

In the
Supreme Court
for the
State of Nevada

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

v.

YVONNE O'CONNELL,

Respondent and Cross-Appellant.

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

APPELLANT'S APPENDIX
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COMP
YVONNE O'CONNELL
8764 Captains Place
Las Vegas, Nevada 89117
(702) 228-4424
PLAINTIFF IN PROPER PERSON

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,
Plaintiff(s),
-vs-
WYNN RESORTS, LIMITED, a Nevada
corporation, d/b/a WYNN LAS VEGAS;
DOES I through X, inclusive; and ROE
BUSINESS ENTITIES I through X,
inclusive,
Defendant(s).

CASE NO.

DEPT. NO.

A-12-655992-C
✓

COMPLAINT
HEARING DATE:
HEARING TIME:

A-12-655992-C
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Complaint
1763402



COMES NOW the Plaintiff, YVONNE O'CONNELL, IN PROPER PERSON, for
her claims of relief against the Defendants, and each of them, alleges and complains as
follows:

1. That Plaintiff YVONNE O'CONNELL was at all times herein mentioned,
and still is, a resident of Clark County, State of Nevada.
2. That at all times herein mentioned, Defendant WYNN RESORTS, LIMITED
was, and still is, a Nevada corporation doing business as WYNN LAS VEGAS

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(hereinafter referred to as "WYNN") duly authorized, incorporated, qualified and regularly conducting business within Clark County, State of Nevada.

3. That the true names and capacities of the Defendants ROE BUSINESS ENTITIES I through X, inclusive, and DOES I through X, inclusive, are unknown to Plaintiff, who, therefore, sues said Defendants by said fictitious names. Defendants designated as DOES I through X and/or ROE BUSINESS ENTITIES I through V are owners, agents, employers, employees, lessors, lessees, successors and/or predecessors in interest, contractors, subcontractors, assigns, distributors or manufacturers of materials (e.g., tile floors and other forms of flooring), or other of WYNN RESORTS, LIMITED, d/b/a WYNN LAS VEGAS, and/or ROE BUSINESS ENTITIES VI through X or individuals otherwise within possession and/or control of WYNN RESORTS LIMITED, d/b/a WYNN LAS VEGAS, business and/or premises herein alleged, including the construction, maintenance, inspection, safety, design, supervision, hiring, training and care of WYNN RESORTS LIMITED, d/b/a WYNN LAS VEGAS's business and premises as stated therein. Plaintiff is informed, believes and thereon alleges that each of the Defendants designated as a ROE BUSINESS ENTITY or a DOE is in some manner negligently, vicariously, strictly, contractually and/or statutorily responsible for the events and happenings referred to herein and caused damages directly and proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert the true names of such Defendants when the same has been ascertained.

4. That at all times pertinent hereto, and particularly on or about February 8, 2010, Defendants WYNN RESORTS LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V and/or DOES I through V owned, occupied and maintained a business and premises, named WYNN LAS VEGAS located at 3131 Las Vegas Boulevard South, Clark County, State of Nevada.

5. That at all times herein mentioned, and particularly on or about February 8, 2010, Plaintiff YVONNE O'CONNELL was on and in said business and premises of Defendant WYNN as a customer and invited guest for purposes of gaming and dining.

6. That on or about February 8, 2010, Plaintiff YVONNE O'CONNELL was and had been a healthy, extremely coordinated woman who exercised daily and swing-danced four to six hours a week.

7. Plaintiff YVONNE O'CONNELL started her usual routine of eating at WYNN'S buffet and then going out of her way to walk through WYNN'S "special use" walkway through the indoor gardens and under the trees to see the beautiful multi-colored, patterned tile floor before walking on the Strip.

8. That at such time and place, on or about February 8, 2010, at approximately 2 p.m., Plaintiff YVONNE O'CONNELL was within Defendant WYNN'S business and premises as an invited guest. She had a slip and fall incident suddenly and without warning, causing her to sustain severe and permanent injuries and damages thereby. She was looking at the multi-colored, patterned tile floor as she was approaching the right corner at the end of the "special use" walkway through the indoor gardens by the South Entrance. Suddenly and without warning her right foot slipped on liquid that she could not see. Then she was trying as hard as she could to avoid stepping on the liquid with the next step. She still could not see the liquid because of the multi-colored, patterned tile floor, the design and colors, the shadows on that floor cast by the overhead trees and darkness under the trees, so her left foot slipped on the liquid. Then she believes that her right foot hit the substance again as her entire body fell back violently to the floor, her body twisting to the right, with her right gluteal and right leg striking the raised planter divider so hard that she had bruises the triangular shape of that divider. Her right shoulder was partly on the plants so she believed that she had slipped on water. She could not get up and was in excruciating pain, dazed and afraid.

9. Tourists picked up Plaintiff YVONNE O'CONNELL and left her standing in the open, lighted area around the diagonal corner from where she started her slip and fall. She looked down at the plain, light-colored floor and saw that she was standing on a slightly colored sticky substance with many footprints on it that extended at least three feet to her right. There were no caution signs and no employees cleaning up the spill.

10. WYNN'S male porter, who was pushing a large machine and coming from Plaintiff YVONNE O'CONNELL'S left, immediately went to her, apologized and said that he saw everything. He noted that there was liquid on the floor. He moved his machine around the diagonal corner and placed it more than four feet away to the left of Plaintiff YVONNE O'CONNELL and behind her and at the end of the liquid where she started her slip and fall. She was standing at the other end of the spill.

11. Plaintiff YVONNE O'CONNELL started her slip and fall in the "special use" walkway through the gardens and under the trees. She was left standing around the diagonal corner in the lighted open area. The spill was in the "special use" walkway and wrapped around the diagonal-shaped corner. The entire spill covered more than a seven-foot area. The spill had been left by the planter for such a long time that a three-foot part of it had already almost dried, become sticky and accumulated many footprints.

12. As WYNN'S porter was positioning his machine, a short cleaning lady came from Plaintiff YVONNE O'CONNELL'S right and hurriedly mopped the liquid between Plaintiff YVONNE O'CONNELL and the porter.

13. As the cleaning lady was finishing mopping the liquid, WYNN'S female employee, who was in a dark uniform/suit, came and called security. Plaintiff YVONNE O'CONNELL told her that the cleaning lady already mopped up the liquid, except for the part that she was standing on. WYNN'S employee saw that Plaintiff YVONNE O'CONNELL was standing on a sticky substance with many footprints on it.

14. Several minutes later came a male employee with a dark uniform/suit, dark mustache and stocky. Plaintiff YVONNE O'CONNELL told him that they had already cleaned up the liquid. He pointed and assured her that they had everything on camera. Plaintiff YVONNE O'CONNELL looked up and saw the camera. She then showed him that she was standing on a sticky substance with footprints.

15. Plaintiff YVONNE O'CONNELL was in excruciating pain and struggling to keep from collapsing. She limped slowly to the closest seat and sat. She saw that several employees were standing around the area of the incident for a long time but she was not within hearing range.

16. At approximately 2:30 p.m., when Plaintiff YVONNE O'CONNELL was sitting, WYNN'S security officer and the female employee went to talk to Plaintiff YVONNE O'CONNELL. The security officer asked Plaintiff YVONNE O'CONNELL what time the incident happened. Plaintiff was unaware of the time, so the female employee said that it had been about thirty minutes. The female employee told him that the substance was green, sticky and had a lot of footprints on it.

17. Then the male porter brought his written statement to Plaintiff YVONNE O'CONNELL, but the security officer took it from him.

18. The security officer asked Plaintiff YVONNE O'CONNELL to fill out his incident report. She could not do so because her arms and hands were injured, so he filled it out for her. Plaintiff YVONNE O'CONNELL told him that she was in pain, that it was hurting her to sit, and her right foot was hurting. He took a picture of her foot, but her sock and black tennis shoe were on. He told her to sign the report. She was dazed so she barely glanced at the paper and signed it, assuming that he wrote what she told him.

19. The security officer asked Plaintiff YVONNE O'CONNELL if she wanted the paramedics. She declined because she was alone and afraid to let anyone take her

1 away. He asked if she wanted a wheelchair. She declined because she believed that if
2 she could not walk to her car, she would not be able to drive.

3 20. Plaintiff YVONNE O'CONNELL slowly limped to the restroom that was
4 close by. She was dazed and in excruciating pain and was not able to move for
5 approximately thirty minutes. She then slowly worked her way to her car, sitting at
6 many machines along the way, and was not able to reach her car until approximately
7 4:30 p.m..

8 21. On or about February 8, 2010, and at all times relevant hereto, Defendants
9 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
10 through V, DOES I through V, and/or its owners, employees, lessees, agents, assigns
11 or other, and each of them, manufactured, caused to be manufactured, sold, purchased,
12 distributed, procured, placed or otherwise caused the multi-colored, patterned tile floor
13 that they placed in their "special use" walkway in which Plaintiff YVONNE O'CONNELL
14 was walking on to be within and on the premises of WYNN LAS VEGAS.
15

16 FIRST CAUSE OF ACTION

17 (Negligence: Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
18 ROE BUSINESS ENTITIES I THROUGH V, and DOES I through V)

19 22. Plaintiff realleges and repleads each and every allegation of the preceding
20 paragraphs as fully set forth hereunder.

21 23. That at all times herein mentioned, Defendant WYNN owed a non-
22 delegatable duty to provide a safe premises for its patrons, in particular the Plaintiff
23 YVONNE O'CONNELL, which was to be free of unreasonably dangerous conditions,
24 and to ensure that the "special use" walkway through the indoor gardens and under the
25 trees that WYNN designed specifically to attract its patrons to walk through, view and
26 enjoy, would be safe and functional for the intended purpose.
27
28

1 24. On or about February 8, 2010, and at all times relevant hereto, Defendants
2 WYNN RESORTS, LIMITED, D/B/A/ WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
3 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
4 architects, engineers, employers, employees, agents contractors or other, and each of
5 them, through their actions and/or omissions, negligently caused an unreasonably
6 dangerous condition to exist. WYNN created a "special use" walkway through the
7 indoor gardens, under the trees and with a multi-colored, patterned tile floor, designed
8 specifically to attract its patrons to walk through, view and enjoy it. The walkway is
9 dark, the tile floor is covered with shadows cast by the trees, it is next to impossible
10 and/or extremely difficult to see liquid on the multi-colored, patterned tile floor, and
11 because of the design and colors, and especially because it was placed in that dark,
12 shadowy area, and that floor is especially slippery when wet. That "special use"
13 walkway created a "recurrent" or "continuous risk" or condition on the premises. WYNN
14 created the said dangerous conditions and failed to maintain and warn of said
15 conditions.
16

17 25. The Defendants created the said "special use", "continuous risk" walkway
18 with the dangerous conditions as described in paragraph 24 and failed to warn that their
19 "special use" walkway was dark, had a multi-colored, patterned tile floor that was
20 covered with shadows cast by the trees and any substances on that floor would be next
21 to impossible and/or extremely difficult to see and therefore, "enter at your own risk".
22

23 26. The Defendants created the said "special use", "continuous risk" walkway
24 with the dangerous conditions as described in paragraph 24. Then the Defendants
25 made that "special use", "continuous risk" walkway even more dangerous by allowing a
26 slippery substance to come into contact with and remain on at least a seven-foot part of
27 the slippery tile floor, placed by their planter, for such a long time as to allow at least a
28 three-foot part of it to almost dry, become sticky and accumulate footprints. The

1 Defendants failed to inspect, discover, maintain, prevent, remove or warn of said
2 condition.

3 27. The Defendants knew, or in the exercise of reasonable care should have
4 known, that any substance left on that multi-colored, patterned tile floor in their "special
5 use", "continuous risk" walkway, with dangerous conditions as described in paragraph
6 24, would create an unreasonable risk of harm to guests.

7 28. The Defendants knew that they designed their "special use" walkway as
8 described in paragraph 24, and that there was a "recurrent" or "continuous risk" or
9 condition on the premises.

10 29. That at such time and place, Defendants WYNN RESORTS, LIMITED,
11 D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, DOES I through V,
12 and/or its owners, distributors, marketers, designers, architects, engineers, employers,
13 employees, agents, contractors or other, and each of them negligently, carelessly and
14 recklessly cared for said business and premises, in particular said "special use",
15 "continuous risk" walkway, by allowing said dangerous condition to exist and lie within
16 an area utilized by its invitees, and in particular the Plaintiff YVONNE O'CONNELL,
17 thereby creating a latently dangerous condition on and in said area, a condition the
18 Defendants, and each of them, knew or should have known was unreasonably
19 dangerous to these persons, and in particular Plaintiff YVONNE O'CONNELL.

20 30. The Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
21 ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
22 distributors, marketers designers, architects, engineers, employers, employees, agents,
23 contractors or other and each of them, were negligent, reckless and careless by
24 breaching their duty of care to the intended users and/or those individuals who would
25 foreseeably walk through their "special use", "continuous risk" walkway, in particular
26 Plaintiff YVONNE O'CONNELL, in creating and failing to correct said unreasonably
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1 dangerous condition and failing to warn in a reasonable and necessary manner of the
2 risk of harm posed thereby, which directly and proximately resulted in Plaintiff YVONNE
3 O'CONNELL'S injuries.

4 31. The Defendants failed to provide slip resistant surfaces in their "special
5 use", "continuous risk" walkway.

6 32. The Defendants allowed the "special use", "continuous risk" walkway to
7 remain in a dangerously slippery condition, making it unfit for passage, for an
8 unreasonable length of time.

9 33. That at such time and place, Plaintiff YVONNE O'CONNELL had no actual
10 or constructive knowledge of said dangerous and unsafe condition existing in and on
11 the business and premises at WYNN.

12 34. The aforesaid acts and omissions of Defendants WYNN RESORTS,
13 LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, DOES I
14 through V, and/or its owners, distributors, marketers, designers, architects, engineers,
15 employers, employees, agents, contractors or other, and each of them, were breaches
16 of the duty of reasonable care owed by the Defendants, and each of them, under the
17 circumstances to persons invited onto and within its premises, and in particular to
18 Plaintiff YVONNE O'CONNELL.

19 35. As a direct and proximate result the negligence, carelessness and
20 recklessness of Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
21 ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
22 distributors, marketers, designers, architects, engineers, employers, employees, agents,
23 contractors or other, and each of them, Plaintiff YVONNE O'CONNELL unknowingly
24 walked through WYNN'S "special use", "continuous risk" walkway and slipped and fell
25 on the slippery tile, which caused personal injuries and damages to O'CONNELL.
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1 36. As a direct and proximate result of the aforesaid breach of duty of
2 reasonable care through negligence, carelessness and recklessness of Defendants
3 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
4 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
5 architects, engineers, employers, employees, agents, contractors or other and each of
6 them, Plaintiff YVONNE O'CONNELL was injured in her health, strength and activity,
7 sustaining great pain and anguish, shock, fear, severe and permanent injury to her
8 body, both internally and externally, nervous system and person, and was and will be
9 hindered and prevented from attending to her usual duties and affairs of life, including
10 caring for and functioning in her own home and property, all of which have caused, and
11 will continue to cause, the Plaintiff physical, mental, emotional and nervous pain and
12 suffering, loss of enjoyment of life, and disability.
13

14 37. That as a direct and proximate result of the negligence, carelessness and
15 recklessness of Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
16 ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
17 distributors, marketers, designers, architects, engineers, employers, employees, agents,
18 contractors or other, and each of them, Plaintiff YVONNE O'CONNELL has incurred
19 medical expenses, possible future medical expenses, care, services and related
20 expenses, all to Plaintiff's damages in an amount in excess of TEN THOUSAND
21 DOLLARS (\$10,000).
22

23 38. That as a direct and proximate result of the carelessness and recklessness
24 of the Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE
25 BUSINESS ENTITIES I through V, DOES I through V, and/or its owners, distributors,
26 marketers, designers, architects, engineers, employers, employees, agents, contractors
27 or other, and each of them, Plaintiff YVONNE O'CONNELL will incur expenses to care
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1 for and to modify her home and property to enable her to function in it, all to Plaintiff's
2 damages in an amount in excess of TEN THOUSAND DOLLARS (\$10,000).

3 39. As a direct and proximate result of the aforesaid negligence of Defendants
4 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
5 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
6 architects, engineers, employers, employees, agents, contractors or other, and each of
7 them and the injuries and damages to Plaintiff YVONNE O'CONNELL caused thereby,
8 Plaintiff YVONNE O'CONNELL has lost the care, comfort, society, companionship,
9 support and consortium of her companion, and as a result thereof has incurred, and
10 continues to incur, damages.

11 40. As a result of the aforesaid negligent actions and omissions of Defendants
12 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
13 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
14 architects, engineers, employers, employees, agents, contractors or other, and each of
15 them, it is necessary for the Plaintiff to retain a law firm to prosecute this action, and
16 Plaintiff is therefore entitled to recover reasonable attorney's fees and costs.

18 SECOND CAUSE OF ACTION

19 (Strict Liability – Failure to Warn: Defendants WYNN RESORTS, LIMITED, D/B/A
20 WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V)

21 41. Plaintiff realleges and repleads each and every allegation of the preceding
22 paragraphs as though fully set forth hereunder.

23 42. At all times pertinent hereto, that in the regular and ordinary course of
24 business, Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE
25 BUSINESS ENTITIES I through V, DOES I through V, and/or its owners, distributors,
26 marketers, designers, architects, engineers, employers, employees, agents, contractors
27 or other, entered, and still enter, goods into the stream of commerce to include said
28

1 multi-colored, patterned tile floor, placed in their "special use", "continuous risk"
2 walkway, and Defendants knew or should have known that such goods, and particularly
3 the tile floor in question, would foreseeably be used by individuals, a class of persons to
4 which Plaintiff YVONNE O'CONNELL belonged.

5 43. That Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
6 ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
7 distributors, marketers, designers, architects, engineers, employers, employees, agents,
8 contractors or other, failed to warn of a potential danger, whether by signs or otherwise,
9 inducing individuals, in particular those on the premises in question and Plaintiff
10 YVONNE O'CONNELL to employ the use of the multi-colored, patterned tile floor in the
11 "special use", "continuous risk" walkway and sustain injuries thereby. The tile floor in
12 the "special use", "continuous risk" walkway was therefore unsafe for its intended
13 purpose in that it presented a risk of excessive danger upon the person so employing
14 that tile floor in the "special use", "continuous risk" walkway, in particular Plaintiff
15 YVONNE O'CONNELL, thereby constituting a foreseeable and unreasonable risk of
16 harm and injury to those individuals when used in a reasonable and foreseeable
17 manner, and in particular to Plaintiff YVONNE O'CONNELL.

