Carol from Renown Regional Medical records Processing Center				681.88	P A/P-P	1854674
3/13/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Hotel trip to Reno for depositions.				229.98	P A/P-P	1854674
3/13/17	2	Mileage: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Travel to airport for Reno for depositions. (Miles 17.50)		17.50		.00	W A/P-P	
3/13/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Gas for re car on trip to Reno for depositions.				5.00	P A/P-P	1854674
3/13/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Car rental trip to Reno for depositions				358.70	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/06/2017 Food for trip to Reno f depositions.				4.10	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/06/2017 Food for trip to Reno f depositions.				13.90	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/07/2017 Food for trip to Reno f depositions.				13.90	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Food for trip to Reno f depositions.				11.47	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Food during trip to Ren depositions.				98.61	P A/P-P	1854674
3/13/17	ME	Meals: Paige Shreve #12 Inv#:9895-110931 03/08/2017 Food for trip to Reno f depositions.				10.27	P A/P-P	1854674
3/14/17	5	Court filing fee: Comerica Commercial Card Services Inv#:022817STMT-SBOWERS Trans Date: 02/01/2017 Washoe Co 2nd Dist Gen, Filing fee for initi appearance fee disclosure.				213.00	P A/P-P	1854674
3/16/17	G	E115-Transcript: Litigation Services & Technologies of Nevada, LLC Inv#:113 Deposition transcript of Daniel Koski and Scott Alen Palmer, Volume III on	187372			732.35	P A/P-P	1854674
3/17/17	G	E115-Transcript: Litigation Services & Technologies of Nevada, LLC Inv#:113 Deposition transcript of PMK MDB Trucking Scott Alen Palmer Vol.1 on 03/06/	187372			1,093.40	P A/P-P	1854674
3/17/17	G	E115-Transcript: Litigation Services & Technologies of Nevada, LLC Inv#:113 Deposition transcript of Scott Alen Palmer Vol 2 on 03/07/17.	187372			1,359.23	P A/P-P	1854674
3/30/17	K	Travel Expense-Air: American Express Inv#:MAR2017STMT 120782 P Shreve 03/06/17 LAS RNO LAS 2491528966	186549			34.58	P A/P-P	1909228
3/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37009715 03/24/17 Tracy Shane 5030155	190013			126.78	P A/P-P	1854674
4/11/17	CS	E123-Consulting Services: Rimkus Consulting Group, Inc Inv#:6519307 Professional services rendered on 03/03/17 regarding Fitzsimmons, Ernest & v Versa Products, Co.	187606			392.00	P A/P-P	1909228
4/14/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip Reno for depositions - Hotel				271.46	P A/P-P	1909228

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat	Source	Invoice No.
4/14/17	2	Mileage: Paige Shreve #12 Inv#:10124-112963 04/10/2017 Travel to airport fo to Reno for depositions (Miles 17.50)		17.50		.00	W	A/P-P	
4/14/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to R for depositions - meal				152.07	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/10/2017 Trip to Reno for depositions - meal				3.23	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/11/2017 Trip to Reno for depositions - meal				10.01	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to Reno for depositions - gas				6.11	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to Reno for depositions - meal				4.06	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to Reno for depositions - meal				10.56	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to Reno for depositions - meal				6.98	P	A/P-P	1909228
4/14/17	ME	Meals: Paige Shreve #12 Inv#:10124-112963 04/12/2017 Trip to Reno for depositions - meal				66.02	P	A/P-P	1909228
4/21/17	G	E115-Transcript: All American Court Reporters Inv#:1115068 Deposition trans of Patrick Bigby on 04/10/17.	196532			961.50	P	A/P-P	1909228
4/21/17	G	E115-Transcript: All American Court Reporters Inv#:1115088 Deposition trans of Tracy Shane on 04/11/17.	196532			1,064.20	P	A/P-P	1909228
4/28/17	F	Federal Express Mail: Federal Express Inv#:5-785-55998 04/24/17 Recipient: Garrick Consulting Group , Inc Sender: David B. Avakian 778978849376	187520			14.83	W	A/P-P	
4/30/17	K	Travel Expense-Air: American Express Inv#:APR2017STMT 121336 P Shreve 04/10/17 LAS RNO LAS 2499090661	188092			519.96	P	A/P-P	1909228
4/30/17	K	Travel Expense-Air: American Express Inv#:APR2017STMT 121436 P Shreve 04/12/17 0711734686	188092			12.00	P	A/P-P	1909228
5/08/17	G	E115-Transcript: Sunshine Reporting and Litigation Services, LLC Inv#:11505 Deposition transcript regarding mediation on 5/05/17.	193932			200.00	P	A/P-P	1909228
5/09/17	CS	E123-Consulting Services: Rimkus Consulting Group, Inc Inv#:6522544 Professional services rendered on 04/27/17 - 04/28/17 regarding Fitzsimmons Ernest & Carol v Versa Products, Co.	196609			1,225.00	P	A/P-P	1909228
5/24/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:10291-115174 05/10/2017 Hotel trip to New York for depositions				513.48	P	A/P-P	1909228
5/24/17	2	Mileage: Josh Cole Aicklen #12 Inv#:10291-115178 05/07/2017 Travel to airpo trip to Reno for Mediation. (Miles 17.50)		17.50		.00	W	A/P-P	
5/24/17	2	Mileage: Paige Shreve #12 Inv#:10291-115174 04/25/2017 Travel to deposition (Miles 23.00)		23.00		.00	W	A/P-P	
5/24/17	2	Mileage: Paige Shreve #12 Inv#:10291-115174 04/26/2017 Travel to deposition							