19 44. That Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS,
20 ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
21 distributors, marketers, designers, architects, engineers, employers, employees, agents,
22 contractors or other, had a reason to anticipate the danger of the multi-colored,
23 patterned tile floor that they placed in their "special use", "continuous risk" walkway from
24 said individual's use and contact with that multi-colored, patterned tile floor, and given
25 the potential danger involved with individuals walking on that multi-colored, patterned
26 tile floor in their "special use", "continuous risk" walkway, in particular Plaintiff YVONNE
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1 O'CONNELL, and the failure to warn of such danger renders Defendants' product
2 defective, where the failure to warn is the defect.

3 45. That it was unreasonably dangerous for Defendants WYNN RESORTS,
4 LLIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, DOES I
5 through V, and/or its owners, distributors, marketers, designers, architects, engineers,
6 employers, employees, agents, contractors or other, to sell and/or place said product
7 into the stream of commerce, in particular into the WYNN'S "special use", "continuous
8 risk" walkway, as described in paragraph 24, without adequate warnings to individuals,
9 in particular the Plaintiff YVONNE O'CONNELL.

10 46. That it was unreasonably dangerous for Plaintiff YVONNE O'CONNELL to
11 walk on the multi-colored, patterned tile floor in the "special use", "continuous risk"
12 walkway as described in paragraph 24, without proper warning of the risks.

13 47. That as a direct and proximate result of the aforesaid failure to warn,
14 Plaintiff YVONNE O'CONNELL was injured in her health, strength and activity,
15 sustaining great pain, anguish, shock, fear, severe and permanent injury to her body,
16 both internally and externally, nervous system and person, and was and will be
17 hindered and prevented from attending to her usual duties and affairs of life, including
18 caring for and functioning in her own home and property, all of which have caused, and
19 will continue to cause, the Plaintiff physical, mental, emotional and nervous pain and
20 suffering, loss of enjoyment of life, and disability.

21 48. As a direct and proximate result of the aforesaid failure to warn, Plaintiff
22 YVONNE O'CONNELL was injured and has incurred, and will continue to incur, medical
23 expenses, care and services and related expenses and all to Plaintiff's general and
24 special damages in an amount in excess of TEN THOUSAND DOLLARS (\$10,000).

25 49. As a direct and proximate result of the aforesaid failure to warn, Plaintiff
26 YVONNE O'CONNELL was injured and has incurred, and will continue to incur,
27
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1 expenses to care for and to modify her home and property to enable her to function in it,
2 all to Plaintiff's general and special damages in an amount in excess of TEN
3 THOUSAND DOLLARS (\$10,000).

4 50. As a direct and proximate result of the aforesaid failure to warn of
5 Defendants WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS
6 ENTITIES I through V, DOES I through V, and/or its owners, distributors, marketers,
7 designers, architects, engineers, employers, employees, agents, contractors or other
8 and each of them, and the injuries and damages to Plaintiff YVONNE O'CONNELL
9 caused thereby, Plaintiff YVONNE O'CONNELL has lost, and will continue to lose, the
10 care, comfort, society, companionship, support and consortium of her companion, and
11 as a result thereof has incurred, and continues to incur, damages.

12 51. That as a direct and proximate result of the failure to warn by Defendants
13 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
14 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
15 architects, engineers, employers, employees, agents, contractors or other and each of
16 them, are strictly liable for the injuries and damages caused by Defendants' failure to
17 warn through inadequate signs as alleged herein, thereby causing said multi-colored,
18 patterned tile floor placed in the "special use", "continuous risk" walkway to be in a
19 condition unreasonably dangerous for its intended use.

20 52. That as a direct and proximate result of the failure to warn by Defendants
21 WYNN RESORTS, LIMITED, D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I
22 through V, DOES I through V, and/or its owners, distributors, marketers, designers,
23 architects, engineers, employers, employees, agents, contractors or other and each of
24 them, it is necessary for Plaintiff to retain a law firm to prosecute this action, and Plaintiff
25 is entitled to recover reasonable attorney's fees and costs.

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28 THIRD CAUSE OF ACTION

(Strict Liability – Design Defect: Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V)

53. Plaintiff hereby repleads and realleges each and every allegation of the preceding paragraphs as though fully set forth hereunder.

54. That Plaintiff YVONNE O'CONNELL, or any other ordinary user of said multi-colored, patterned tile floor placed in the "special use", "continuous risk" walkway, having the ordinary knowledge available in the community as to its characteristics, did not contemplate, and could not have reasonably contemplated the extent and degree of the danger associated with walking on the multi-colored, patterned tile floor placed in the "special use", "continuous risk" walkway.

55. That Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V, and/or its owners, distributors, marketers, designers, architects, engineers, employers, employees, agents, contractors or other, and each of them, manufactured, placed, maintained and/or sold the multi-colored, patterned tile floor in a condition unreasonably dangerous and unsafe for its intended use.

56. That as a direct and proximate result of said multi-colored, patterned tile floor's unreasonably dangerous and unsafe condition, Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V, and/or its owners, distributors, marketers, designers, architects, engineers, employers, employees, agents, contractors or other, and each of them, created a defective product, in particular said multi-colored, patterned tile floor, placed in their "special use", "continuous risk" walkway, which existed on or about February 8, 2010.

57. That at the time said multi-colored, patterned tile floor left the control of Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS

1 ENTITIES I through V, and DOES I through V, and/or its owners, distributors,
2 marketers, designers, architects, engineers, employers, employees, agents, contractors
3 or other, and each of them, said defect was present.

4 58. That as a direct and proximate result of Defendants', and each of their,
5 design defect, Plaintiff YVONNE O'CONNELL was injured and damaged in the manner
6 aforementioned.

7 59. That as a direct and proximate result of the aforesaid design defect by
8 Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS
9 ENTITIES I through V, and DOES I through V, and/or its owners, distributors,
10 marketers, designers, architects, engineers, employers, employees, agents, contractors
11 or other, and each of them, Plaintiff YVONNE O'CONNELL was injured in her health,
12 strength and activity, sustaining great pain, anguish, shock, fear, severe and permanent
13 injury to her body, both internally and externally, nervous system and person, and was
14 and will be hindered and prevented from attending to her usual duties and affairs of life,
15 including caring for and functioning in her own home and property, all of which have
16 caused, and will continue to cause, the Plaintiff physical, mental, emotional and nervous
17 pain and suffering, loss of enjoyment of life, and disability.

19 60. As a direct and proximate result of the aforesaid design defect by
20 Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS
21 ENTITIES I through V, and DOES I through V, and/or its owners, distributors,
22 marketers, designers, architects, engineers, employers, employees, agents, contractors
23 or other, and each of them, Plaintiff YVONNE O'CONNELL was injured and has
24 incurred, and will continue to incur, medical expenses, care and services and related
25 expenses, and all to Plaintiff's general and special damages in an amount in excess of
26 TEN THOUSAND DOLLARS (\$10,000).
27
28

1 61. As a direct and proximate result of the aforesaid design defect by
2 Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS
3 ENTITIES I through V, and DOES I through V, and/or its owners, distributors,
4 marketers, designers, architects, engineers, employers, employees, agents, contractors
5 or other, and each of them, Plaintiff YVONNE O'CONNELL will incur expenses to care
6 for and to modify her home and property to enable her to function in it, all to Plaintiff's
7 general and special damages in an amount in excess of TEN THOUSAND DOLLARS
8 (\$10,000).

9 62. As a direct and proximate result of the aforesaid design defect by
10 Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS, ROE BUSINESS
11 ENTITIES I through V, and DOES I through V, and/or its owners, distributors,
12 marketers, designers, architects, engineers, employers, employees, agents, contractors
13 or other, and each of them, the injuries and damages to Plaintiff YVONNE O'CONNELL
14 caused thereby, Plaintiff has lost, and will continue to lose the care, comfort, society,
15 companionship, support and consortium of her companion, and as a result thereof has
16 incurred, and continues to incur, damages.

17 63. The Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS VEGAS,
18 ROE BUSINESS ENTITIES I through V, and DOES I through V, and/or its owners,
19 distributors, marketers, designers, architects, engineers, employers, employees, agents,
20 contractors or other, and each of them, are strictly liable for the injuries and damages
21 caused by their respective design defects as alleged herein.
22

23 64. That as a direct and proximate result of the design defect of Defendants,
24 and each of them, it is necessary for Plaintiff to retain a law firm to prosecute this action,
25 and Plaintiff is entitled to recover reasonable attorney's fees and costs.
26

27 FOURTH CAUSE OF ACTION
28

1 (Res Ipsa Loquitur – Design Defect: Defendants WYNN RESORTS, LIMITED D/B/A
2 WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V)

3 65. Plaintiff realleges and repleads each and every allegation of the preceding
4 paragraphs as fully set forth hereunder.

5 66. At all relevant times hereto, Defendants WYNN RESORTS, LIMITED D/B/A
6 WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, and DOES I through V,
7 and/or its owners, distributors, marketers, designers, architects, engineers, employers,
8 employees, agents, contractors or other, and each of them, were in exclusive control of
9 said premises and/or multi-colored, patterned tile floor that they placed in their “special
10 use”, “continuous risk” walkway. Defendants created that “special use”, “continuous
11 risk” walkway as described in paragraph 24. It is difficult to see liquid substances on
12 that particular multi-colored, patterned tile floor, and because of the design and the
13 colors. That floor is slippery with liquid on it. Their placement of that tile floor was
14 poorly planned because they placed it in a dark, shadowy, “special-use”, “continuous
15 risk” walkway which made it next to impossible and/or extremely difficult for anyone to
16 be able to see substances on that floor. Since they chose to place that particular tile
17 floor in their “special use”, “continuous risk” walkway, they had a duty to warn of those
18 conditions or keep liquid substances off of it. Floors do not normally cause people to
19 slip and fall during normal and foreseeable use absent a defect or negligent acts and
20 omissions. Further, Plaintiff alleges that Plaintiff YVONNE O’CONNELL has no
21 comparative negligence and, therefore, her negligence cannot be greater than
22 Defendants, thereby rendering Defendants, and each of them, liable pursuant to the res
23 ipsa loquitur doctrine.
24

25 67. As a direct and proximate result of the aforesaid res ipsa negligence,
26 carelessness and/or recklessness of Defendants WYNN RESORTS, LIMITED D/B/A
27 WYNN LAS VEGAS, ROE BUSINESS ENTITIES I through V, DOES I through V, and/or
28

18

1 its owners, distributors, marketers, designers, architects, engineers, employers,
2 employees, agents, contractors or other, and each of them, Plaintiff YVONNE
3 O'CONNELL was injured in her health, strength and activity, sustaining great pain,
4 anguish, shock, fear, severe and permanent injury to her body, both internally and
5 externally, nervous system and person, and was and will be hindered and prevented
6 from attending to her usual duties and affairs of life, including caring for and functioning
7 in her own home and property, all of which have caused, and will continue to cause, the
8 Plaintiff physical, mental, emotional and nervous pain and suffering, loss of enjoyment
9 of life, and disability.

10 68. As a direct and proximate result of the res ipsa negligence, carelessness
11 and/or recklessness of Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS
12 VEGAS, ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
13 distributors, marketers, designers, architects, engineers, employers, employees, agents,
14 contractors or other, and each of them, Plaintiff YVONNE O'CONNELL has incurred
15 and will continue to incur, medical expenses, care and services and related expenses,
16 and all to Plaintiff's general and special damages in an amount in excess of TEN
17 THOUSAND DOLLARS (\$10,000).

18 69. As a direct and proximate result of the res ipsa negligence, carelessness
19 and/or recklessness of Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS
20 VEGAS, ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
21 distributors, marketers, designers, architects, engineers, employers, employees, agents,
22 contractors or other, and each of them, Plaintiff YVONNE O'CONNELL will incur
23 expenses to care for and to modify her home and property to enable her to function in it,
24 all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS
25 (\$10,000).
26
27
28

1 70. As a direct and proximate result of the res ipsa negligence, carelessness
2 and/or recklessness by Defendants WYNN RESORTS, LIMITED D/B/A WYNN LAS
3 VEGAS, ROE BUSINESS ENTITIES I through V, DOES I through V, and/or its owners,
4 distributors, marketers, designers, architects, engineers, employers, employees, agents,
5 contractors or other, and each of them, and the injuries and damages to Plaintiff
6 YVONNE O'CONNELL caused thereby, Plaintiff YVONNE O'CONNELL has lost and
7 will continue to lose, the care, comfort, society, companionship, support and consortium
8 of her companion, and as a result thereof has incurred, and continues to incur,
9 damages.

10 71. As a result of Defendants', and each of their, aforesaid res ipsa negligent,
11 careless, and/or reckless actions and omissions, it is necessary for Plaintiff to retain a
12 law firm to prosecute this action, and Plaintiff is therefore entitled to recover reasonable
13 attorney's fees and costs.

14 WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of
15 them, as follows:

16 FOR EACH AND EVERY CAUSE OF ACTION

17 1. For general damages and loss in an amount in excess of TEN THOUSAND
18 DOLLARS (\$10,000);

19 2. For special damages in an amount to be determined at time of trial;

20 3. For reasonable attorneys fees, pre and post-judgment interest and costs of
21 suit; and

22 4. For such other and further relief as the Court may deem just and proper.

23 DATED this 6TH day of February, 2012.

24 Yvonne O'Connell

25 YVONNE O'CONNELL

26 8764 Captains Place, Las Vegas, NV 89117, IN PROPER PERSON

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Yvonne O'Connell

YVONNE O'CONNELL
8764 Captains Place
Las Vegas, Nevada 89117
IN PROPER PERSON

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DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|---|---|-------------------------|
| YVONNE O'CONNELL, an individual, |) | CASE NO.: A-12-655992-C |
| |) | DEPT NO.: V |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| WYNN LAS VEGAS, LLC, a Nevada Limited |) | |
| Liability Company, doing business as WYNN |) | |
| LAS VEGAS; DOES I through X; and ROE |) | |
| CORPORATIONS I through X; inclusive, |) | |
| |) | |
| Defendants. |) | |
| |) | |

SUMMONS

NOTICE! YOU HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS, READ THE INFORMATION BELOW.

WYNN LAS VEGAS, LLC

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

- a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

1 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board
2 members, commission members and legislators each have 45 days after service of this Summons within
3 which to file an Answer or other responsive pleading to the Complaint.

4 Submitted by:

5 CAP & KUDLER

6  DONALD C. KUDLER, ESQ.

7 Nevada Bar No. 005041

8 3202 West Charleston Blvd.

9 Las Vegas, Nevada 89101

10 Attorney for Plaintiff

STEVEN D. GRIERSON

CLERK OF COURT

By:  IVONNE HERNANDEZ

DEPUTY CLERK

DATE


Regional Justice Center

200 Lewis Avenue

Las Vegas, Nevada 89155

MAR 22 2012

DISTRICT
COURT


CLERK OF THE COURT

1 ACOM
2 DONALD C. KUDLER, ESQ.
3 Nevada Bar No. 005041
4 CAP & KUDLER
5 3202 W. Charleston Boulevard
6 Las Vegas, Nevada 89102
7 (702) 878-8778
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 YVONNE O'CONNELL, an individual,
10 Plaintiff,

CASE NO.: A-12-655992-C
DEPT NO.: V

11 vs.

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

AMENDED COMPLAINT

17 Plaintiff YVONNE O'CONNELL, by and through her attorney of record, DONALD C.
18 KUDLER, ESQ., of the law offices of CAP & KUDLER, and for her causes of action against
19 Defendant WYNN LAS VEGAS, LLC, a Nevada Limited Liability Company, doing business as
20 WYNN LAS VEGAS, alleges as follows:

I.

21 At all times herein mentioned, Plaintiff, YVONNE O'CONNELL, was a resident of Las
22 Vegas, Clark County, State of Nevada.

II.

23 At all times mentioned herein, Defendant, WYNN LAS VEGAS, LLC, is a Nevada Limited
24 Liability Company, doing business as WYNN LAS VEGAS, and is authorized to do business in the
25 State of Nevada.

26 ///

27 ///

1 III.

2 The true names and capacities of the Defendants designated herein as a DOE or ROE
3 CORPORATION are presently unknown to Plaintiff, who, therefore, sues said Defendants by said
4 fictitious names. Defendants designated as DOES I through X and/or ROE CORPORATIONS I
5 through X are the owners, agents, employers, employees, lessors, lessees, successors and/or
6 predecessors in interest, contractors, subcontractors, assigns, distributors or manufacturers of
7 materials or other individuals otherwise in possession and/or control of the business or premises
8 herein alleged, including construction, maintenance, inspection, safety, design, supervision, hiring,
9 training, and care of the business and premises as stated herein. Plaintiff is informed, believes and
10 thereon alleges that each of the Defendants designated as a DOE or ROE CORPORATION is in
11 some manner responsible for the events and happenings referred to herein and caused damages
12 directly or proximately to Plaintiff as herein alleged. Plaintiff will ask leave of Court to amend her
13 Amended Complaint to insert the true names and capacities are ascertained.

14 IV.

15 That on or about the 8th day of February, 2010, Plaintiff YVONNE O'CONNELL was a
16 customer and invited guest of Defendant WYNN LAS VEGAS located at 3131 Las Vegas Boulevard
17 South, Las Vegas, Nevada, for purposes of gambling and dining.

18 V.

19 The on or about the 8th day of February, 2010, Plaintiff YVONNE O'CONNELL was walking
20 on the shadowed, multi-colored tile floor located near the south entrance of the casino when she
21 suddenly and unexpectedly slipped and fell on a non-visible liquid substance present on the floor.

22 VI.

23 At said time and place, the Defendants, and each of them, negligently maintained and
24 controlled said real property and premises and, further, negligently permitted a dangerous condition,
25 not obvious or apparent to the Plaintiff, to exist thereon and further, did:

26 a. negligently cause a dangerous condition to exist to wit: allowed liquid to be present
27 on the tile floor near the south entrance of the casino;

b. negligently allow said dangerous condition to remain in existence, as aforesaid, for an unreasonable length of time; and

c. negligently failed to warn the Plaintiff of the presence of said dangerous condition.

VII.

As a proximate result of the aforesaid negligence of the Defendants, and each of them, Plaintiff, YVONNE O'CONNELL, did slip and fall on the said dangerous condition on the premises of the Defendants, and each of them, thereby causing Plaintiff's body to twist and fall backward striking the raised planter and floor with her body, thereby sustaining the injuries and damages as hereinafter set forth.

VIII.

Prior to the fall of the Plaintiff, the dangerous condition of said premises was known by, or should have been known by, the Defendants, and each of them, in the exercise of reasonable care.

IX.

That by reason of the premises and as a direct and proximate result thereof, Plaintiff, YVONNE O'CONNELL, sustained injuries to her head, neck, back, bodily limbs, organs and systems all or some of which conditions may be permanent and disabling in nature, all to her general damage in a sum in excess of \$10,000.00.

X.

That by reason of the premises and as a direct and proximate result of the aforementioned negligence of the Defendant, and each of them, Plaintiff, YVONNE O'CONNELL, was required to and did receive medical and other treatment for her injuries received in an expense all to her damage in a sum in excess of \$10,000.00. That said services, care and treatment are continuing and shall continue in the future, all to her damage in a presently unascertainable amount, and Plaintiff will amend her Amended Complaint accordingly when same shall be ascertained.

XI.

That prior to the injuries complained of herein, Plaintiff, YVONNE O'CONNELL, was an able-bodied person, healthy and coordinated, without limitations, who exercised daily and would

1 swing dance four to six hours weekly, and was physically capable of engaging in all other activities
2 for which she was otherwise suited.

3 XII.

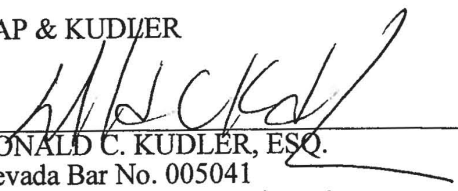
4 That is has become necessary for Plaintiff to retain the services of an attorney to prosecute
5 this action and, therefore, Plaintiff should be awarded reasonable attorney's fee incurred in this
6 matter.

7 WHEREFORE, Plaintiff YVONNE O'CONNELL, expressly reserving her right to amend
8 her Amended Complaint prior to or at the time of trial of this action to insert those items of damages
9 not yet fully ascertainable, prays judgment as follows:

- 10 1. For general damages sustained by Plaintiff in an amount in excess of \$10,000.00;
- 11 2. For costs of medical care and treatment and other expenses incurred thereto when
12 same are fully ascertained;
- 13 3. For attorney's fees and costs of suit incurred herein; and
- 14 4. For such other and further relief as the Court may deem just and proper in the
15 premises.

16 DATED this 20th day of March, 2012.

17 CAP & KUDLER

18 
19 DONALD C. KUDLER, ESQ.
20 Nevada Bar No. 005041
21 3202 W. Charleston Boulevard
22 Las Vegas, Nevada 89102
23 Attorney for Plaintiff
24
25
26
27
28

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

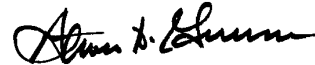
WYNN LAS VEGAS, LLC, a Nevada Limited
Liability Company, doing business as WYNN
LAS VEGAS; DOES I through X; and ROE
CORPORATIONS I through X; inclusive,

Defendants.

CASE NO.: A-12-655992-C

DEPT NO.: V

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CLERK OF THE COURT

SUMMONS

NOTICE! YOU HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS, READ THE INFORMATION BELOW.

WYNN LAS VEGAS, LLC

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

- a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- b) Serve a copy of your response upon the attorney whose name and address is shown below.

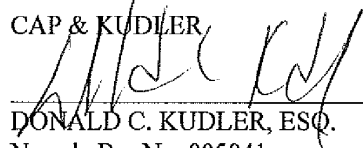
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

1 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board
2 members, commission members and legislators each have 45 days after service of this Summons within
3 which to file an Answer or other responsive pleading to the Complaint.

4 Submitted by:

5 CAP & KUDLER

6 
DONALD C. KUDLER, ESQ.

7 Nevada Bar No. 005041

8 3202 West Charleston Blvd.

9 Las Vegas, Nevada 89101

10 Attorney for Plaintiff

STEVEN D. GRIERSON

CLERK OF COURT

MAR 22 2012

By: 

DEPUTY CLERK

DATE

Regional Justice Center

200 Lewis Avenue

Las Vegas, Nevada 89155

IVONNE HERNANDEZ

1 1. Serving the Defendant at her place of residence located

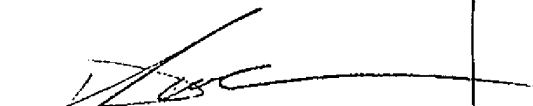
2 at:

3 2. Serving the Defendant, Wynn Las Vegas through the registered agent
4 Kevin Tourek, by personally delivering and leaving a copy with the Contract
5 Administrator, a person of suitable age and discretion residing at the
6 Defendant's place of business located at: 3131 Las Vegas Blvd. South Las
7 Vegas, NV 89031
8

9
10 3. Personally depositing a copy in a mail box of the United States Post
11 Office, enclosed in a sealed envelope, postage prepaid. (Check one) ☐
12 Ordinary mail ☐ Certified mail, return receipt requested ☐ Registered mail,
13 return receipt requested, addressed to the Defendant, at Defendant's last
14 known address which is N/A.
15
16

17 I declare under penalty of perjury under the law of the State of Nevada that the
18 Foregoing is true and correct.
19

20 EXECUTED this 30th day of March, 2012.
21

22 
23 Signature of person making service
24
25
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27
28


CLERK OF THE COURT

1 **ANAC**
2 Lawrence J. Semenza, III, Esq., Bar No. 7174
3 Email: ljs@semenzalaw.com
4 Christopher D. Kircher, Esq., Bar No. 11176
5 Email: cdk@semenzalaw.com
6 LAWRENCE J. SEMENZA, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803
Facsimile: (702) 920-8669

7 Attorneys for Defendant Wynn Las Vegas, LLC

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

10 YVONNE O'CONNELL, individually,
11 Plaintiff,

12 v.

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

17 Defendants.

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

ANSWER TO AMENDED COMPLAINT

18
19 Defendant Wynn Las Vegas, LLC ("Wynn") by and through its counsel of record,
20 Lawrence J. Semenza, III, Esq and Christopher D. Kircher, Esq. with the law firm of Lawrence J.
21 Semenza, III, P.C., and as and for its answer to Plaintiff Yvonne O'Connell's ("Plaintiff")
22 Amended Complaint, responds as follows:

23 **I.**

24 Wynn is without sufficient knowledge or information to form a belief as to the truth or
25 falsity of the allegations contained in Paragraph I of Plaintiff's Amended Complaint and,
26 therefore, denies the same.

27 ///

28 ///

II.

Wynn admits the allegations contained in Paragraph II of Plaintiff's Amended Complaint.

III.

Wynn is not required to respond to the allegations contained in Paragraph III of Plaintiff's Amended Complaint. To the extent any response is required they are denied.

IV.

Wynn is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph IV of Plaintiff's Amended Complaint and, therefore, denies them.

V.

Wynn is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph V of Plaintiff's Amended Complaint and, therefore, denies them.

VI.

Wynn denies the allegations contained Paragraph VI of Plaintiff's Amended Complaint.

VII.

Wynn denies the allegations contained Paragraph VII of Plaintiff's Amended Complaint.

VIII.

Wynn denies the allegations contained Paragraph VIII of Plaintiff's Amended Complaint.

IX.

Wynn denies the allegations contained Paragraph IX of Plaintiff's Amended Complaint.

X.

Wynn denies the allegations contained Paragraph X of Plaintiff's Amended Complaint.

XI.

Wynn is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph XI of Plaintiff's Amended Complaint and, therefore, denies them.

XII.

Wynn denies the allegations contained Paragraph XII of Plaintiff's Amended Complaint.

AFFIRMATIVE DEFENSES

A. Plaintiff's Amended Complaint fails to state a claim against Wynn upon which relief may be granted.

B. Plaintiff has failed to mitigate her damages.

C. Wynn's actions were not the proximate cause of the alleged damages, if any, sustained by Plaintiff.

D. Plaintiff's claims are barred in whole or in part by the doctrines of laches, waiver, estoppel and all other equitable defenses.

E. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

F. Plaintiff's harm, if any, is entirely due to the actions and/or omissions of Plaintiff and/or third parties.

G. Plaintiff was comparatively and/or contributorily negligent.

H. Plaintiff assumed all risks relating to the events giving rise to her Amended Complaint and claims contained therein.

I. Plaintiff has suffered no damages.

J. Wynn did not breach any duty to Plaintiff.

K. Plaintiff's Amended Complaint and claims are time-barred by the applicable statute of limitations.

L. Wynn acted reasonably under the circumstances.

M. Wynn currently has insufficient information upon which to form a belief as to the existence of additional, as yet unstated, affirmative defenses. Defendant reserves the right to assert additional affirmative defenses in the event discovery discloses the existence of said affirmative defenses.

WHEREFORE, Wynn prays as follows:

1. That Plaintiff take nothing by virtue of her Amended Complaint;
2. That judgment be entered in favor of Wynn and against Plaintiff;

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

1 3. That Wynn be awarded its full and proper attorney's fees and costs; and

2 4. For such other and further relief as the Court deems just and proper.

3 DATED this 24th day of July, 2013.

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

5
6 /s/ Lawrence J. Semenza, III
7 Lawrence J. Semenza, III, Esq., Bar No. 7174
8 Christopher D. Kircher, Esq., Bar No. 11176
9 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145

10 Attorneys for Defendant Wynn Las Vegas, LLC

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

CERTIFICATE OF SERVICE

I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 24th day of July, 2013, I sent via e-mail and via U.S. Mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing **ANSWER TO AMENDED COMPLAINT** in a sealed envelope upon which first class postage was prepaid to:

NAIMI, DILBECK & JOHNSON, CHTD.
J. Scott Dilbeck, Esq., Bar No. 10565
5495 S. Rainbow Blvd., Suite 202c
Las Vegas, Nevada 89118
scott@naimidilbeck.com

Attorneys for Yvonne O'Connell

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

1 **ECWD**
2 RICHARD S. JOHNSON, ESQ.
3 Nevada State Bar No. 6361
4 J. SCOTT DILBECK, ESQ.
5 Nevada State Bar No. 10565
6 NAIMI, DILBECK & JOHNSON, CHTD.
7 5495 S. Rainbow Blvd., Suite 202C
8 Las Vegas, Nevada 89118
9 Telephone: 702.823.3333
10 Facsimile: 702.823.3300
11 *Attorneys for Plaintiff*

DISTRICT COURT

CLARK COUNTY, NEVADA

10 YVONNE O'CONNELL, individually,

11 Plaintiff,

12 vs.

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

16 Defendants.

CASE NO.: A-12-655992-C

DEPT. NO.: V

PLAINTIFF'S EARLY CASE CONFERENCE DISCLOSURES

18 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD.

19 Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record RICHARD S.
20 JOHNSON, ESQ. and J. SCOTT DILBECK, ESQ., of the law firm of NAIMI, DILBECK &
21 JOHNSON, CHTD., hereby submits her Early Case Conference Disclosures pursuant to NRCP
22 16.1, as follows:

24 **I. WITNESSES**

25 Pursuant to NRCP 16.1(a)(1)(A), the name and, if known, the address and telephone
26 number of each individual likely to have information discoverable under Rule 26(b), including
27 for impeachment or rebuttal, identifying the subjects of the information:
28

- 1 1. Yvonne O'Connell
2 c/o NAIMI, DILBECK & JOHNSON, CHTD.
3 5495 S. Rainbow Blvd., Ste. 202-C
4 Las Vegas, NV 89118

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

- 7 2. Person Most Knowledgeable
8 Wynn Las Vegas, LLC
9 c/o Lawrence J. Semenza, III, Esq.
10 LAWRENCE J. SEMENZA, III, P.C.
11 10161 Park Run Drive, Suite 150
12 Las Vegas, Nevada 89145
13 Telephone: (702) 835-6803

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

- 16 3. Person Most Knowledgeable/Custodian of Records
17 Jon Sorelle, M.D.
18 The Minimally Invasive Hand Institute
19 8960 W. Tropicana Ave.
20 Las Vegas, NV 89147
21 Phone:(702) 739-4263

22 This/These witness(es) is/are expected to testify regarding the care and treatment
23 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
24 therewith.

- 25 4. Person Most Knowledgeable/Custodian of Records
26 Steinberg Diagnostics
27 2950 S. Maryland Pkwy.
28 Las Vegas, NV
 Phone: (702) 732-6000

 This/These witness(es) is/are expected to testify regarding the care and treatment
rendered to Plaintiff, including, but not limited to, the medical and billing records associated
therewith.

//

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1 5. Person Most Knowledgeable/Custodian of Records
2 UMC Quickcare
3 1800 West Charleston Blvd.
4 Las Vegas, NV 89102
5 Phone: (702) 383-2000

6 This/These witness(es) is/are expected to testify regarding the care and treatment
7 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
8 therewith.

9 6. Person Most Knowledgeable/Custodian of Records
10 Matt Smith Physical Therapy
11 9499 W. Charleston Blvd.
12 Suite 220
13 Las Vegas, NV 89117
14 Phone: (702) 933-9394

15 This/These witness(es) is/are expected to testify regarding the care and treatment
16 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
17 therewith.

18 7. Person Most Knowledgeable/Custodian of Records
19 Timothy Trainor, M.D.
20 Advanced Orthopedic & Sports Medicine
21 8420 W. Warm Springs Rd.
22 Las Vegas, NV
23 Phone: (702) 740-5327

24 This/These witness(es) is/are expected to testify regarding the care and treatment
25 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
26 therewith.

27 8. Person Most Knowledgeable/Custodian of Records
28 Desert Oasis Clinic
 6316 S. Rainbow Blvd., Suite 100
 Las Vegas, NV 89118
 Phone: (702) 310-9350

 This/These witness(es) is/are expected to testify regarding the care and treatment
rendered to Plaintiff, including, but not limited to, the medical and billing records associated
therewith.

1 9. Person Most Knowledgeable/Custodian of Records
2 Christopher Millford, M.D., P.C.
3 Silver State Neurology
4 9811 W. Charleston Blvd., Ste. 2-357
5 Las Vegas, NV 89117
6 Phone: (702) 256-3637

7 This/These witness(es) is/are expected to testify regarding the care and treatment
8 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
9 therewith.

10 10. Person Most Knowledgeable/Custodian of Records
11 Edwin Suarez Physical Therapy
12 4955 S. Durango Dr. #100
13 Las Vegas, NV 89113
14 Phone: (702) 489-9785

15 This/These witness(es) is/are expected to testify regarding the care and treatment
16 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
17 therewith.

18 11. Person Most Knowledgeable/Custodian of Records
19 Southern Nevada Pain Center
20 6950 W. Desert Inn Rd., Ste. 110
21 Las Vegas, NV 89117
22 Phone: (702) 259-5550

23 This/These witness(es) is/are expected to testify regarding the care and treatment
24 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
25 therewith.

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

 This/These witness(es) is/are expected to testify regarding the care and treatment
 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
 therewith.

1 13. Person Most Knowledgeable/Custodian of Records
2 Andrew Cash, M.D.
3 Nevada Institute of Spine Care
4 9339 W. Sunset Road, Ste. 100
5 Las Vegas, NV 89148
6 Phone: (702) 630-3472

7 This/These witness(es) is/are expected to testify regarding the care and treatment
8 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
9 therewith.

10 14. Person Most Knowledgeable/Custodian of Records
11 Lee Wittenberg, DPM
12 Apache Foot & Ankle Specialist LLC
13 9710 W. Tropicana Ave., Ste. 115
14 Las Vegas, NV 89147
15 Phone: (702) 362-2622

16 This/These witness(es) is/are expected to testify regarding the care and treatment
17 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
18 therewith.

19 15. Person Most Knowledgeable/Custodian of Records
20 Suresh Prahbu, M.D.
21 Ascent Primary Care
22 653 N. Town Center Dr., Ste. 217
23 Las Vegas, NV 89144
24 Phone: (702) 545-0751

25 This/These witness(es) is/are expected to testify regarding the care and treatment
26 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
27 therewith.

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

 This/These witness(es) is/are expected to testify regarding the care and treatment
 rendered to Plaintiff, including, but not limited to, the medical and billing records associated
 therewith.

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

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

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

6 *Pursuant to NRCp 16.1 (a)(1)(B), a copy of, or a description by category and location*
7 *of, all documents, data compilations, and tangible things that are in the possession, custody, or*
8 *control of the party and which are discoverable under Rule 26(b):*

9 None at this time.

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

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

15 **III. COMPUTATION OF DAMAGES**

16 *Pursuant to NRCp 16.1(a)(1)(C), a computation of any category of damages claimed by*
17 *the disclosing party, making available for inspection and copying as under Rule 34 the*
18 *documents or other evidentiary matter, not privileged or protected from disclosure, on which*
19 *such computation is based, including materials bearing on the nature and extent of injuries*
20 *suffered:*

21 **A. MEDICAL DAMAGES:**

| PROVIDER | AMOUNT |
|---|------------|
| Jon Sorelle, M.D. The Minimally Invasive Hand Institute | \$2,625.00 |
| Steinberg Diagnostics | \$2,487.84 |
| UMC – Quick Care | \$7,783.56 |
| Matt Smith Physical Therapy | \$3,235.00 |
| Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine | \$181.00 |

| PROVIDER | AMOUNT |
|---|--------------------|
| Desert Oasis Clinic | \$250.00 |
| Christopher Milford, M.D., P.C. Silver State Neurology | \$1,580.00 |
| Edwin Suarez Physical Therapy | \$670.00 |
| Southern Nevada Pain Center | \$680.00 |
| Leo Gemin, M.D. Clinical Neurology Specialists | \$2,510.00 |
| Andrew Cash, M.D. Desert Institute of Spine Care | \$3,034.42 |
| Apache Foot & Ankle Lee Wittenberg, DPM | \$310.00 |
| Suresh Prahbu, M.D. Ascent Primary Care | \$270.00 |
| UMC – ER | \$712.66 |
| TOTAL: | \$26,329.48 |

B. ADDITIONAL DAMAGES:

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

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1 IV. INSURANCE POLICY

2 Pursuant to NRCP 16.1(a)(1)(D), for inspection and copying as under Rule 34 any
3 insurance agreement under which any person carrying on an insurance business may be liable
4 to satisfy part or all of a judgment which may be entered in the action or to indemnify or
5 reimburse for payments made to satisfy the judgment and any disclaimer or limitation of
6 coverage or reservation of rights under any such insurance agreement:

7 Plaintiff is unaware of any insurance agreement(s).

8 DATED this 9th day of October, 2013.

9 NAIMI, DILBECK, & JOHNSON, CHTD.

10
11 By: 

12 RICHARD S. JOHNSON, ESQ.
13 Nevada State Bar No. 6361
14 J. SCOTT DILBECK, ESQ.
15 Nevada State Bar No. 10565
16 5495 S. Rainbow Blvd., Suite 202-C
17 Las Vegas, Nevada 89118
18 Tel: (702) 823-3333
19 Fax: (702) 823-3300
20 Attorneys for Plaintiff
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of NAIMI, DILBECK &
3 JOHNSON, CHTD., and on the 9th day of October, 2013, I served a true and correct copy of
4 the foregoing **PLAINTIFF'S EARLY CASE CONFERENCE DISCLOSURES** on the
5 following parties by placing same to be deposited for mailing in Las Vegas, Nevada, via the
6 United States mail, in a sealed envelope upon which first class postage was fully prepaid:

7 LAWRENCE J. SEMENZA, III, ESQ.

8 Nevada Bar No. 7174

9 CHRISTOPHER D. KIRCHER, ESQ.

Nevada Bar No. 11176

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

10161 Park Run Drive, Suite 150

11 Las Vegas, Nevada 89145

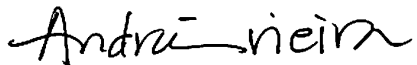
12 Telephone: (702) 835-6803

13 Facsimile: (702) 920-8669

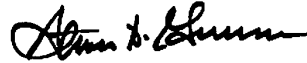
Email: ljs@semenzalaw.com

Email: cdk@semenzalaw.com

14 *Attorneys for Defendants*

15
16 

17 _____
18 An Employee of NAIMI, DILBECK & JOHNSON, CHTD.