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Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat	Source	Invoice No.
		(Miles 23.00)		23.00		.00	W	A/P-P	
5/24/17	2	Mileage: Paige Shreve #12 Inv#:10291-115174 05/10/2017 Travel to airport fo to New York for depositions. (Miles 17. 50)		17.50		.00	W	A/P-P	
5/24/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:10291-115174 05/10/2017 Rental ca for trip to New York for depositions				440.79	P	A/P-P	1909228
5/24/17	M	Parking: Josh Cole Aicklen #12 Inv#:10291-115178 05/07/2017 Parking at airp trip to Reno for Mediation.				24.00	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/07/2017 Food for trip to New Y for depositions				13.37	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/08/2017 Food for trip to New Y for depositions				4.01	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/08/2017 Food for trip to New Y for depositions				12.50	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/09/2017 Food for trip to New Y for depositions				3.98	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/11/2017 Food for trip to New Y for depositions				2.71	P	A/P-P	1909228
5/24/17	ME	Meals: Paige Shreve #12 Inv#:10291-115174 05/11/2017 Food for trip to New Y for depositions				19.58	P	A/P-P	1909228
5/24/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10291-115178 05/05/2017 Meal with Kristi Decker during Mediation.				19.85	P	A/P-P	1909228
5/30/17	G	E115-Transcript: Discovery Litigation Services LLC c/o Commercial Finance G of Atlanta Inv#:42841 Deposition transcript of Bahram Nazmi & Gerald "Gerry Gramegna on 05/09/17.	196565			1,006.67	P	A/P-P	1909228
5/30/17	G	E115-Transcript: Discovery Litigation Services LLC c/o Commercial Finance G of Atlanta Inv#:42844 Deposition transcript of Bahram Nazmi on 05/10/17.	196565			1,005.79	P	A/P-P	1909228
5/31/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37010614 05/23/17 Trooper Lawson, #H3122 5036849	194801			26.00	P	A/P-P	1909228
5/31/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37010614 05/27/17 Jonathan Lindley, Retired From 5037444	194801			35.00	P	A/P-P	1909228
5/31/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37010614 05/30/17 Trooper Meeks, #H6249 5037484	194801			26.00	P	A/P-P	1909228
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/30/17 Trooper Meeks, #H6249 5037484	194801			136.07	P	A/P-P	1909228
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/25/17 Jonathan Lindley, Retired From 5037226	194801			136.07	P	A/P-P	1909228
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/27/17 Jonathan Lindley, Retired From 5037444	194801			136.07	P	A/P-P	1909228
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/23/17 Jonathan Lindley, Supervisor 5036847	194801			136.07	P	A/P-P	1909228

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Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/23/17 Trooper Meeks, #H6249 5036848	194801			136.07	P A/P-P	1909228
5/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37010614 05/23/17 Trooper Lawson, #H3122 5036849	194801			136.07	P A/P-P	1909228
6/05/17	F	Federal Express Mail: Federal Express Inv#:5-799-70659 05/03/17 Recipient: Enzenberger, Hughs & Herbolshe Sender: David B. Avakian 779057249671	188801			22.24	P A/P-P	1909228
6/14/17	5	Court filing fee: Comerica Commercial Card Services Inv#:063017STMT-SBOWERS Trans Date: 05/01/2017 Washoe Co 2nd Dist Gen, Filing fee for motio for summary judgment.				200.00	P A/P-P	1909228
6/28/17	K	Travel Expense-Air: American Express Inv#:JUNE2017STMT 136359 P Shreve 06/19/17 LAS RNO LAS 8532516585	196120			528.96	P A/P-P	1964171
6/30/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:10448-117584 06/20/2017 Hotel trip to Reno for depositions.				177.14	P A/P-P	1909228
6/30/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011052 06/27/17 NHP -Northern Command 5040789	197856			26.00	P A/P-P	1909228
6/30/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:10448-117584 06/09/2017 Costs of roads during trip to New York for Versa depositions.				53.00	P A/P-P	1909228
6/30/17	ME	Meals: Paige Shreve #12 Inv#:10448-117584 06/19/2017 Food during trip to Re for depositions.				17.62	P A/P-P	1909228
6/30/17	ME	Meals: Paige Shreve #12 Inv#:10448-117584 06/20/2017 Meals during trip to R for depositions				24.74	P A/P-P	1909228
6/30/17	ME	Meals: Paige Shreve #12 Inv#:10448-117584 06/20/2017 Food during trip to Re for depositions.				10.58	P A/P-P	1909228
6/30/17	Q	Filing Services: American Legal Investigation Services Nevada, Inc. Inv#:37 06/29/17 Nhp Northern Command 5041062	197856			69.47	P A/P-P	1909228
6/30/17	R	Reproduction/Copies: American Legal Investigation Services Nevada, Inc. Inv 37011052 06/29/17 Nhp Northern Command 5041062 Cv15-02349 Fitzsimmons, Ernest Advance Fee Please	197856			125.00	P A/P-P	1909228
6/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011052 06/27/17 NHP -Northern Command 5040789	197856			136.07	P A/P-P	1909228
6/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011052 06/27/17 Dept of Public Safety/Highway 5040790	197856			136.07	P A/P-P	1909228
7/03/17	K	Travel Expense-Air: American Express Inv#:MAY2017STMT 121600 P Shreve 05/07/17 LAS JFK LAS 7979747272	190908			869.40	P A/P-P	1964171
7/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011291 07/11/17 Erick Anderson 5042176	198401			36.00	P A/P-P	1964171
7/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011291 07/11/17 David Bosch, PH.D. 5042274	198401			40.00	P A/P-P	1964171
7/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011291 07/11/17 David Bosch, PH.D. 5042177	198401			136.07	P A/P-P	1964171

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Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
7/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011291 07/11/17 David Bosch, PH.D. 5042274	198401			136.07	P A/P-P	1964171
7/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011291 07/11/17 Erick Anderson 5042176	198401			136.07	P A/P-P	1964171
7/25/17	G	E115-Transcript: Sunshine Reporting and Litigation Services, LLC Inv#:11667 Deposition transcript of Lamar Holdings of William Carder on 07/20/17.	196485			395.65	P A/P-P	1964171
7/26/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Hotel trip to Reno for deposition.				143.24	P A/P-P	1964171
7/26/17	2	Mileage: Paige Shreve #12 Inv#:10650-118786 07/19/2017 Travel to airport fo to Reno for deposition. (Miles 17.50)		17.50		.00	W A/P-P	
7/26/17	L	Travel Expense-Car: Paige Shreve #12 Inv#:10650-118786 06/19/2017 Car Renta for trip to Reno for depositions				63.77	P A/P-P	1964171
7/26/17	M	Parking: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Parking at airport d trip to Reno for deposition				18.00	P A/P-P	1964171
7/26/17	ME	Meals: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Meal during trip to Re for deposition.				7.06	P A/P-P	1964171
7/26/17	ME	Meals: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Food for trip to Reno deposition.				34.47	P A/P-P	1964171
7/26/17	ME	Meals: Paige Shreve #12 Inv#:10650-118786 07/19/2017 Meal during trip to Re for deposition.				18.69	P A/P-P	1964171
7/26/17	TAXI	Travel Expense - Taxi: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Uber during trip to Reno for deposition.				8.90	P A/P-P	1964171
7/26/17	TAXI	Travel Expense - Taxi: Paige Shreve #12 Inv#:10650-118786 07/20/2017 Uber during trip to Reno for deposition.				11.26	P A/P-P	1964171
7/26/17	TAXI	Travel Expense - Taxi: Paige Shreve #12 Inv#:10650-118786 07/19/2017 Uber during trip to Reno for deposition.				11.05	P A/P-P	1964171
7/28/17	K	Travel Expense-Air: American Express Inv#:JULY2017STMT 139712 P Shreve 07/19/17 LAS RNO LAS 8541831056	196722			506.96	P A/P-P	1964171
7/28/17	K	Travel Expense-Air: American Express Inv#:JULY2017STMT 141054 P Shreve 07/20/17 0707401003	196722			22.00	P A/P-P	1964171
7/31/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011454 07/31/17 Carl Stone (Retired Nhp Troope 5044711	199689			43.00	P A/P-P	1964171
7/31/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011454 07/27/17 Trooper W. Murwin, #22652 5044481	199689			26.00	P A/P-P	1964171
7/31/17	K	Travel Expense-Air: American Express Inv#:121519 121519 J Aicklen LAS RNO LAS 711815445	188092			479.96	P A/P-P	1964171
7/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011454 07/27/17 Trooper W. Lund, #04778 5044478	199689			136.07	P A/P-P	1964171
7/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011454 07/27/17 Trooper L. McGrath, #09362 5044480	199689			30.00	P A/P-P	1964171