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Yvonne O'Connell,) CASE NO. A655992
) DEPT. V
Plaintiff(s),)
)
v.)
)
Wynn Las Vegas, LLC, et al,)
)
Defendant(s).)

ORDER SETTING CIVIL NON-JURY TRIAL
AND CALENDAR CALL

IT IS HEREBY ORDERED THAT:

A. The above-entitled case is set to be tried on a five week stack to begin on **Monday, March 16, 2015, at 1:30 p.m.**

For purposes of this order, "the date set for trial" means the date on which the five-week stack begins.

B. A Calendar Call will be held on **Friday, March 6, 2015, at 10:00 a.m.** and must be attended by the attorney who will be trying the case if the party is represented by counsel. If a party is appearing as a pro se litigant, that party must appear at Calendar Call.

C. The Pre-Trial Memorandum must be served and filed not less than **fifteen (15) days before the date set for trial** with a courtesy copy delivered to Dept. V.

CAROLYN ELLSWORTH, DEPT. V, LAS VEGAS, NV 89155

1 All motions in limine must be in writing and filed no
2 later than 60 days before the date set for trial, with courtesy
3 copies delivered to Dept. V. It is the intent of the Court to
4 hear all motions in limine no later than 30 days prior to trial.
5 Thus, orders extending the time for hearing will not be signed
6 except for good cause shown and in no event for a time less than
7 14 days before the date set for trial. All motions in limine
8 must comply with EDCR 2.47(b). Motions filed in violation of
9 this rule will not be considered.

10 All parties (attorneys and parties in proper person)
11 must comply with all requirements of EDCR 2.67, 2.68 and 2.69.

12 Failure of the designated trial attorney or any party
13 appearing in proper person to appear for calendar call or to
14 comply with this Order shall result in any of the following:
15 (1) dismissal of the action; (2) default judgment; (3) monetary
16 sanctions; (4) vacation of trial date and/or any other
17 appropriate remedy or sanction.


18 If counsel anticipates the need for audio visual
19 equipment during the trial, a request must be submitted to the
20 District Courts AV Department following the calendar call. You
21 can reach the AV Department at 671-3205 or via email at
22 slatw@clarkcountycourts.us.

23 Stipulations to continue a trial date will not be
24 considered by the Court. Pursuant to EDCR 2.35, a motion to
25

1 continue trial due to any discovery issues or deadlines must be
2 made before the Discovery Commissioner.

3 Counsel is required to advise the Court immediately
4 when the case settles or is otherwise resolved prior to trial.
5 A stipulation which terminates a case by dismissal shall also
6 indicate whether a Scheduling Order has been filed and, if a
7 trial date has been set, the date of that trial. A courtesy
8 copy of the stipulation should be delivered to Chambers.

9 DATED: 12-4-13

10 
11 CAROLYN ELLSWORTH
12 District Judge

13 **CERTIFICATE OF SERVICE**

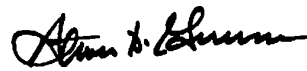
14 I hereby certify that on or about the date signed I caused the foregoing Order to
15 be served by facsimile, by placing a copy in the attorney's folder in the Clerk's Office, by E-
service or mailed to the following:

16 J. Scott Dilbeck, Esq., Naimi, Dilbeck & Johnson
17 Christopher D. Kircher, Esq., Lawrence J. Semenza, III, P.C.

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19
20
21 
22

23
24
25
CAROLYN ELLSWORTH, DEPT. V, LAS VEGAS, NV 89155

3



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|-----------------------------|---|------------------|
| Yvonne O'Connell, |) | CASE NO. A655992 |
| |) | |
| |) | DEPT. V |
| Plaintiff(s), |) | |
| |) | |
| v. |) | |
| |) | |
| Wynn las Vegas, LLC, et al, |) | |
| |) | |
| Defendant(s). |) | |

AMENDED ORDER SETTING CIVIL JURY TRIAL
AND CALENDAR CALL

IT IS HEREBY ORDERED THAT:

A. The above-entitled case is set to be tried to a jury on a five week stack to begin on Monday, October 12, 2015, at 1:30 p.m.

For purposes of this order, "the date set for trial" means the date on which the five-week stack begins.

B. A Calendar Call will be held on Friday, October 2, 2015, at 10:00 a.m. and must be attended by the attorney who will be trying the case if the party is represented by counsel. If a party is appearing as a pro se litigant, that party must appear at Calendar Call.

C. The Pre-Trial Memorandum must be served and filed not

CAROLYN ELLSWORTH, DEPT. V, LAS VEGAS, NV 89155

1 less than fifteen (15) days before the date set for trial with a
2 courtesy copy delivered to Dept. V.

3 All motions in limine must be in writing and filed no
4 later than 60 days before the date set for trial, with courtesy
5 copies delivered to Dept. V. It is the intent of the Court to
6 hear all motions in limine no later than 30 days prior to trial.
7 Thus, orders extending the time for hearing will not be signed
8 except for good cause shown and in no event for a time less than
9 14 days before the date set for trial. All motions in limine
10 must comply with EDCR 2.47(b). Motions filed in violation of
11 this rule will not be considered.

12 All parties (attorneys and parties in proper person)
13 must comply with all requirements of EDCR 2.67, 2.68 and 2.69.

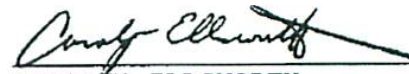
14 Failure of the designated trial attorney or any party
15 appearing in proper person to appear for calendar call or to
16 comply with this Order shall result in any of the following:
17 (1) dismissal of the action; (2) default judgment; (3) monetary
18 sanctions; (4) vacation of trial date and/or any other
19 appropriate remedy or sanction.

20 If counsel anticipates the need for audio visual
21 equipment during the trial, a request must be submitted to the
22 District Courts AV Department following the calendar call. You
23 can reach the AV Department at 671-3205 or via email at
24 slatw@clarkcountycourts.us.

1 Stipulations to continue a trial date will not be
2 considered by the Court. Pursuant to EDCR 2.35, a motion to
3 continue trial due to any discovery issues or deadlines must be
4 made before the Discovery Commissioner.

5 Counsel is required to advise the Court immediately
6 when the case settles or is otherwise resolved prior to trial.
7 A stipulation which terminates a case by dismissal shall also
8 indicate whether a Scheduling Order has been filed and, if a
9 trial date has been set, the date of that trial. A courtesy
10 copy of the stipulation should be delivered to Chambers.

11 DATED: 10 - 1 - 14

12 
13 CAROLYN ELLSWORTH
14 District Judge

15 CERTIFICATE OF SERVICE

16 I hereby certify that on or about the date signed I caused the foregoing Order to
17 be served by facsimile, by placing a copy in the attorney's folder in the Clerk's Office, by E-
service or mailed to the following:

18 Richard S. Johnson, Esq.

19 Lawrence J. Semenza, III, Esq.
20
21
22
23
24
25



CAROLYN ELLSWORTH, DEPT. V, LAS VEGAS, NV 89155

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

BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
brian@nettlslawfirm.com
christian@nettlslawfirm.com
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S FIRST SUPPLEMENT
TO AND AMENDMENT OF INITIAL
16.1 DISCLOSURES

Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record BRIAN D. NETTLES, ESQ. and CHRISTIAN M. MORRIS, ESQ. of the NETTLES LAW FIRM, hereby submits her First Supplement to Early Case Conference Disclosures pursuant to NRCP 16. 1, as follows:

I. WITNESSES

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

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

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

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

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

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

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

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

4. Person Most Knowledgeable/Custodian of Records
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV
Phone: (702) 732-6000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 16. Person Most Knowledgeable/Custodian of Records
2 University Medical Center
3 1800 West Charleston Blvd.
4 Las Vegas, NV 89102
5 Phone: (702) 383-2000

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

21 17. Thomas Dunn, M.D. and/or
22 Person Most Knowledgeable/Custodian of Records
23 Desert Othopaedic Center
24 2800 East Desert Inn Road, Suite 100
25 Las Vegas, NV 89121-3609
26 Phone: (702) 731-1616

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

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

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

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

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

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

Las Vegas, NV 89169

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

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

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

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

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

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

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

II. DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS

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

1. Medical Records and Billing Statement
Jon Sorelle, M.D.
The Minimally Invasive Hand Institute
8960 W. Tropicana Ave.
Las Vegas, NV 89147
Bate numbered PLTF000001 through PLTF000018 and attached hereto.
2. Diagnostic Records and Billing Statement
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV
Bate numbered PLTF000019 through PLTF000033 and attached hereto.
3. Medical Records and Billing Statement
UMC Quickcare
1800 West Charleston Blvd.
Las Vegas, NV 89102

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Bate numbered PLTF000034 through PLTF000289 and attached hereto.

4. Physical Therapy Records and Billing Statement
Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Bate numbered PLTF000290 through PLTF000374 and attached hereto.
5. Medical Records and Billing Statement
Timothy Trainor, M.D.
Advanced Orthopedic & Sports Medicine
8420 W. Warm Springs Rd.
Las Vegas, NV
Bate numbered PLTF000375 through PLTF000396 and attached hereto.
6. Medical Records and Billing Statement
John A. Thompson, M.D.
Desert Oasis Clinic
6316 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Bate numbered PLTF000397 through PLTF000407 and attached hereto.
7. Medical Records and Billing Statement
Christopher Milford, M.D., P.C.
Silver State Neurology
9811 W. Charleston Blvd., Ste. 2-357
Las Vegas, NV 89117
Bate numbered PLTF000408 through PLTF000431 and attached hereto.
8. Physical Therapy and Billing Statement
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Bate numbered PLTF000432 through PLTF000443 and attached hereto.
9. Medical Records and Billing Statement
Edson Erkulvrawatr, M.D.
Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550
Bate numbered PLTF000444 through PLTF000526 and attached hereto.
10. Medical Records and Billing Statement
Leo Germin, M.D.
Clinical Neurology Specialists
1691 W. Horizon Ridge Pkwy., Ste. 100

NETTLES LAW FIRM

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

Henderson, NV 89012
Bate numbered PLTF000527 through PLTF000535 and attached hereto.

11. Medical Records and Billing Statement
Andrew Cash, M.D.
Nevada Institute of Spine Care
9339 W. Sunset Road, Ste. 100
Las Vegas, NV89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

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

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

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

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

16. Medical Records and Billing Statement
Enrique Lacayo, M.D.
2020 Goldring Avenue
Las Vegas, NV 89106
Bate numbered PLTF000650 through PLTF000677 and attached hereto.

17. Medical Records and Billing Statement
Nanjunda Subramanyam, M.D.
Nevada Heart and Vascular Center
1820 Desert Inn Rd., Suite A
Las Vegas, NV 89169
Bate numbered PLTF000678 through PLTF000683 and attached hereto.
19. Medical Records and Billing Statement
Scott Manthei, M.D.
Nevada Eye and Ear
2598 Windmill Pkwy.
Henderson, NV 89074
Bate numbered PLTF000684 through PLTF000699 and attached hereto.
20. Medical Records and Billing Statement
Tyree Carr, M.D.
Nevada Institute of Ophthalmology
2800 N. Tenaya Way, #102
Las Vegas, NV 89128
Bate numbered PLTF000700 through PLTF000716 and attached hereto.

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

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

III. COMPUTATION OF DAMAGES

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

A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|--|-------------|
| Jon Sorelle, M.D. The Minimally Invasive Hand Institute | \$ 2,625.00 |

NETTLES LAW FIRM

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

| | |
|---|-------------|
| Steinberg Diagnostics | \$ 2,605.00 |
| UMC – Quick Care | \$ 7,783.56 |
| Matt Smith Physical Therapy | \$ 3,235.00 |
| Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine | \$ 181.00 |
| John A. Thompson, M.D. Desert Oasis Clinic | \$ 250.00 |
| Christopher Milford, M.D., P.C. Silver State Neurology | \$ 1,580.00 |
| Edwin Suarez Physical Therapy | \$ 670.00 |
| Southern Nevada Pain Center | \$ 680.00 |
| Leo Germin, M.D. Clinical Neurology Specialists | \$ 2,510.00 |
| Andrew Cash, M.D. Desert Institute of Spine Care | \$ 3,034.42 |
| Lee Wittenberg, DPM Apache Foot & Ankle | \$ 310.00 |
| Suresh Prahbu, M.D. Ascent Primary Care | \$ 270.00 |
| Thomas Dunn, M.D. Desert Orthopaedic Center | \$ TBD |
| Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases | \$ 828.00 |
| Enrique Lacayo, M.D. | \$ 175.00 |
| Nanjunda Subramanyam, M.D. Nevada Heart and Vascular Center | \$ 1,440.00 |
| Scott Manthei, M.D. Nevada Eye and Ear | \$ 750.00 |
| Tyree Carr, M.D. | |

| | |
|-----------------------------------|---------------------|
| Nevada Institute of Ophthalmology | \$ 790.00 |
| TOTAL | \$ 29,716.98 |

B. ADDITIONAL DAMAGES:

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

IV. INSURANCE POLICY

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

Plaintiff is unaware of any insurance agreement(s).

DATED this 16th day of March, 2015.

NETTLES LAW FIRM

/s/ Christian Morris

BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

Henderson, Nevada 89014

Attorneys for Plaintiff


NETTLES LAW FIRM

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

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 16th day of March, 2015, I served the foregoing *Plaintiff's First Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

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


An Employee of Nettles Law Firm

NETTLES LAW FIRM

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

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

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

12 YVONNE O'CONNELL, an individual,
13 Plaintiff,

14 vs.

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

19 Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S SECOND SUPPLEMENT
TO INITIAL 16.1 DISCLOSURES

20
21 Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record BRIAN D.
22 NETTLES, ESQ. and CHRISTIAN M. MORRIS, ESQ. of the NETTLES LAW FIRM, hereby
23 submits her Second Supplement to Early Case Conference Disclosures pursuant to NRCP 16. 1,
24 as follows:

25 I. **WITNESSES**

26 *Pursuant to NRCP 161 (a) (1) (A), the name and, if known, the address and telephone*
27 *number of each individual likely to have information discoverable under Rule 26(b), including*
28 *for impeachment or rebuttal, identifying the subjects of the information:*

- 1 1. Yvonne O'Connell
2 c/o Nettles Law Firm
3 1389 Galleria Drive, Suite 200
4 Henderson, NV 89014

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

- 7 2. Person Most Knowledgeable
8 Wynn Las Vegas, LLC
9 c/o Lawrence J. Semenza, III, Esq.
10 LAWRENCE J. SEMENZA, III, P.C.
11 10161 Park Run Drive, Suite 150
12 Las Vegas, Nevada 89145
13 Telephone: (702) 835-6803

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

- 16 3. Jon Sorelle, M.D. and/or
17 Person Most Knowledgeable/Custodian of Records
18 The Minimally Invasive Hand Institute
19 8960 W. Tropicana Ave.
20 Las Vegas, NV 89147
21 Phone:(702) 739-4263

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

4. Person Most Knowledgeable/Custodian of Records
 Steinberg Diagnostics
 2950 S. Maryland Pkwy.
 Las Vegas, NV

1 Phone: (702) 732-6000

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

17 5. Person Most Knowledgeable/Custodian of Records

18 UMC Quickcare
19 1800 West Charleston Blvd.
20 Las Vegas, NV 89102
21 Phone: (702) 383-2000

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

6. Person Most Knowledgeable/Custodian of Records

Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Phone: (702) 933-9394

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

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

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

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

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

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

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

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

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

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

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

- 11 11. Edson Erkulvrawatr, M.D. and/or
12 Person Most Knowledgeable/Custodian of Records
13 Southern Nevada Pain Center
14 6950 W. Desert Inn Rd., Ste. 110
15 Las Vegas, NV 89117
16 Phone: (702) 259-5550

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

- 25 12. Leo Germin, M.D.
26 Person Most Knowledgeable/Custodian of Records
27 Clinical Neurology Specialists
28 1691 W. Horizon Ridge Pkwy., Ste. 100
Henderson, NV 89012
Phone: (702) 804-1212

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

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

16
17 13. Andrew Cash, M.D. and/or
18 Person Most Knowledgeable/Custodian of Records
19 Nevada Institute of Spine Care
20 9339 W. Sunset Road, Ste. 100
21 Las Vegas, NV89148
22 Phone: (702) 630-3472
23

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

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

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

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

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

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

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

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

14 17. Thomas Dunn, M.D. and/or
15 Person Most Knowledgeable/Custodian of Records
16 Desert Othopaedic Center
17 2800 East Desert Inn Road, Suite 100
18 Las Vegas, NV 89121-3609
19 Phone: (702) 731-1616

20 This individual is expected to testify as a treating physician and as an expert regarding
21 the injuries sustained, past present and future medical treatment and impairment, prognosis,
22 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
23 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
24 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
25 also a treating physician and thereby not retained or specially employed to provide expert
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27 let us know immediately or your failure to object will be deemed a stipulation that said
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other incidents having relevance to this action. The facts and opinions to which the expert is
expected to testify include any and all facts and opinions in the said medical records, and that the
medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

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

28 This individual is expected to testify as a treating physician and as an expert regarding
the injuries sustained, past present and future medical treatment and impairment, prognosis,
disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

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

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

12
13 17. Enrique Lacayo, M.D. and/or
14 Person Most Knowledgeable/Custodian of Records
15 2020 Goldring Avenue
16 Las Vegas, NV 89106

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

29
30 18. Nanjunda Subramanyam, M.D. and/or
31 Person Most Knowledgeable/Custodian of Records
32 Nevada Heart and Vascular Center
33 1820 Desert Inn Rd., Suite A
34 Las Vegas, NV 89169

35 This individual is expected to testify as a treating physician and as an expert regarding
36 the injuries sustained, past present and future medical treatment and impairment, prognosis,
37 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
38 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
39 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
40 also a treating physician and thereby not retained or specially employed to provide expert
41 testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree,
42 let us know immediately or your failure to object will be deemed a stipulation that said

1 documents are not required under the rule. Further, this expert is expected to testify consistent
2 with the medical records related to the treatment of the Plaintiff for the subject incident, and
3 other incidents having relevance to this action. The facts and opinions to which the expert is
4 expected to testify include any and all facts and opinions in the said medical records, and that the
5 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
6 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
7 any party in this action that contradict the same.