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27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
7/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011454 07/27/17 Trooper W. Murwin, #22652 5044481	199689			136.07	P A/P-P	1964171
7/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011454 07/27/17 Trooper C. Stone, #09861 5044482	199689			30.00	P A/P-P	1964171
7/31/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011454 07/31/17 Carl Stone (Retired Nhp Troope 5044711	199689			136.07	P A/P-P	1964171
8/11/17	F	Federal Express Mail: Federal Express Inv#:5-894-21887 08/03/17 Recipient: Healy Sender: Josh Cole Aicklen 779809197751	196645			12.10	P A/P-P	1964171
8/14/17	5	Court filing fee: Comerica Commercial Card Services Inv#:073117STMT-SBOWERS Trans Date: 07/17/2017 Washoe Co 2nd Dist Gen, Filing fee for demand for jury trial.				320.00	P A/P-P	1964171
8/14/17	5	Court filing fee: Comerica Commercial Card Services Inv#:073117STMT-SBOWERS Trans Date: 07/17/2017 Washoe Co 2nd Dist Gen, Filing fee for demand for jury trial.				213.00	P A/P-P	1964171
8/14/17	5	Court filing fee: Comerica Commercial Card Services Inv#:073117STMT-SBOWERS Trans Date: 07/18/2017 Washoe Co 2nd Dist Gen, Filing fee for initi appearance fee disclosure.				213.00	P A/P-P	1964171
8/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011711 08/02/17 Wayne Lund 5045063	201440			41.00	P A/P-P	1964171
8/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37011711 08/02/17 Lori McGrath 5045065	201440			45.00	P A/P-P	1964171
8/15/17	H	E115-Deposition: American Legal Investigation Services Nevada, Inc. Inv#: 37011711 08/03/17 First Legal Support-LV 5045123 Cv15-02349 Fitzsimmons, Ernest Advance Fee Please	201440			1,650.00	P A/P-P	1964171
8/15/17	Q	Filing Services: American Legal Investigation Services Nevada, Inc. Inv#:37 08/03/17 First Legal Support-LV 5045123	201440			39.38	P A/P-P	1964171
8/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011711 07/31/17 Trooper W. Lund, Retired 5044706	201440			136.07	P A/P-P	1964171
8/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011711 08/02/17 Sgt. W. Murwin, #22652 5045064	201440			136.07	P A/P-P	1964171
8/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011711 08/02/17 Lori McGrath 5045065	201440			53.10	P A/P-P	1964171
8/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011711 08/02/17 Carl Stone 5045062	201440			136.07	P A/P-P	1964171
8/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37011711 08/02/17 Wayne Lund 5045063	201440			136.07	P A/P-P	1964171
8/16/17	G	E115-Transcript: All American Court Reporters Inv#:1119832 Deposition trans of Erik Anderson, PE, CFEI on 08/07/17.	203223			732.00	P A/P-P	1964171
8/17/17	G	E115-Transcript: All American Court Reporters Inv#:1119875 Deposition trans of David Bosch, Ph.D. on 08/08/17.	203223			1,081.11	P A/P-P	1964171

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat	Source	Invoice No.
8/18/17	1	Travel Expense - Hotel: Josh Cole Aicklen #12 Inv#:10770-120254 08/09/2017 for trip to Phoenix for depositions				282.68	P	A/P-P	1964171
8/18/17	2	Mileage: Josh Cole Aicklen #12 Inv#:10770-120254 08/07/2017 Travel to Phoen for depositions (Miles 607.00)		607.00		.00	W	A/P-P	
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/09/2017 Food - Trip to Ph for depositions				6.61	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/06/2017 Food - Trip to Ph for depositions				3.24	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/07/2017 Food - Trip to Ph for depositions				28.75	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/07/2017 Food - Trip to Ph for depositions				15.20	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/07/2017 Food - Trip to Ph for depositions				11.00	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/08/2017 Food - Trip to Ph for depositions				12.00	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/08/2017 Food - Trip to Ph for depositions				23.00	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/08/2017 Food - Trip to Ph for depositions				16.00	P	A/P-P	1964171
8/18/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10770-120254 08/08/2017 Food - Trip to Ph for depositions				12.00	P	A/P-P	1964171
8/23/17	2	Mileage: David B Avakian #12 Inv#:10770-120413 08/22/2017 Travel to ECC in State Farm matter. (Miles 23.00)		23.00		.00	W	A/P-P	
8/24/17	1	Travel Expense - Hotel: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Hotel during trip to Denver for deposition				210.42	P	A/P-P	1964171
8/24/17	2	Mileage: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Travel to airport fo to Denver for deposition. (Miles 17.50)		17.50		.00	W	A/P-P	
8/24/17	ME	Meals: Paige Shreve #12 Inv#:10770-120453 08/18/2017 Food during trip to De for deposition				15.93	P	A/P-P	1964171
8/24/17	ME	Meals: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Food during trip to De for deposition				10.48	P	A/P-P	1964171
8/24/17	ME	Meals: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Food during trip to De for deposition				11.12	P	A/P-P	1964171
8/24/17	ME	Meals: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Food during trip to De for deposition				13.73	P	A/P-P	1964171
8/24/17	TAXI	Travel Expense - Taxi: Paige Shreve #12 Inv#:10770-120453 08/17/2017 Uber during trip to Denver for deposition				45.89	P	A/P-P	1964171
8/25/17	G	E115-Transcript: Sunshine Reporting and Litigation Services, LLC Inv#:11740 Deposition transcript of David Rondinone, PhD, PE on 08/16/17.	199508			355.00	P	A/P-P	1964171

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
8/28/17	K	Travel Expense-Air: American Express Inv#:AUGUST2017STMT 143552 P Shreve 08/17/17 LAS DEN LAS 8751565863	198559			203.96	P A/P-P	1964171
8/28/17	K	Travel Expense-Air: American Express Inv#:AUGUST2017STMT 145335 J Aicklen 08/28/17 LAS RNO LAS 8756487973	198559			448.96	P A/P-P	1964171
8/31/17	G	E115-Transcript: Sunshine Reporting and Litigation Services, LLC Inv#:11758 Deposition transcript of Garrik Mitchell on 08/18/17.	199508			479.17	P A/P-P	1964171
9/07/17	1	Travel Expense - Hotel: Josh Cole Aicklen #12 Inv#:10830-121133 09/04/2017 during trip to Phoenix for inspection of file				200.00	P A/P-P	1964171
9/07/17	2	Mileage: Josh Cole Aicklen #12 Inv#:10830-121133 08/28/2017 Travel to airpo trip to Reno for depositions and court hearing (Miles 9.00)		9.00		.00	W A/P-P	
9/07/17	2	Mileage: Josh Cole Aicklen #12 Inv#:10830-121133 09/04/2017 Travel to Phoen for inspection of file (Miles 624.00)		624.00		.00	W A/P-P	
9/07/17	L	Travel Expense-Car: Josh Cole Aicklen #12 Inv#:10830-121133 08/31/2017 Gas trip to Reno for depositions and court hearing				4.54	P A/P-P	1964171
9/07/17	L	Travel Expense-Car: Josh Cole Aicklen #12 Inv#:10830-121133 08/31/2017 Car trip to Reno for depositions and court hearing				65.51	P A/P-P	1964171
9/07/17	M	Parking: Josh Cole Aicklen #12 Inv#:10830-121133 08/28/2017 Parking for tri Reno for depositions and court hearing				27.00	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 08/29/2017 Food for trip to for depositions and court hearing				2.88	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 08/31/2017 Food for trip to for depositions and court hearing				1.54	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 08/31/2017 Food for trip to for depositions and court hearing				3.62	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 08/31/2017 Food for trip to for depositions and court hearing				5.33	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 09/04/2017 Food during trip Phoenix for inspection of file				58.31	P A/P-P	1964171
9/07/17	ME	Meals: Josh Cole Aicklen #12 Inv#:10830-121133 09/05/2017 Food during trip Phoenix for inspection of file				9.85	P A/P-P	1964171
9/22/17	AM	E121-Arbitrators/Mediators Fees: Bowen Hall Inv#:LV-06378 Deposit for arbit services rendered on 09/06/17 regarding Fitzsimmons, Ernest & Carol v Versa Products, Co.	12564			250.00	P A/P-P	1964171
9/30/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37012314 09/26/17 Sergeant William Murwin, III, 5051129	205087			31.00	A/P-P	
9/30/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37012314 09/26/17 Daniel Anthony Koski 5051130	205087			41.00	A/P-P	
9/30/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#: 37012314 09/26/17 Cor For Nevada Highway Patrol 5051133	205087			31.00	A/P-P	
9/30/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:	205087					