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

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

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

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

1 expected to testify include any and all facts and opinions in the said medical records, and that the
2 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
3 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
4 any party in this action that contradict the same.

5 **21. Troy Valdez – brother**
6 **4 Starling Lane**
7 **Aliso Viejo, CA 92656**
8 **(949) 254-4550**
9 **(949) 228-0959**

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

13 **22. Holly Valdez – sister in law**
14 **4 Starling Lane**
15 **Aliso Viejo, CA 92656**
16 **(949) 254-4550**
17 **(949) 228-0959**

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

21 **23. Dave Brobeck – Holly Valdez' father**
22 **217 Monarch Bay Drive**
23 **Dana Point, CA 92629**
24 **(949) 499-9811**

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

28 **24. Gaye Brobeck – Holly Valdez' mother**
29 **217 Monarch Bay Drive**
30 **Dana Point, CA 92629**
31 **(949) 499-9811**

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

35 **25. David Brobeck – Holly Valdez' brother**
36 **20 Blue Heron Lane**
37 **Aliso Viejo, CA 92656**

1 (949) 859-3793

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

5 26. Mele Brobeck – Holly Valdez' sister in law
6 20 Blue Heron Lane
7 Aliso Viejo, CA 92656
8 (949) 859-3793

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

12 27. Larry Muro – Troy Valdez' friend
13 4739 Mascagni St.
14 Ventura, CA 93003
15 (805) 616-0274

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

19 28. Janine Muro – Troy Valdez' friend
20 4739 Mascagni St.
21 Ventura, CA 93003
22 (805) 616-0274

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

26 29. Jim Holloway – Troy Valdez' friend
27 2834 Serang Place
28 Costa Mesa, CA 92626
(714) 241-7777

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

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

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

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

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

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

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

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

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

II. DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS

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

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

NETTLES LAW FIRM

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

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

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

- 1 9. Medical Records and Billing Statement
2 Edson Erkulvrawatr, M.D.
3 Southern Nevada Pain Center
4 6950 W. Desert Inn Rd., Ste. 110
5 Las Vegas, NV 89117
6 Phone: (702) 259-5550
7 Bate numbered PLTF000444 through PLTF000526 and attached hereto.
- 8 10. Medical Records and Billing Statement
9 Leo Germin, M.D.
10 Clinical Neurology Specialists
11 1691 W. Horizon Ridge Pkwy., Ste. 100
12 Henderson, NV 89012
13 Bate numbered PLTF000527 through PLTF000535 and attached hereto.
- 14 11. Medical Records and Billing Statement
15 Andrew Cash, M.D.
16 Nevada Institute of Spine Care
17 9339 W. Sunset Road, Ste. 100
18 Las Vegas, NV 89148
19 Bate numbered PLTF000536 through PLTF000584 and attached hereto.
- 20 12. Medical Records and Billing Statement
21 Lee Wittenberg, DPM
22 Apache Foot & Ankle Specialist LLC
23 9710W. Tropicana Ave., Ste. 115
24 Las Vegas, NV 89147
25 Bate numbered PLTF000585 through PLTF000598 and attached hereto.
- 26 13. Medical Records and Billing Statement
27 Suresh Prahbu, M.D.
28 Ascent Primary Care
653 N. Town Center Dr., Ste. 217
Las Vegas, NV 89144
Bate numbered PLTF000594 through PLTF000598 and attached hereto.
14. Medical Records
Thomas Dunn, M.D. and/or
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Bate numbered PLTF000599 through PLTF000627 and attached hereto.
15. Medical Records and Billing Statement
Yakov Shaposhnikov, M.D. and/or
Gastrointestinal and Liver Diseases

- 1 2020 Goldring Avenue
2 Las Vegas, NV 89106
3 Bate numbered PLTF000628 through PLTF000649 and attached hereto.
- 4 16. Medical Records and Billing Statement
5 Enrique Lacayo, M.D.
6 2020 Goldring Avenue
7 Las Vegas, NV 89106
8 Bate numbered PLTF000650 through PLTF000677 and attached hereto.
- 9 17. Medical Records and Billing Statement
10 Nanjunda Subramanyam, M.D.
11 Nevada Heart and Vascular Center
12 1820 Desert Inn Rd., Suite A
13 Las Vegas, NV 89169
14 Bate numbered PLTF000678 through PLTF000683 and attached hereto.
- 15 19. Medical Records and Billing Statement
16 Scott Manthei, M.D.
17 Nevada Eye and Ear
18 2598 Windmill Pkwy.
19 Henderson, NV 89074
20 Bate numbered PLTF000684 through PLTF000699 and attached hereto.
- 21 20. Medical Records and Billing Statement
22 Tyree Carr, M.D.
23 Nevada Institute of Ophthalmology
24 2800 N. Tenaya Way, #102
25 Las Vegas, NV 89128
26 Bate numbered PLTF000700 through PLTF000716 and attached hereto.
- 27 21. **Photograph of Plaintiff and friend dancing pre-accident**
28 **Bate numbered PLTF000717 and attached hereto.**
22. **Photographs of Plaintiff and her brother, Troy Valdez, her sister-in-law,**
Holly Valdez and her niece pre-accident
Bate numbered PLTF000718 and attached hereto.
23. **Photograph of Plaintiff and her cousins, Allen and Helen Stroub pre-accident**
Bate numbered PLTF000719 and attached hereto.
24. **Photographs of Plaintiff's injury area and bruising**
Bate numbered PLTF 000720 and PLTF 721
25. **Authorization for the Release of Protected Health Information executed by**
Plaintiff for benefit of Defendant

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

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

6 **III. COMPUTATION OF DAMAGES**

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

12 **A. MEDICAL DAMAGES:**

| 14 PROVIDER | AMOUNT |
|--|---------------|
| 15 Jon Sorelle, M.D. The Minimally Invasive Hand Institute | \$ 2,625.00 |
| 16 Steinberg Diagnostics | \$ 2,605.00 |
| 17 UMC – Quick Care | \$ 7,783.56 |
| 18 Matt Smith Physical Therapy | \$ 3,235.00 |
| 19 Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine | \$ 181.00 |
| 20 John A. Thompson, M.D. Desert Oasis Clinic | \$ 250.00 |
| 21 Christopher Milford, M.D., P.C. Silver State Neurology | \$ 1,580.00 |
| 22 Edwin Suarez Physical Therapy | \$ 670.00 |
| 23 Southern Nevada Pain Center | \$ 680.00 |
| 24 Leo Germin, M.D. | |

| | |
|---|---------------------|
| Clinical Neurology Specialists | \$ 2,510.00 |
| Andrew Cash, M.D. Desert Institute of Spine Care | \$ 3,034.42 |
| Lee Wittenberg, DPM Apache Foot & Ankle | \$ 310.00 |
| Suresh Prahbu, M.D. Ascent Primary Care | \$ 270.00 |
| Thomas Dunn, M.D. Desert Orthopaedic Center | \$ TBD |
| Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases | \$ 828.00 |
| Enrique Lacayo, M.D. | \$ 175.00 |
| Nanjunda Subramanyam, M.D. Nevada Heart and Vascular Center | \$ 1,440.00 |
| Scott Manthei, M.D. Nevada Eye and Ear | \$ 750.00 |
| Tyree Carr, M.D. Nevada Institute of Ophthalmology | \$ 790.00 |
| TOTAL | \$ 29,716.98 |

B. ADDITIONAL DAMAGES:

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

IV. INSURANCE POLICY

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

....

....

Plaintiff is unaware of any insurance agreement(s).

DATED this 18th day of March, 2015.

NETTLES LAW FIRM

/s/ Christian Morris

BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

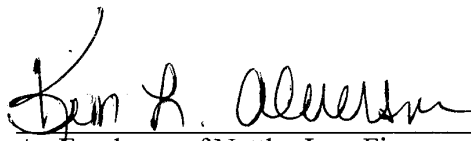
Henderson, Nevada 89014

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 18th day of March, 2015, I served the foregoing *Plaintiff's Second Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

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


An Employee of Nettles Law Firm

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

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, an individual,
Plaintiff,

vs.

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

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S INITIAL EXPERT
DISCLOSURES

TO: WYNN LAS VEGAS, LLC; Defendant; and

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

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

.....

.....

1 1. Gary A. Presswood, ScD, PE
2 The Accident Expert
3 8635 W. Sahara Avenue, #435
4 Las Vegas, NV 89117
5 Telephone Number: (702) 233-8516

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

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

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

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

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

25
26
27
28

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

DATED this 13th day of April, 2015.

NETTLES LAW FIRM


BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

Henderson, Nevada 89014

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

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

Lawrence J. Semenza, III, Esq.

Christopher D. Kircher, Esq.

Lawrence J. Semenza, III, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

(702) 835-6803

Fax: (702) 920-8669

Attorneys for Defendant

Wynn Las Vegas, LLC dba

Wynn Las Vegas

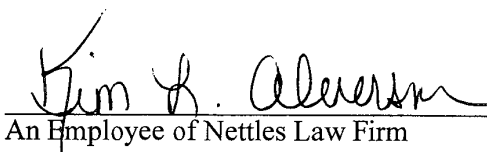

An Employee of Nettles Law Firm

EXHIBIT 1



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



April 10, 2015

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

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

Dear Ms. Morris:

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

INCIDENT

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

Reportedly, security video cameras failed to capture this event.

ANALYSIS

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

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

Inspection/Slip-resistance.

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

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

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

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

SCOF_{dry}

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

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

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

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

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

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

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

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

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

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

OPINION

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

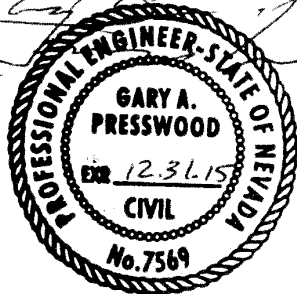
This concludes my report; however, you are encouraged to contact me if you require additional information or clarification. During the course of this litigation, I reserve the right to augment this report especially if additional information becomes available. I assure you, the opinions expressed herein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

Page 4

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

Sincerely

4.10.15



Dr. Gary A. Presswood, ScD, PE

attach: Exhibits 1 - 6

EXHIBIT 1
PHOTOGRAPHIC EXHIBIT

PHOTOGRAPHIC EXHIBIT

Case: MORRIS:O'Connell

Source: G A Presswood

Date: 4-1-15

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



Photo1



Photo 2



Photo 3

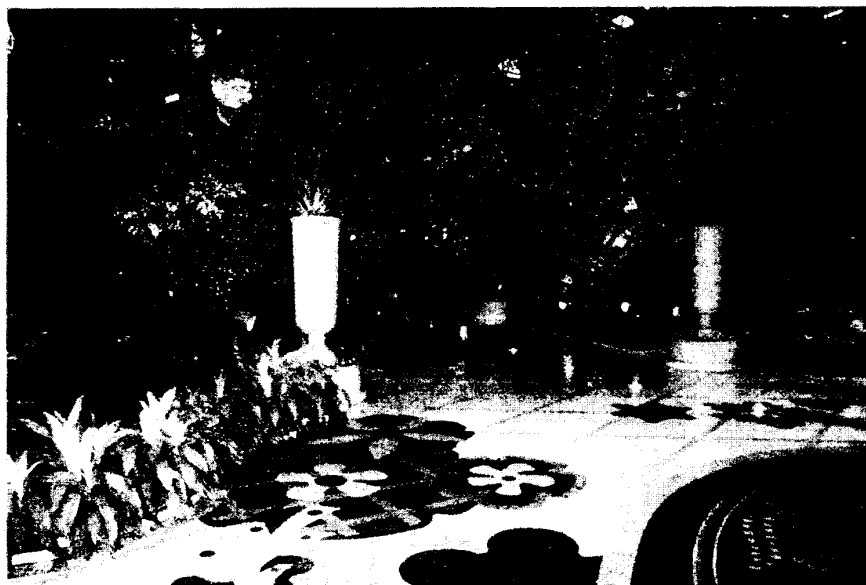


Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14

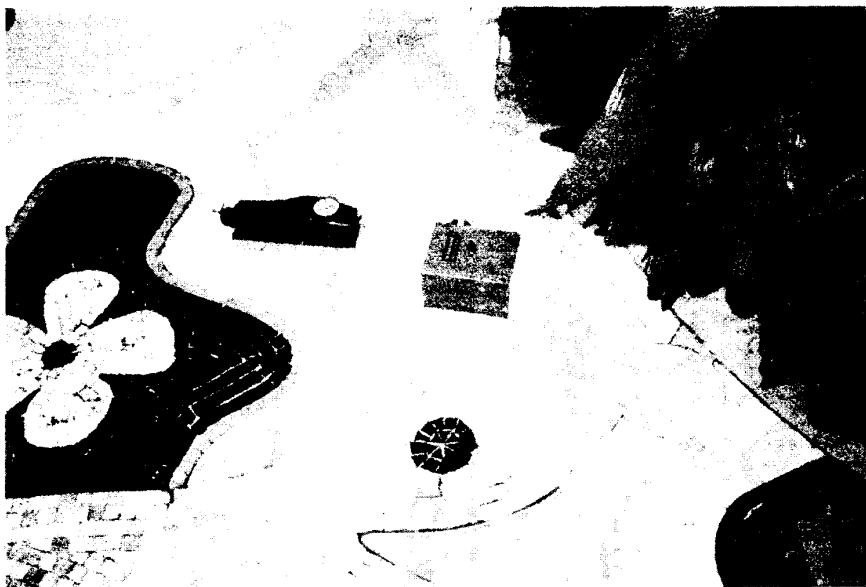


Photo 15



Photo 16

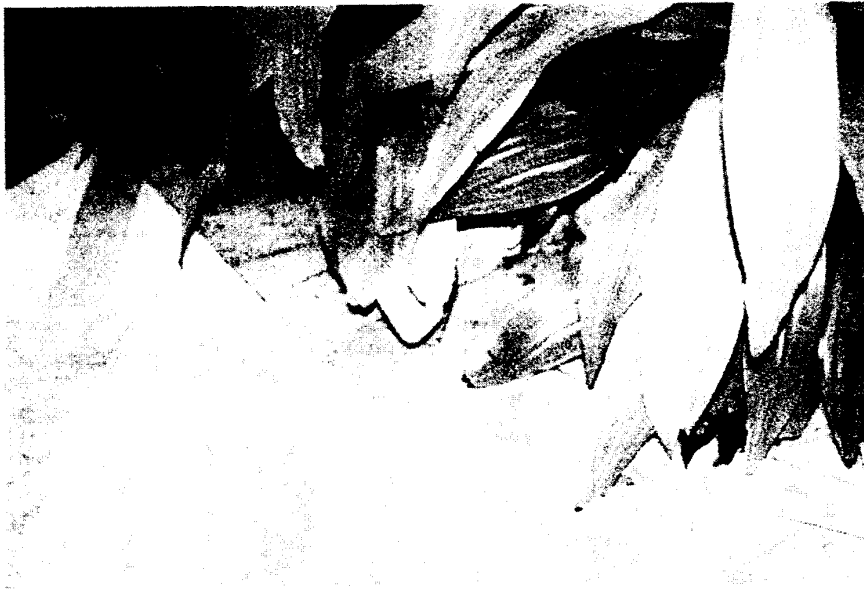


Photo 17



Photo 18



Photo 19



Photo 20



Photo 21

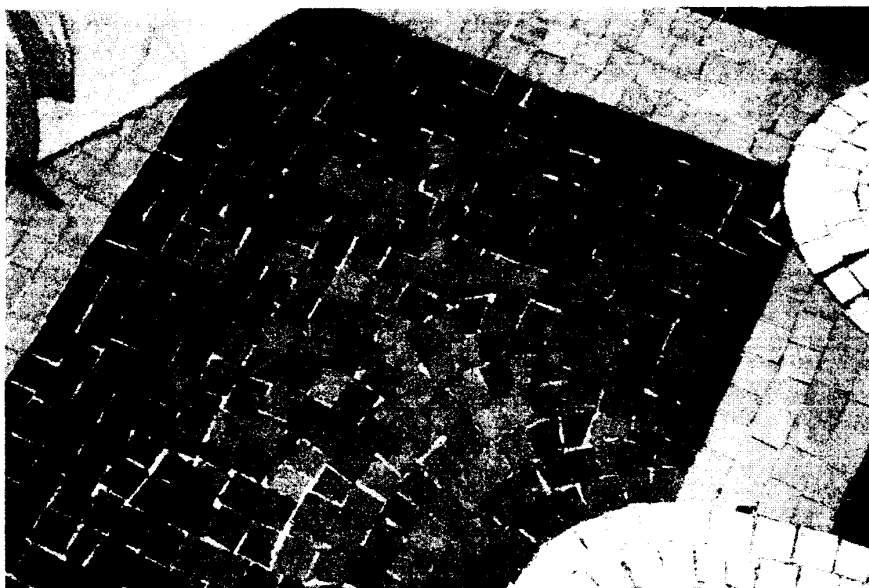


Photo 22



Photo 23



Photo 24

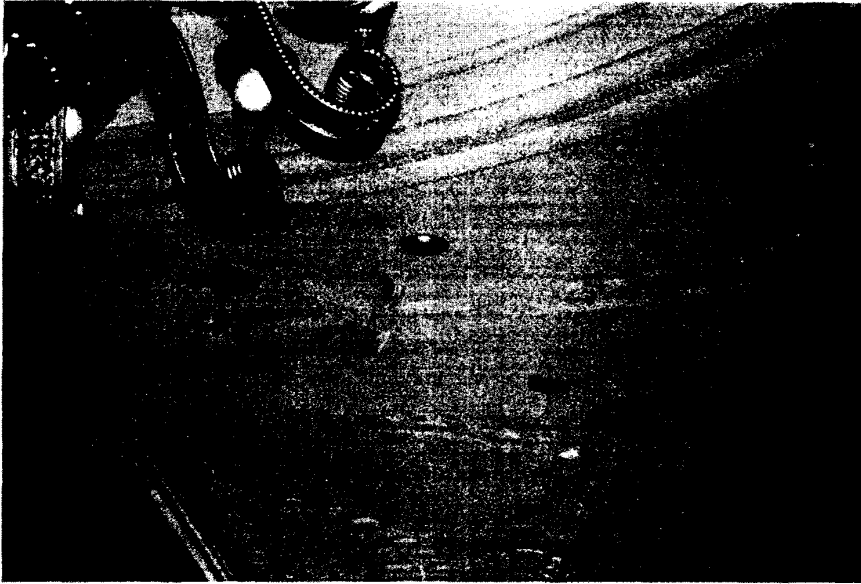


Photo 25

EXHIBIT 1

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

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

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

EXHIBIT 2

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



CURRICULUM VITAE

Gary A. Presswood, ScD, PE

EDUCATION:

BS, Southern Illinois University, 1970

MPA, University of Nevada, Las Vegas, 1992

ScD, So. California University for Professional Studies, 2002

PROFESSIONAL ENGINEERING REGISTRATION:

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

PROFESSIONAL SOCIETY MEMBERSHIP:

American Society of Civil Engineers

National Academy of Forensic Engineers (Board Certified Forensic Engineer)

National Society of Professional Engineers

National Safety Council

American Society for Testing and Materials (Past F-13 Committee

Member - "Safety and Traction for Footwear")

International Conf. of Building Officials (Past Professional Member)

Human Factors and Ergonomics Society (Past Member)

PROFESSIONAL EMPLOYMENT:

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

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

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

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

8635 W. SAHARA AVE., BOX 435, LAS VEGAS, NEVADA 89117-5858, 702.233.8516 FAX 702.233.8519
WEBSITE: ACCIDENTEXPERT.COM EMAIL: CRASH@ACCIDENTEXPERT.COM
LAS VEGAS, PHOENIX, SAN DIEGO, ST LOUIS

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

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

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

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

PUBLICATIONS/PRESENTATIONS:

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

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

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

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

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

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

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

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

PROFESSIONAL EXPERIENCE (SUMMARY):

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

DETAILED ROADWAY EXPERIENCE

Gary A. Presswood, ScD, PE

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

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

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

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

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

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

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

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

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

EXHIBIT 3

Fee Schedule, Gary A. Presswood & Associates



FEE SCHEDULE

RATES

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

CONDITIONS

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

Gary A. Presswood, PE
Effective date: Sept., 2011, Rev. 2.1.15

BUSINESS STATEMENT

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

888.XPRT456 FAX)

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

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

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

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

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

Effective date: Jan. 1, 2013
Rev. 2.1.15

EXHIBIT 4

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

DEPOSITIONS

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

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

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

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

EXHIBIT 5

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

TRIALS/Testimony

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

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

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

BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
brian@nettlawfirm.com
christian@nettlawfirm.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S THIRD SUPPLEMENT
TO INITIAL 16.1 DISCLOSURES

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

I. **WITNESSES**

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

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

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

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

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

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

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

4. Person Most Knowledgeable/Custodian of Records
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV

Phone: (702) 732-6000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records

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

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

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

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

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is also a treating physician and thereby not retained or specially employed to provide expert testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree, let us know immediately or your failure to object will be deemed a stipulation that said

documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

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

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

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

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

1 expected to testify include any and all facts and opinions in the said medical records, and that the
2 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
3 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
4 any party in this action that contradict the same.

5 21. Troy Valdez – brother
6 4 Starling Lane
7 Aliso Viejo, CA 92656
8 (949) 254-4550
9 (949) 228-0959

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

13 22. Holly Valdez – sister in law
14 4 Starling Lane
15 Aliso Viejo, CA 92656
16 (949) 254-4550
17 (949) 228-0959

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

21 23. Dave Brobeck – Holly Valdez' father
22 217 Monarch Bay Drive
23 Dana Point, CA 92629
24 (949) 499-9811

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. DOCUMENTS. DATA COMPILATIONS AND TANGIBLE THINGS

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

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

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Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV
Bate numbered PLTF000019 through PLTF000033 and attached hereto.

3. Medical Records and Billing Statement
UMC Quickcare
1800 West Charleston Blvd.
Las Vegas, NV 89102
Bate numbered PLTF000034 through PLTF000289 and attached hereto.

4. Physical Therapy Records and Billing Statement
Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Bate numbered PLTF000290 through PLTF000374 and attached hereto.

5. Medical Records and Billing Statement
Timothy Trainor, M.D.
Advanced Orthopedic & Sports Medicine
8420 W. Warm Springs Rd.
Las Vegas, NV
Bate numbered PLTF000375 through PLTF000396 and attached hereto.

6. Medical Records and Billing Statement
John A. Thompson, M.D.
Desert Oasis Clinic
6316 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Bate numbered PLTF000397 through PLTF000407 and attached hereto.

7. Medical Records and Billing Statement
Christopher Milford, M.D., P.C.
Silver State Neurology
9811 W. Charleston Blvd., Ste. 2-357
Las Vegas, NV 89117
Bate numbered PLTF000408 through PLTF000431 and attached hereto.

8. Physical Therapy and Billing Statement
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Bate numbered PLTF000432 through PLTF000443 and attached hereto.

9. Medical Records and Billing Statement
Edson Erkulvrawatr, M.D.
Southern Nevada Pain Center

NETTLES LAW FIRM

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

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

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

11. Medical Records and Billing Statement
Andrew Cash, M.D.
Nevada Institute of Spine Care
9339 W. Sunset Road, Ste. 100
Las Vegas, NV89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.

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

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

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

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

NETTLES LAW FIRM

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

16. Medical Records and Billing Statement
Enrique Lacayo, M.D.
2020 Goldring Avenue
Las Vegas, NV 89106
Bate numbered PLTF000650 through PLTF000677 and attached hereto.
17. Medical Records and Billing Statement
Nanjunda Subramanyam, M.D.
Nevada Heart and Vascular Center
1820 Desert Inn Rd., Suite A
Las Vegas, NV 89169
Bate numbered PLTF000678 through PLTF000683 and attached hereto.
19. Medical Records and Billing Statement
Scott Manthei, M.D.
Nevada Eye and Ear
2598 Windmill Pkwy.
Henderson, NV 89074
Bate numbered PLTF000684 through PLTF000699 and attached hereto.
20. Medical Records and Billing Statement
Tyree Carr, M.D.
Nevada Institute of Ophthalmology
2800 N. Tenaya Way, #102
Las Vegas, NV 89128
Bate numbered PLTF000700 through PLTF000716 and attached hereto.
21. Photograph of Plaintiff and friend dancing pre-accident
Bate numbered PLTF000717 and attached hereto.
22. Photographs of Plaintiff and her brother, Troy Valdez, her sister-in-law, Holly Valdez and her niece pre-accident
Bate numbered PLTF000718 and attached hereto.
23. Photograph of Plaintiff and her cousins, Allen and Helen Stroub pre-accident
Bate numbered PLTF000719 and attached hereto.
24. Photographs of Plaintiff's injury area and bruising
Bate numbered PLTF 000720 and PLTF 721
25. Authorization for the Release of Protected Health Information executed by Plaintiff for benefit of Defendant
26. **Medical Records and Billing Statement**
Las Vegas Radiology
8530 W. Sunset Road
Las Vegas, Nevada 89113

(702) 254-5004

Bate numbered PLTF000722 through PLTF000728 are attached hereto.

27. **Medical Billing Statement**
Thomas Dunn, M.D.
Desert Orthopedic Center
2930 W. Horizon Ridge Pkwy, #100
Henderson, Nevada 89052
(702) 731-1616

We are currently trying to obtain our copy of the medical bill. This billing statement will be supplemented upon receipt.

28. **Medical Records and Billing Statement**
Open Sided MRI
630 South Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740

We are currently trying to obtain the medical records and medical bill. These documents will be supplemented upon receipt.

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

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

III. COMPUTATION OF DAMAGES

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

A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|--|-------------|
| Jon Sorelle, M.D. The Minimally Invasive Hand Institute | \$ 2,625.00 |
| | |

NETTLES LAW FIRM

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

| | |
|---|-------------|
| Steinberg Diagnostics | \$ 2,605.00 |
| UMC – Quick Care | \$ 7,783.56 |
| Matt Smith Physical Therapy | \$ 3,235.00 |
| Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine | \$ 181.00 |
| John A. Thompson, M.D. Desert Oasis Clinic | \$ 250.00 |
| Christopher Milford, M.D., P.C. Silver State Neurology | \$ 1,580.00 |
| Edwin Suarez Physical Therapy | \$ 670.00 |
| Southern Nevada Pain Center | \$ 680.00 |
| Leo Germin, M.D. Clinical Neurology Specialists | \$ 2,510.00 |
| Andrew Cash, M.D. Desert Institute of Spine Care | \$ 3,034.42 |
| Lee Wittenberg, DPM Apache Foot & Ankle | \$ 310.00 |
| Suresh Prahbu, M.D. Ascent Primary Care | \$ 270.00 |
| Thomas Dunn, M.D. Desert Orthopaedic Center | \$ TBD |
| Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases | \$ 828.00 |
| Enrique Lacayo, M.D. | \$ 175.00 |
| Nanjunda Subramanyam, M.D. Nevada Heart and Vascular Center | \$ 1,440.00 |
| Scott Manthei, M.D. Nevada Eye and Ear | \$ 750.00 |
| Tyree Carr, M.D. Nevada Institute of Ophthalmology | \$ 790.00 |

| | |
|-----------------------------|--------------|
| Las Vegas Radiology | \$ 3,300.00 |
| Open Sided MRI of Las Vegas | TBD |
| | |
| TOTAL | \$ 33,016.98 |

B. ADDITIONAL DAMAGES:

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

IV. INSURANCE POLICY

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

Plaintiff is unaware of any insurance agreement(s).

DATED this 12th day of June, 2015.

NETTLES LAW FIRM

/s/ Christian Morris

BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

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Attorneys for Plaintiff

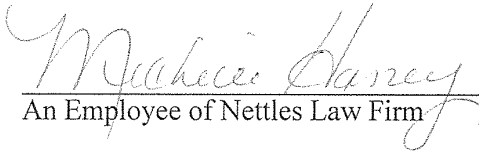
NETTLES LAW FIRM

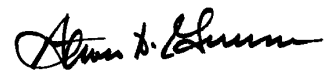
1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 12th day of March, 2015, I served the foregoing *Plaintiff's Third Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

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


An Employee of Nettles Law Firm



CLERK OF THE COURT

1 **MSJ**

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

3 Email: ljs@semenzalaw.com

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

5 Email: cdk@semenzalaw.com

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

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Telephone: (702) 835-6803

Facsimile: (702) 920-8669

Attorneys for Defendant Wynn Las Vegas, LLC

d/b/a Wynn Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

Plaintiff,

v.

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

Defendants.

Case No. A-12-655992-C

Dept. No. V

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Nev. R. Civ. P. 56, Defendant Wynn Las Vegas, LLC ("Wynn") hereby moves for summary judgment against Plaintiff Yvonne O'Connell ("Plaintiff"). As set forth below, this is a slip and fall case and Plaintiff cannot establish that Wynn created the foreign substance which she alleges caused her fall or had actual or constructive notice of the foreign substance and failed to warn her. Because there is no evidence to support Plaintiff's claim of negligence, summary judgment should be entered in favor of Wynn.

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

1 This Motion is based on Nevada Rule of Civil Procedure 56, the following Memorandum
2 of Points and Authorities, the attached exhibits, the papers and pleadings on file in this matter
3 and any oral argument the Court entertains.

4 DATED this 13th day of July, 2015.

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

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

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Telephone: (702) 835-6803

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned counsel will appear at the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada 89155, Eighth Judicial District Court, Las Vegas, Nevada, on the 17 day of SEPTEMBER, 2015, at 9:00A a.m., before Department V, or as soon thereafter as counsel may be heard, for a hearing on **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**.

DATED this 13th day of July, 2015.

LAWRENCE J. SEMENZA, III, P.C.



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

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This is a simple slip and fall case. Plaintiff alleges she sustained injuries when she slipped on an unidentified liquid ("foreign substance") on the floor of the atrium of Wynn's property. Plaintiff has brought a claim for Negligence against Wynn.

However, as demonstrated below, Plaintiff cannot present any evidence that Wynn was responsible for the foreign substance on the floor or that Wynn, or its employees, had actual or constructive notice of the foreign substance's existence. Therefore, the Court should grant summary judgment in Wynn's favor.

II. CONCISE STATEMENT UNDISPUTED FACTS

Plaintiff does not know how long the foreign substance was on the floor before she allegedly slipped in it:

Q: Okay. You don't know how long that liquid substance was present on the floor before you slipped on it, do you?

...

A: No time, no.

(Deposition of Plaintiff Yvonne O'Connell, 67:9-17, a true and correct copy of the cited portions are attached hereto as **Exhibit 1.**)

Plaintiff has no evidence that Wynn caused the foreign substance to be on the floor:

Q: Is it fair to say that you don't have any understanding as to whether any Wynn employee placed that liquid substance on the ground?

A: I don't know.

(Ex. 1, 67:18-21.)¹

Plaintiff has no evidence that Wynn had actual notice of the foreign substance on the floor before she allegedly slipped in it:

¹ Wynn contends that the foreign substance was a spilled beverage, not caused by Wynn, because, *inter alia*, Plaintiff testified it was green in color, sticky and there was not any indication of liquid running from the plants in Wynn's atrium. (Ex. 1, 62:10-67:8.) There is no other evidence to suggest the foreign substance was anything other than a spilled beverage.

1 Q: Sure. Based on your knowledge, you don't have any evidence to
2 suggest that the Wynn or any of its employees knew that there was
3 a liquid substance on the ground immediately prior to your fall?
4 ...

5 A: I don't know that.

6 Q: And is it fair to say you don't have any evidence to suggest that
7 Wynn or its employees knew that there was a liquid substance on
8 the - -

9 A: Before?

10 Q: Yes, before your fall.

11

12 A: I don't know if I have evidence of that.

13 Q: Is there any evidence you can identify here today that would
14 suggest that either Wynn or any of its employees knew that there
15 was a liquid substance on the floor immediately prior to your fall?

16 ...

17 A: I don't know if we have evidence.

18 (Ex. 1, 68:18-69:25.)

19 **Plaintiff has no evidence that Wynn had constructive notice of the foreign**
20 **substance before she allegedly slipped in it:**

21 Q: Okay. And is it fair to say that you don't have any evidence here
22 today that either Wynn or any of its employees should have known
23 that there was a liquid substance on the floor immediately prior to
24 your fall?

25 ...

26 A: Oh, yes, I believe, I believe we have evidence of that.

27 Q: What is that evidence?

28

1 A: If I understand your question correctly, I believe that they knew
2 that there was a drain here and they knew that the drain was for the
3 purpose of the water, so they should know that water is in that
4 area.

5 (Ex. 1, 70:11-71:8.)

6 Q: Okay. How do you know that that's a drain?

7 A: Well, because that's what it looks like.

8 Q: Okay. Just based on your observation as to what it looks like?

9 A: Yes.

10 (Ex. 1, 72:6-10.) During her deposition, Plaintiff marked a letter "D" on the object that she
11 believes is a drain in Wynn's atrium. (Ex. 1, 71:16-72:10; Picture Bates Numbered WYNN-
12 O'CONNELL00473 from Exhibit 1 of Plaintiff's Deposition, a true and correct copy is hereto as
13 **Exhibit 2.**)

14 However, what Plaintiff believes is a drain and the source of the alleged foreign
15 substance is, in fact, an audio speaker. (Declaration of Araceli Macias, ¶ 2, attached hereto as
16 **Exhibit 3.**) In addition, automatic watering in this area ended at 11:39 a.m. and her alleged slip
17 and fall occurred at approximately 2:30 p.m. in the afternoon of February 8, 2010.² (*Id.* at ¶ 3.)
18 Moreover, the only time Wynn employees manually water the atrium area is in the morning.
19 (*Id.*) This being so, Plaintiff has no evidence that Wynn had constructive notice of the foreign
20 substance on the floor and failed to warn her before she allegedly slipped in it.

21 Therefore, Plaintiff has no evidence that Wynn caused the foreign substance or had
22 actual or constructive notice of the foreign substance prior to her allegedly slipping and falling.
23 Her belief that the foreign substance came from a drain is also untrue. Accordingly, summary
24 judgment is proper because the Plaintiff has no evidence to support her claim of Negligence.

25

26

27 ² Attached as Exhibit "A" to the Declaration of Araceli Macias is a copy of the water flow data for
28 Wynn's atrium on February 8, 2010, with the last watering time highlighted. This document sets for the
times the automatic watering was activated in Wynn's atrium.

1 **III. STANDARD FOR SUMMARY JUDGMENT**

2 Summary judgment is appropriate when, "after review of the record viewed in a light
3 most favorable to the non-moving party, there remain no genuine issues of material fact, and the
4 moving party is entitled to judgment as a matter of law." *Evans v. Samuels*, 119 Nev. 378, 75
5 P.3d 361, 363 (2003). "A genuine issue of material fact is one where the evidence is such that a
6 reasonable jury could return a verdict for the non-moving party." *Pegasus v. Reno Newspapers,*
7 *Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002) (citation and quotation omitted).

8 In *Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026, 1031 (2005), the Nevada
9 Supreme Court stated that the party opposing summary judgment "bears the burden to do more
10 than simply show that there is some metaphysical doubt as to the operative facts . . . and [that]
11 party must, by affidavit or otherwise, set forth specific facts demonstrating the existence of a
12 genuine issue for trial or have summary judgment entered against him. The nonmoving party is
13 not entitled to build a case on the gossamer threads of whimsy, speculation, and conjecture." *Id.*
14 (internal quotations and citations omitted). Furthermore, "uncorroborated and self-serving
15 testimony," without more, will not create a "genuine issue" of material fact precluding summary
16 judgment." *Villiarimo v. Aloha Island Air., Inc.*, 281 F.3d 1054, 1061 (9th Cir. 2002).
17 Summary judgment shall be entered "against a party who fails to make a showing sufficient to
18 establish the existence of an element essential to that party's case, and on which that party will
19 bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

20 In *Celotex Corp.*, the United States Supreme Court held that the defendant may move for
21 summary judgment by pointing to the absence of facts to support the plaintiff's claims. *Celotex*
22 *Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986); see *Coverdell v. Dept. of Social and Health*
23 *Services, State of Washington*, 834 F.2d 758, 762 (9th Cir. 1987) (a party moving for summary
24 judgment carries its burden by pointing out the absence of evidence to support the nonmoving
25 party's case). To prevail on a summary judgment motion, the moving party must "show that one
26 of the elements is clearly lacking as a matter of law." *Sims v. General Telephone and Electric*,
27 107 Nev. 516, 521, 815 P.2d 151, 154 (1991); see also *Renaud v. 200 Convention Center, Ltd.*,
28 102 Nev. 500, 501, 728 P.2d 445, 446 (1986). Further, a party's negligence becomes a question

1 of law "when the evidence will support no other inference." *Shepard v. Harrison*, 100 Nev.
2 178, 180, 678 P.2d 670, 672 (1984); *see Nehls v. Leonard*, 97 Nev. 325, 328, 630 P.2d 258, 260
3 (1981).

4 Here, there are simply no facts to support Plaintiff's claim. Consequently, Plaintiff's
5 negligence claim fails as a matter of law and the Court should enter summary judgment in favor
6 of Wynn.

7 **IV. ARGUMENT**

8 To recover on a claim for negligence in Nevada, the plaintiff has the burden of
9 establishing: "(1) that the defendant had a duty to exercise due care with respect to the plaintiff;
10 (2) that the defendant breached this duty; (3) that the breach was both the actual and proximate
11 cause of the plaintiff's injury; and (4) that the plaintiff was damaged." *Joynt v. California Hotel*
12 *& Casino*, 108 Nev. 539, 542, 835 P.2d 799, 801 (1992) (citation omitted); *see also Turner v.*
13 *Mandalay Sports Entertainment, LLC*, 124 Nev. 213, 217, 180 P.3d 1172, 1175 (2008). To
14 establish entitlement to judgment as a matter of law, a defendant need only negate one of the
15 elements of negligence. *Foster v. Costco Wholesale Corp.*, 2012 Nev. LEXIS 123, *8, 291 P.3d
16 150 (Dec. 27, 2012) (citing *Harrington v. Syufy Enters.*, 113 Nev. 246, 248, 931 P.2d 1378,
17 1380 (1997)).

18 Plaintiff cannot meet her burden because Wynn did not breach its duty to exercise due
19 care with respect to her. Property owners, such as Wynn, "must exercise reasonable care not to
20 subject others to an unreasonable risk of harm. A [property owner] must act as a reasonable
21 person under all of the circumstances including the likelihood of injury to others, the probable
22 seriousness of such injuries, and the burden of reducing or avoiding the risk." *Moody v.*
23 *Manny's Auto Repair*, 110 Nev. 320, 329, 871 P.2d 935, 941 (1994); *Costco Wholesale Corp.*,
24 2012 Nev. LEXIS at *16 (The "duty issue must be analyzed with regard to foreseeability and
25 gravity of harm, and the feasibility and availability of alternative conduct that would have
26 prevented the harm.") (citation omitted).

27 The "the totality of the circumstances" and "reasonableness of the plaintiff's actions"
28 should be considered when determining whether a plaintiff is negligent. *Joynt*, 108 Nev. at 544,

835 at 802. It is axiomatic that a plaintiff should exercise "ordinary care for [their] own safety." *Wagon Wheel Saloon & Gambling Hall v. Mavrogan*, 78 Nev. 126, 128, 369 P.2d 688 (1962) (citations omitted). Put differently, a plaintiff must "exercise reasonable self-protection in encountering the danger." *Costco Wholesale Corp.*, 291 P.3d at *17-18 (citing Restatement (Third) of Torts: Phys. & Emot. Harm § 51 cmt. k (2012)). Further, "the open and obvious nature of the conditions . . . is part of assessing whether reasonable care was employed." *Costco Wholesale Corp.*, 291 P.3d at *16.

When persons other than the business or its employees are the cause of the foreign substance, liability will only lie if the business had actual or constructive notice of the condition and failed to remedy it. *Sprague v. Lucy Stores, Inc.*, 109 Nev. 247, 250 (1993). In *Mostad v. Park Place Entertainment*, Case No. 46597, Order of Affirmance, November 13, 2007, the Nevada Supreme Court confirmed the requirements to satisfy a claim of negligence for premises liability. (Order of Affirmance, attached hereto as **Exhibit 4**.³) The plaintiff, Mostad, slipped and fell on an alleged hazardous substance on the floor at Bally's Hotel & Casino ("Bally's"). *Id.* The Nevada Supreme Court affirmed the District Court's granting of Bally's motion for summary judgment because the plaintiff was unable to prove that Bally's either created the hazard or had reason to know of its existence. *Id.* In doing so, the Nevada Supreme Court stated:

Upon our review of the record and consideration of the parties' appellant arguments, we perceive no error in the district court's summary judgment. Although the presence of a foreign substance on the floor may be contrary to ordinary care, liability for any injuries Mostad sustained after slipping in the substance and failing may be found only if Bally's employees created the condition or had actual or constructive notice of its existence. **Thus, in order to defeat Bally's summary judgment motion, Mostad was required to offer evidence suggesting that the employees had spilled or otherwise deposited the substance on the floor, or that they had constructive notice of its existence. Accordingly, because Mostad failed to do so, he failed to demonstrate any material factual issue with regard to Bally's negligence, and we order the judgment of the district court affirmed.**

³ Although this is an unpublished Order, it is persuasive authority that unquestionably sets forth Nevada law regarding premises liability.

1 *Id.* (emphasis added).

2 Based on the above, Nevada's premise liability law requires Plaintiff to prove, by
3 admissible evidence, that Wynn either 1) created the condition, or 2) had actual or constructive
4 notice of the condition and failed to warn the Plaintiff. Simply put, there is no evidence in this
5 case to support either scenario.

6 As set forth previously, Plaintiff conceded during her deposition that she has no
7 evidence that Wynn created the foreign substance or had actual or constructive notice of the
8 foreign substance before she slipped and fell. She also does not know how long it was present
9 or the source of the foreign substance, incorrectly believing that it came from a drain.
10 Moreover, there is no evidence that could possibly support Plaintiff's claim of negligence. In
11 short, Plaintiff cannot prove to a jury that Wynn created the foreign substance or had actual or
12 constructive notice of the foreign substance and failed to warn her.

13 Thus, Wynn did not breach its duty to exercise due care. Consequently, summary
14 judgment is appropriate because not only is there an absence of evidence to support the
15 nonmoving party's case, there is a plethora of evidence showing that Wynn did not breach its
16 duty to Plaintiff.

17 Based on the foregoing, it is clear that Plaintiff cannot meet her burden to recover on her
18 claim of negligence against Wynn.

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1 **V. CONCLUSION**

2 Based on the foregoing, the Court should grant summary judgment in Wynn's favor. As
3 a matter of law, Wynn did not breach any duty to Plaintiff and, thus, cannot be the actual or
4 proximate cause of her injuries.

5 DATED this 13th day of July, 2015.

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

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

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 13th day of July, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** to the following registered e-mail addresses:

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

Attorneys for Plaintiff

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

EXHIBIT 1

EXHIBIT 1

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DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL,
individually,

Plaintiff,

vs. Case No. A-12-655992-C

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

Defendants.___)

DEPOSITION OF YVONNE O'CONNELL
VOLUME I
(PAGES 1-161)

Thursday, March 19, 2015
10:11 a.m.

900 South Fourth Street
Las Vegas, Nevada

Reported by: Allyson W. Harris, NV CCR #740

1 APPEARANCES:

2 For Plaintiff:

3 CHRISTIAN M. MORRIS, ESQUIRE
4 Nettles Law Firm
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9 For Defendant:

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INDEX OF EXAMINATION**WITNESS: YVONNE O'CONNELL**

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| By Mr. Semenza | 4 |

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| Exhibit 1 | Documents Bates stamped WYNN-O'CONNELL00470 through 00481 | 51 |
| Exhibit 2 | Incident File Full Report | 105 |

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Deposition of Yvonne O'Connell

Thursday, March 19, 2015

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

YVONNE O'CONNELL, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. SEMENZA:

Q. Good morning, Ms. O'Connell.

A. Good morning.

Q. My name is L.J. Semenza, and I represent the Wynn here today. Also with me is Chris Kircher, who works with me in my office.

Have you ever had your deposition taken before?

A. Yes.

Q. When was that?

A. In the '90s.

Q. How many times have you had your deposition taken?

A. Several times.

Q. Okay. Can you tell me what instances that

1 flowers; right?

2 A. Yes.

3 Q. Okay. Do you recall the mechanics of your
4 fall, meaning did your right leg slip? Did your left
5 leg slip? Did your legs fall behind you or in front
6 of you?

7 A. It happened suddenly.

8 Q. Okay.

9 A. I just know I was on the ground.

10 Q. Okay. Was the liquid substance in any way
11 colored?

12 A. The drying part of it had a very slight tint
13 of color.

14 Q. And what was that color?

15 A. Just a hint of green.

16 Q. Okay. Did you see, after you fell, whether
17 there were any empty glasses or any cups that were
18 located in that immediate area where you fell?

19 A. There was nothing.

20 Q. Immediately prior to your slip, were you
21 doing anything in a distracted fashion? Were you on
22 the phone? Were you texting? Were you in your purse
23 for any particular reason?

24 A. No.

25 Q. Did you have your coat on at that point?

1 A. No.

2 Q. Were you holding your coat?

3 A. I assume -- you know, no, I wouldn't have
4 had my coat on. I must have been holding it.

5 Q. What did you have with you on that day? You
6 had a purse?

7 A. A purse.

8 Q. Okay. And your coat? Anything else?

9 A. No.

10 Q. No bags or anything like that?

11 A. No.

12 Q. And are you left-handed or right-handed?

13 A. Right-handed.

14 Q. Is there a particular hand that you normally
15 carry your purse?

16 A. Shoulder.

17 Q. Okay. Do you recall how you were
18 configured, if you will, immediately before your fall,
19 whether you had your coat on your shoulder, whether
20 you were carrying it with your left hand and holding
21 your purse with your right or had your purse on your
22 shoulder? Do you recall any of that?

23 A. Oh, no, I don't.

24 Q. The liquid substance that was on the floor,
25 you don't know what the liquid substance was, do you?

1 A. I believe I do.

2 Q. You do. What was it?

3 A. I believe it was water.

4 Q. And on what basis do you believe that it was
5 water?

6 A. Could you rephrase that, please.

7 Q. Why do you think it was water?

8 A. Because when I was on the ground I thought
9 it was water, and now I'm more convinced it was
10 water.

11 Q. Even though it had a green tint to it?

12 A. Yes.

13 Q. Do you have any understanding as to why it
14 would have been -- it would have had a green tint if
15 it was water?

16 A. I have my belief.

17 Q. What is that?

18 A. That it had been on the -- either running
19 through or over the plants and out of the drain or
20 around the drain and so that's why it had the greenish
21 tint.

22 Q. Well, okay, and I understand that, but why
23 would it have been -- what is the significance of the
24 greenish tint then?

25 A. Maybe it had fertilizer in it. But I

1 believe it was coming from water off the plants or out
2 of the drain.

3 Q. Immediately after the fall did you see any
4 liquid leaking from planters onto the walkway?

5 A. It was absolutely up against the planters,
6 so that's why I thought it came from there.

7 Q. Okay. But there was no liquid substance
8 coming from the planters that you saw onto the
9 walkway, onto the mosaic?

10 A. I could just see it up against. I didn't --
11 so I just assumed it was from there. I'm sorry. I
12 think I didn't understand that question.

13 Q. Okay. You didn't see any continuing or --
14 well, you didn't see any liquid running from the
15 planters onto the --

16 A. Running? Running water?

17 Q. Yes.

18 A. I didn't see any running liquid.

19 Q. And you had identified that the substance
20 was sticky as well, the liquid?

21 A. Yes, a little sticky.

22 Q. Water would not have been sticky, would it
23 have been?

24 A. Sure, if it would have been -- it wasn't
25 that sticky. It -- it -- if it had come off the

1 plants or even had fertilizer in the water, sure it
2 would be. I believe it would be.

3 Q. It also could have been somebody's drink; is
4 that true?

5 A. I doubt it.

6 Q. You don't believe that that could have
7 happened?

8 A. Not where that was.

9 Q. Could it have been a margarita with a slight
10 green tint?

11 A. I doubt that.

12 Q. Is that a no? I know you said you doubt it,
13 but --

14 A. I -- I --

15 Q. You don't believe it could have been?

16 A. I don't believe it could have been. It just
17 didn't make sense.

18 Q. Is it fair to say you don't know how the
19 substance got there, the liquid substance?

20 A. It's fair to say that I believe I know how
21 it got there.

22 Q. And how did it get there?

23 A. What I believe?

24 Q. Yes.

25 A. I believe that it was water either meant --

1 you know, on the plants, meant to go into that drain
2 or came out of the drain, but it was water, something
3 to do with that drain.

4 Q. Mechanically how did it happen?

5 A. Oh, I wouldn't know that. Just overflow or
6 whatever.

7 Q. You don't know; is that correct?

8 A. I wouldn't know that one.

9 Q. Okay. You don't know how long that liquid
10 substance was present on that floor before you slipped
11 on it, do you?

12 A. I know that it was on the floor long enough
13 for part of it to almost dry and accumulate some
14 footprints.

15 Q. But, again, you don't know how long that
16 would have taken, do you?

17 A. Not time, no.

18 Q. Is it fair to say that you don't have any
19 understanding as to whether any Wynn employee placed
20 that liquid substance on the ground?

21 A. I don't know.

22 Q. And, to your knowledge, you don't have any
23 evidence that would suggest Wynn or any of its
24 employees knew that the liquid was on the ground
25 immediately prior to your fall?

1 MS. MORRIS: Object to form and
2 foundation.

3 BY MR. SEMENZA:

4 Q. You can answer.

5 A. I'm sorry. I'm sorry. Could you repeat
6 that.

7 Q. Sure. Is it fair to say that you don't have
8 any evidence to suggest that either Wynn or any of its
9 employees knew that liquid substance was on the ground
10 immediately prior to your fall?

11 MS. MORRIS: I'm going to object to form and
12 foundation.

13 THE WITNESS: I'm so sorry. I believe
14 that -- I think I'm confusing your question, and my
15 response would not answer exactly what you're asking,
16 and I'm very sorry, but could you rephrase?

17 BY MR. SEMENZA:

18 Q. Sure. Based on your knowledge, you don't
19 have any evidence to suggest that the Wynn or any of
20 its employees knew that there was a liquid substance
21 on the ground immediately prior to your fall?

22 MS. MORRIS: Object to form and foundation.

23 THE WITNESS: I don't know that.

24 BY MR. SEMENZA:

25 Q. And is it fair to say you don't have any

1 evidence to suggest that Wynn or its employees knew
2 that there was a liquid substance on the --

3 A. Before?

4 Q. Yes, before your fall.

5 MS. MORRIS: Object to form and
6 foundation.

7 THE WITNESS: Before my fall?

8 BY MR. SEMENZA:

9 Q. Yes.

10 A. I don't know if I have evidence of that.

11 Q. Is there any evidence you can identify here
12 today that would suggest that either Wynn or any of
13 its employees knew that there was a liquid substance
14 on the floor immediately prior to your fall?

15 MS. MORRIS: Object to form and foundation.

16 THE WITNESS: I'm sorry. Wasn't that the
17 same question?

18 BY MR. SEMENZA:

19 Q. Slightly different.

20 A. I didn't understand the difference.

21 MR. SEMENZA: Could you read that back for
22 me.

23 (Record read.)

24 THE WITNESS: I don't know if we have
25 evidence.

1 BY MR. SEMENZA:

2 Q. As you sit here today, there's no evidence
3 that you can identify right now, is there?

4 MS. MORRIS: Object to form.

5 THE WITNESS: Okay. I'm sorry. You're
6 asking if anybody knew that it was there before I
7 fell?

8 BY MR. SEMENZA:

9 Q. Yes.

10 A. I don't know if we have evidence of that.

11 Q. Okay. And is it fair to say that you don't
12 have any evidence here today that either Wynn or any
13 of its employees should have known that there was a
14 liquid substance on the floor immediately prior to
15 your fall?

16 MS. MORRIS: Object to form and
17 foundation.

18 THE WITNESS: Excuse me. Am I -- is there a
19 question here?

20 BY MR. SEMENZA:

21 Q. Yes. You can go ahead and answer it.

22 MR. SEMENZA: Can you go ahead and read that
23 back for me.

24 (Record read.)

25 THE WITNESS: Oh, yes, I believe, I believe

1 that we have evidence of that.

2 BY MR. SEMENZA:

3 Q. What is that evidence?

4 A. If I understood your question correctly, I
5 believe that they knew that there was a drain here and
6 that they knew that the drain was for the purpose of
7 the water, so they should know that water is in that
8 area.

9 Q. Okay. But my question was: Do you have any
10 evidence that suggests that Wynn knew that there was a
11 liquid substance on the floor at that location
12 immediately prior to your fall?