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
		37012314 09/26/17 Wayne Lund 5051122				48.00	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Wayne Lund 5051122				136.07	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Tracy Shane 5051134				136.07	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Cor For Nevada Highway Patrol 5051133				136.07	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Daniel Anthony Koski 5051130				136.07	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Trooper Christopher Meeks, #62 5051123				136.07	A/P-P	
9/30/17	SS	Service of process on parties: American Legal Investigation Services Nevada	205087					
		Inv#:37012314 09/26/17 Sergeant William Murwin, III, 5051129				136.07	A/P-P	
10/03/17	G	E115-Transcript: Magna Legal Services, LLC Inv#:362452 Deposition transcrip						
		Lori McGarth on 09/01/17.				394.65	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 09/26/17 Carl Stone 5051132				39.00	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 10/04/17 Lieutenant Thomas Lawson, #312 5052049				57.00	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 09/28/17 Trooper Christopher Meeks, #62 5051522				125.00	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 10/03/17 Tracy Shane 5051913				65.00	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 10/03/17 Tracy Shane 5051916				65.00	A/P	
10/15/17	7	E114-Witness Fee: American Legal Investigation Services Nevada, Inc. Inv#:						
		37012486 10/03/17 Johnathan Troy Lindley 5051925				30.00	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 10/04/17 Lieutenant Thomas Lawson, #312 5052049				136.07	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 10/03/17 Johnathan Troy Lindley 5051925				136.07	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 10/03/17 Tracy Shane 5051916				37.00	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 09/28/17 Tracy Shane 5051529				37.00	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 10/03/17 Tracy Shane 5051913				128.32	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						
		Inv#:37012486 09/28/17 Tracy Shane 5051494				154.87	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada						

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1536 Fitzsimmons, Ernest & Carol v Versa Products, Co

Selections: Client-Matter: 27350-1536 to 27350-1536 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
		Inv#:37012486 09/28/17 Trooper Christopher Meeks, #62 5051522				136.07	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37012486 09/26/17 Lieutenant Thomas Lawson, #312 5051126				136.07	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37012486 09/26/17 Johnathan Troy Lindley 5051131				136.07	A/P	
10/15/17	SS	Service of process on parties: American Legal Investigation Services Nevada Inv#:37012486 09/26/17 Carl Stone 5051132				136.07	A/P	
10/16/17	5	Court filing fee: Comerica Commercial Card Services Inv#:093017STMT-SBOWERS Trans Date: 09/05/2017 Washoe Co 2nd Dist Gen, Filing fee for motio to compel.				200.00	A/P-P	
10/23/17	F	Federal Express Mail: Federal Express Inv#:5-945-41993 09/25/17 Recipient: Garrick F. Mitchell, Ms Pe Sender: David B. Avakian 770342489337	200847			15.00	A/P-P	
10/28/17	K	Travel Expense-Air: American Express Inv#:OCT2017STMT 150167 J Aicklen 10/12/17 LAS RNO LAS 8769157643	203820			420.96	A/P-P	
10/31/17	Q	Filing Services: American Legal Investigation Services Nevada, Inc. Inv#:37 10/09/17 2nd Judicial District-Washoe C 5052627				70.36	A/P	

Disbursements by Type:

1	Travel Expense - Hotel			2,398.47
2	Mileage	1,414.00	.01	18.90
5	Court filing fee			1,679.00
7	E114-Witness Fee			876.00
AM	E121-Arbitrators/Mediators Fees			250.00
CC1	Conference Call			6.75
CS	E123-Consulting Services			7,223.78
DVD	Dvd Copies	4.00	25.00	100.00
F	Federal Express Mail			64.17
G	E115-Transcript			10,860.72
H	E115-Deposition			1,650.00
K	Travel Expense-Air			5,552.76
L	Travel Expense-Car			1,299.81
M	Parking			95.00
ME	Meals			817.13
Q	Filing Services			179.21
R	Reproduction/Copies			125.00
RR	Records Reproduction			3,357.32
SS	Service of process on parties			4,679.17
TAXI	Travel Expense - Taxi			77.10
VD	E118-Videotaped Depo			1,985.00
		Matter Total		**43,295.29**

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

From 1/01/16 Through 12/31/17

*Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company

1537 Wilt, Angela v Versa Products Company

Selections: Client-Matter: 27350-1537 to 27350-1537 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
6/10/16	F	Federal Express Mail: Federal Express Inv#:5-445-04589 06/07/16 Recipient: Fedex Envelope Sender: 4610 S Ulster Street Suite 120 776467171250	161386			13.79	P A/P-P	1697969
7/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:063016STMT-SBOWERS Trans Date: 05/31/2016 Washoe Co 2nd Dist Genera, Filing fee of notice of apperance				213.00	P A/P-P	1740975
10/31/16	CS	E123-Consulting Services: Rimkus Consulting Group, Inc Inv#:6501734 Professional services rendered on 09/28/16 - 10/21/16 regarding Wilt, Angel Versa Products Company.	175365			4,838.71	P A/P-P	1767908
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/02/2016 Trip to Reno for depositions				3.23	P A/P-P	1797839
11/16/16	ME	Meals: Paige Shreve #12 Inv#:9400-105218 11/04/2016 Trip to Reno for depositions				17.00	P A/P-P	1797839
12/27/16	CS	E123-Consulting Services: Rimkus Consulting Group, Inc Inv#:6507140 Professional services rendered on 11/02/16 - 11/30/16 regarding Wilt, Angel Versa Products Company.	187400			1,644.00	P A/P-P	1854675
1/18/17	CR	E112-Court Reporter Fees: Hoogs Reporting Group, Inc. Inv#:18535 Court repo fees for deposition on 11/4/16.	12112			350.00	P A/P-P	1854675

Disbursements by Type:

5	Court filing fee	213.00
CR	E112-Court Reporter Fees	350.00
CS	E123-Consulting Services	6,482.71
F	Federal Express Mail	13.79
ME	Meals	20.23
	Matter Total	**7,079.73**

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

From 1/01/16 Through 12/31/17 *Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company

1556 Corthell, Christy v Versa Products Company, Inc

Selections: Client-Matter: 27350-1556 to 27350-1556 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
11/15/16	5	Court filing fee: Comerica Commercial Card Services Inv#:103116STMT-SBOWERS Trans Date: 10/12/2016 Washoe Co 2nd Dist Gen, Filing fee for demand for jury trial.				320.00	P A/P-P	1797845
11/15/16	5	Court filing fee: Comerica Commercial Card Services Inv#:103116STMT-SBOWERS Trans Date: 10/14/2016 Washoe Co 2nd Dist Gen, Filing fee for demand for jury trial.				320.00	P A/P-P	1797845
11/15/16	5	Court filing fee: Comerica Commercial Card Services Inv#:103116STMT-SBOWERS Trans Date: 10/14/2016 Washoe Co 2nd Dist Gen, Filing fee for answer.				213.00	P A/P-P	1797845
4/27/17	2	Mileage: Paige Shreve #12 Inv#:10124-113633 04/25/2017 Travel to deposition (Miles 23.00)		23.00		.00	W A/P-P	
6/13/17	G	E115-Transcript: Hoogs Reporting Group, Inc. Inv#:18948 Deposition transcri Sonya Cothell on 04/25/17.	193241			335.30	P A/P-P	1909235

Disbursements by Type:

2	Mileage	23.00	.00
5	Court filing fee		853.00
G	E115-Transcript		335.30
		Matter Total	**1,188.30**

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1558 Crossland, Beverly v Versa Products Company, Inc

Selections: Client-Matter: 27350-1558 to 27350-1558 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
9/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:083116STMT-SBOWERS Trans Date: 08/01/2016 Washoe Co 2nd Dist Genera, Filing fee for demand for jury trial				320.00	P A/P-P	1747147
9/15/16	5	Court filing fee: Comerica Commercial Card Services Inv#:083116STMT-SBOWERS Trans Date: 08/11/2016 Washoe Co 2nd Dist Gen, Filing fee for motio to dismiss.				213.00	P A/P-P	1747147
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760023 Records of Crossland, Beverly from Reno Orthopedic Clinic on 04/24	189865			81.00	P A/P-P	1909236
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760034 Records of Crossland, Beverly from Rehabilitation Services of Neva on 04/24/17.	189865			81.00	P A/P-P	1909236
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760033 Records of Crossland, Beverly from Renown regional Medical Center 04/24/17.	189865			81.00	P A/P-P	1909236
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760037 Records of Crossland, Beverly from St. Mary's Regional Medical Cen Reno on 04/24/17.	189865			81.00	P A/P-P	1909236
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760039 Records of Crossland, Beverly from St. Mary's Regional Medical Cen on 04/24/17.	189865			86.50	P A/P-P	1909236
5/10/17	RR	Records Reproduction: Compex Legal Services, Inc. Attn: Accts Receivable In 22760041 Records of Crossland, Beverly from Remsa Ambulance Service on 04/21/17.	189865			81.00	P A/P-P	1909236
5/24/17	G	E115-Transcript: Hoogs Reporting Group, Inc. Inv#:18943 Deposition transcri Beverly Crossland on 04/26/17.	12377			260.50	P A/P-P	1909236

Disbursements by Type:

5	Court filing fee	533.00
G	E115-Transcript	260.50
RR	Records Reproduction	491.50
	Matter Total	**1,285.00**

AA002342

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

From 1/01/16 Through 12/31/17

*Public/ladc-sqln01#acct/LDBData

27350 Hartford Insurance Company

1554 Olivia, John v Versa Products Company, Inc

Selections: Client-Matter: 27350-1554 to 27350-1554 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
9/08/16	5	Court filing fee: Wells Fargo Commercial Card Services Inv#:083116STMT-SBOWERS Trans Date: 08/09/2016 Washoe Co 2nd Dist Genera, Filing fee for initial appearance fee disclosure				320.00	P A/P-P	1747144
9/15/16	5	Court filing fee: Comerica Commercial Card Services Inv#:083116STMT-SBOWERS Trans Date: 08/11/2016 Washoe Co 2nd Dist Gen, Filing fee for motio to dismiss.				213.00	P A/P-P	1747144
11/28/16	K	Travel Expense-Air: American Express Inv#:NOV2016-STMT 119501 P Shreve 11/04/16 RNO LAS 2461122602	176170			16.51	P A/P-P	1797843
12/05/16	K	Travel Expense-Air: American Express Inv#:OCT2016STMT 119185 P Shreve 11/03/16 LAS RNO LAS 2456054179	173901			460.38	P A/P-P	1797843
12/05/16	K	Travel Expense-Air: American Express Inv#:OCT2016STMT 119431 P Shreve 11/02/16 LAS RNO LAS 2459640455	173901			38.79	P A/P-P	1797843
5/24/17	G	E115-Transcript: Hoogs Reporting Group, Inc. Inv#:18894 Deposition transcri Olivia John on 04/12/17.	12377			281.50	P A/P-P	1909233

Disbursements by Type:

5	Court filing fee	533.00
G	E115-Transcript	281.50
K	Travel Expense-Air	515.68
	Matter Total	**1,330.18**

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow

27350 Hartford Insurance Company
1565 Kins, Julie v Versa Products Company, Inc

Selections: Client-Matter: 27350-1565 to 27350-1565 *Include Write-Offs*

Date	DsbCd	Description	Check No.	Units	Rate	Amount	Stat/Source	Invoice No.
12/14/16	5	Court filing fee: Comerica Commercial Card Services Inv#:113016STMT-SBOWERS Trans Date: 11/28/2016 Washoe Co 2nd Dist Gen, Filing fee for jury fees.				320.00	P A/P-P	1797847

Disbursements by Type:

5	Court filing fee	320.00
	Matter Total	**320.00**

Stat: blank-WIP Open; W-WIP Written-off; B-Billed & Unpaid; P-Paid; SN-Sent to client for direct payment; PW-partially paid/partially written-off.
Source: A/P-Accounts Payable Vendor Not Paid; A/P-P-Accounts Payable-Vendor Paid; DSB-Disb entry; APWFL-A/P Workflow