13 MS. MORRIS: Object to form and foundation;
14 asked and answered.

15 BY MR. SEMENZA:

16 Q. What is that -- and you described a drain.
17 What were you referring to?

18 A. The drain in the picture right here
19 (indicating).

20 Q. And you're referring to page 470? Let's see
21 if there's a better image.

22 Okay. Let's look at 473. Could you put a
23 circle around the location of what you describe to be
24 a drain.

25 A. Yes. (Writing.) Is that what you wanted?

1 Q. Yes. And could you just write a D on top
2 of --

3 A. On top of the drain?

4 Q. Yeah.

5 A. (Writing.)

6 Q. Okay. How do you know that that's a drain?

7 A. Well, because that's what it looks like.

8 Q. Okay. Just based upon your observation as
9 to what it looks like?

10 A. Yes.

11 Q. Did you see any Wynn employees immediately
12 in the area surrounding where you fell -- let me
13 strike that. Let me ask a different way.

14 When was the first time you saw any Wynn
15 employee at the location after you fell?

16 A. The first employee came from my left.

17 Q. Okay. Where would that employee have been
18 coming from?

19 A. He was the one who had the -- you know, was
20 cleaning -- had that big machine, that big sweeper.

21 Q. How long after you fell did he arrive?

22 A. I'm not sure.

23 Q. Was it five minutes? Three minutes? If you
24 can estimate.

25 A. Well, he said -- he came up to me and said

REPORTER'S CERTIFICATE

I, the undersigned, a Certified Court Reporter of the State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that before completion of the proceedings, review of the transcript was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 4/27/2015

/s/ Allyson W. Harris
ALLYSON W. HARRIS
CCR No. 740

EXHIBIT 2

EXHIBIT 2



Title:

Original Filename:

#2152-5.jpg

Date Attached:

02/08/2010 04:15:47PM

Attached Size:

703,998

EXHIBIT 3

EXHIBIT 3

- 1
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4. I declare under the penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

EXECUTED this 10th day of July, 2015 in Clark County, Nevada.

Araceli Macias
ARACELI MACIAS

EXHIBIT A

EXHIBIT A

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:16:00 AM To: 2/9/2010 12:07:59 AM

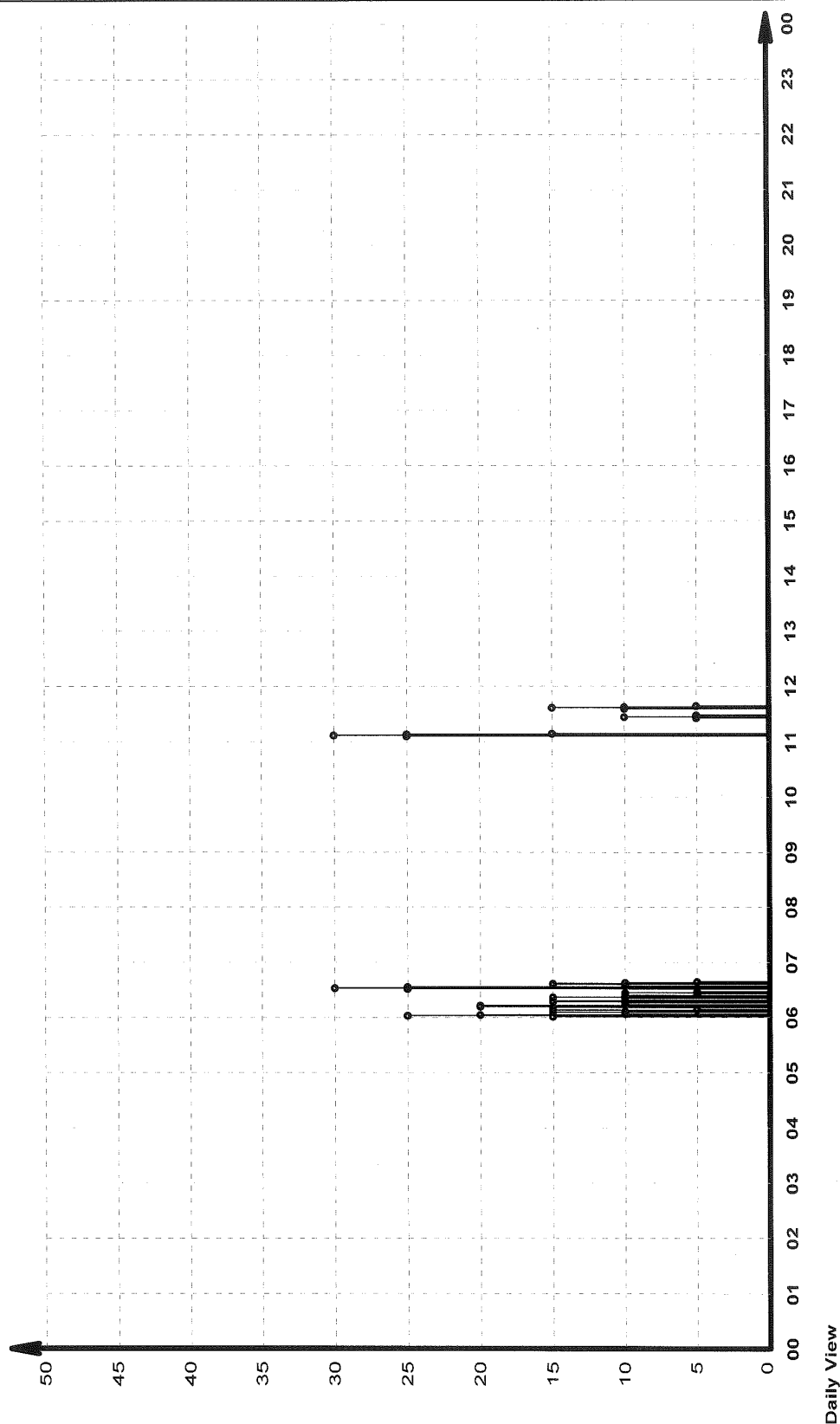
Flow Data Chart for This Site

Monday, February 08, 2010 12:00:00 AM - Monday, February 08, 2010 11:59:59 PM

Actual Data

Projected Data

gpm



Schedule Data for Site: Wynn Atrium

| No. Name | WB or ET Mode | Type | Repeats | Start Day | Start Time | Link Start |
|-----------------------------|-----------------------|-----------------|---------|---------------|------------------|------------|
| 001 master valve sch. | Site ET Auto Send | ET-based / Step | 0 | Every day | 03:00AM | |
| 007 Atrium master color Sch | Auto Send | Step | 0 | MON, FRI | 06:00AM | 701 |
| 100 ATRIUM FLOW | Auto Send / Protected | Step | 0 | | | |
| 400 Atrium Pots | 100% Auto Send | Step | 0 | FRI | 08:00AM | |
| 500 Atrium Kenilia | 100% Auto Send | Step | 0 | TUE, FRI | 05:00AM, 10:30AM | |
| 501 Atrium Ficus | 100% Auto Send | Step | 0 | TUE, FRI | 10:30AM | |
| 502 Theatrical Lake Trees | 100% Auto Send | Step | 0 | MON, WED, FRI | 08:00AM | |
| 600 Atrium Shrubs | 100% Auto Send | Step | 0 | FRI | 09:00AM | |
| 601 Theatrical Lake Shrubs | 100% Auto Send | Step | 0 | MON, WED, FRI | 07:30AM | |
| 701 Atrium color Sch | 100% Auto Send | Step | 0 | | | |

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan/Sta) | Date | Actual Data | Projected Data | Projected Stations Running (Chan/Sta) |
|----------------|-------------|----------------|--|----------------|-------------|----------------|--|
| 2/8/2010 2:49: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:35 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:48: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:34 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:47: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:33 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:46: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:32 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:45: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:31 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:44: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:30 | 0.00 gpm | 5.00 gpm | 01/22,01/24 |
| 2/8/2010 2:43: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:29 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:42: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:28 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:41: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:27 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:40: | 0.00 gpm | 5.00 gpm | 01/22 | 2/8/2010 12:26 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:39: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:25 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:38: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:24 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:37: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:23 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:36: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:22 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:35: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:21 | 0.00 gpm | 5.00 gpm | 01/20,01/24 |
| 2/8/2010 2:34: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:20 | 0.00 gpm | 5.00 gpm | 01/24 |
| 2/8/2010 2:33: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:19 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 2:31: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:18 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 2:30: | 0.00 gpm | 5.00 gpm | 01/20 | 2/8/2010 12:17 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:59 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:16 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:58 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:15 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:57 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:14 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:56 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:13 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:55 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:12 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:54 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:11 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:53 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:10 | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 12:52 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:09 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:51 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:08 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:50 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:07 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:49 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:06 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:48 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:05 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:47 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:04 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:46 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:03 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:45 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:02 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:44 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:01 | 0.00 gpm | 5.00 gpm | 01/23,01/24 |
| 2/8/2010 12:43 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 12:00 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:42 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 11:59 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:41 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 11:58 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:40 | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 11:57 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:39 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 11:56 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:38 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 11:55 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:37 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 11:54 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| 2/8/2010 12:36 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 11:53 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |
| | | | | 2/8/2010 11:52 | 0.00 gpm | 5.00 gpm | 01/21,01/24 |

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Stations Running Data | Projected Stations Running Data | Actual Data | Projected Stations Running Data |
|----------------|-------------|------------------------------------|------------------------------------|-------------|------------------------------------|
| 2/8/2010 11:51 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:50 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:49 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:48 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:47 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:46 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:45 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:44 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:43 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:42 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:41 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:40 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:39 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:38 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:37 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:36 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:35 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:34 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:33 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:32 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:31 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:30 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:29 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:28 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:27 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:26 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:25 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:24 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:23 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:22 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:21 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:20 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:19 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:18 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:17 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:16 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:15 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:14 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:13 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:12 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:11 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:10 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:09 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 11:08 | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm | 0.00 gpm |

Printing time: Wednesday, May 27, 2015 6:27:58 AM

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan, gpm) | Date | Actual Data | Projected Data | Projected Stations Running (Chan, gpm) |
|----------------|-------------|----------------|---|----------------|-------------|----------------|---|
| 2/8/2010 10:23 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 9:39: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:22 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 9:38: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:21 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 9:37: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:20 | 0.00 gpm | 5.00 gpm | 01/22,01/24 | 2/8/2010 9:36: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:19 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:35: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:18 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:34: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:17 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:33: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:16 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:32: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:15 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:31: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:14 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:30: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:13 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:29: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:12 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:28: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:11 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:27: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:10 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:26: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:09 | 0.00 gpm | 5.00 gpm | 01/20,01/24 | 2/8/2010 9:25: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:08 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:24: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:07 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:23: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:06 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:22: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:05 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:21: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:04 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:20: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:03 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:19: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:02 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:18: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:01 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:17: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 10:00 | 0.00 gpm | 5.00 gpm | 01/24 | 2/8/2010 9:16: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:59: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:15: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:58: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:14: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:57: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:13: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:56: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:12: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:55: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:11: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:54: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:10: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:53: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:09: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:52: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:08: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:51: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:07: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:50: | 0.00 gpm | 5.00 gpm | 01/23,01/24 | 2/8/2010 9:06: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:49: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:05: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:48: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:04: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:47: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:03: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:46: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:02: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:45: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:01: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:44: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 9:00: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:43: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 8:59: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:42: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 8:58: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:41: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 8:57: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 9:40: | 0.00 gpm | 5.00 gpm | 01/21,01/24 | 2/8/2010 8:56: | 0.00 gpm | 0.00 gpm | 01/24 |

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan, gpm) | Date | Actual Data | Projected Data | Projected Stations Running (Chan, gpm) |
|----------------|-------------|----------------|--|----------------|-------------|----------------|--|
| 2/8/2010 8:55: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:11: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 |
| 2/8/2010 8:54: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:10: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 |
| 2/8/2010 8:53: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:09: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 |
| 2/8/2010 8:52: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:08: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:51: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:07: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:50: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:06: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:49: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:05: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:48: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:04: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:47: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:03: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:46: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:02: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:45: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:01: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:44: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 8:00: | 0.00 gpm | 5.00 gpm | 01/20, 01/24 |
| 2/8/2010 8:43: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:59: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:42: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:58: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:41: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:57: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:40: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:56: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:39: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:55: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:38: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:54: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:37: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:53: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:36: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:52: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:35: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:51: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:34: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:50: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:33: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:49: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:32: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:48: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:31: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:47: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:30: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:46: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:29: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:45: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:28: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:44: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:27: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:43: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:26: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:42: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:25: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:41: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:24: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:40: | 0.00 gpm | 5.00 gpm | 01/23, 01/24 |
| 2/8/2010 8:23: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:39: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:22: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:38: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:21: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:37: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:20: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 7:36: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:19: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:35: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:18: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:34: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:17: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:33: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:16: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:32: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:15: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:31: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:14: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:30: | 0.00 gpm | 5.00 gpm | 01/21, 01/24 |
| 2/8/2010 8:13: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:29: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 8:12: | 0.00 gpm | 5.00 gpm | 01/22, 01/24 | 2/8/2010 7:28: | 0.00 gpm | 0.00 gpm | 01/24 |

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan/Start) | Date | Actual Data | Projected Data | Projected Stations Running (Chan/Start) |
|----------------|-------------|----------------|---|----------------|-------------|----------------|---|
| 2/8/2010 7:27: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:43: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 7:26: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:42: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 7:25: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:41: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 7:24: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:40: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 7:23: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:39: | 5.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:22: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:38: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:21: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:37: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:20: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:36: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:19: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:35: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:18: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:34: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:17: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:33: | 25.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:16: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:32: | 30.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:15: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:31: | 25.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:14: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:30: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:13: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:29: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:12: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:28: | 5.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:11: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:27: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:10: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:26: | 5.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:09: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:25: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:08: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:24: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:07: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:23: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:06: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:22: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:05: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:21: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:04: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:20: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:03: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:19: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:02: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:18: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 7:01: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:17: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:59: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:16: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:58: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:15: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:57: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:14: | 10.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:56: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:13: | 20.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:55: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:12: | 20.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:54: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:11: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:53: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:10: | 0.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:52: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:09: | 5.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:51: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:08: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:50: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:06: | 15.00 gpm | 0.00 gpm | 0.00 gpm |
| 2/8/2010 6:49: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:05: | 0.00 gpm | 5.00 gpm | 01/05, 01/24 |
| 2/8/2010 6:48: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:04: | 10.00 gpm | 5.00 gpm | 01/05, 01/24 |
| 2/8/2010 6:47: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:03: | 20.00 gpm | 5.00 gpm | 01/05, 01/24 |
| 2/8/2010 6:46: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:02: | 25.00 gpm | 5.00 gpm | 01/03, 01/24 |
| 2/8/2010 6:45: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:01: | 15.00 gpm | 5.00 gpm | 01/03, 01/24 |
| 2/8/2010 6:44: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 6:00: | 0.00 gpm | 5.00 gpm | 01/03, 01/24 |

Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan 5/24) | Date | Actual Data | Projected Data | Projected Stations Running (Chan 5/24) |
|----------------|-------------|----------------|--|----------------|-------------|----------------|--|
| 2/8/2010 5:59: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:15: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:58: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:14: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:57: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:13: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:56: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:12: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:55: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:11: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:54: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:10: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:53: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:09: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 5:52: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:08: | 0.00 gpm | 0.00 gpm | 01/24 |
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| 2/8/2010 5:46: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 5:02: | 0.00 gpm | 0.00 gpm | 01/24 |
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Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan/Str) | Date | Actual Data | Projected Data | Projected Stations Running (Chan/Str) |
|----------------|-------------|----------------|---------------------------------------|----------------|-------------|----------------|---------------------------------------|
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| 2/8/2010 4:29: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:45: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 4:28: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:44: | 0.00 gpm | 0.00 gpm | 01/24 |
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| 2/8/2010 4:23: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:39: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 4:22: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:38: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 4:21: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:37: | 0.00 gpm | 0.00 gpm | 01/24 |
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| 2/8/2010 4:04: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:20: | 0.00 gpm | 0.00 gpm | 01/24 |
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| 2/8/2010 4:01: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:17: | 0.00 gpm | 0.00 gpm | 01/24 |
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| 2/8/2010 3:53: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:10: | 0.00 gpm | 0.00 gpm | 01/24 |
| 2/8/2010 3:52: | 0.00 gpm | 0.00 gpm | 01/24 | 2/8/2010 3:09: | 0.00 gpm | 0.00 gpm | 01/24 |
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Flow Data for Site: Wynn Atrium

From: 2/8/2010 12:48:13 AM To: 2/9/2010 12:46:18 AM

Flow Data List for This Site

| Date | Actual Data | Projected Data | Projected Stations Running (Chan/Sta) | Date | Actual Data | Projected Data | Projected Stations Running (Chan/Sta) |
|----------------|-------------|----------------|---------------------------------------|------|-------------|----------------|---------------------------------------|
| 2/8/2010 3:03: | 0.00 gpm | 0.00 gpm | 01/24 | | | | |
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| 2/8/2010 3:00: | 0.00 gpm | 0.00 gpm | 01/24 | | | | |

EXHIBIT 4

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT MOSTAD,
Appellant,
vs.
PARK PLACE ENTERTAINMENT
CORPORATION; PARBALL
CORPORATION; AND BALLY'S - LAS
VEGAS, D/B/A BALLY'S OF LAS
VEGAS,
Respondents.

No. 46597

FILED

NOV 13 2007

WACHITEM BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

After appellant Scott Mostad slipped and fell, allegedly having stepped on an unknown foreign substance in the buffet area at Bally's Hotel and Casino, Mostad filed a complaint against respondents Park Place Entertainment Corporation, Parball Corporation, and Bally's-Las Vegas (collectively, "Bally's"), alleging that Bally's had negligently maintained its premises.

Bally's filed a summary judgment motion, arguing that Mostad's negligence claim failed as a matter of law because Mostad had failed to demonstrate any factual issues with respect to whether Bally's was responsible for the foreign substance on the property or had any actual or constructive notice of its existence. Bally's noted that Mostad failed to present any deposition testimony, affidavits, or other evidence demonstrating how the substance got on the floor or that Bally's had actual or constructive notice of the substance's presence.

Mostad opposed the motion, arguing that he would present evidence and witness testimony supporting his claims at trial.

SUPREME COURT
OF
NEVADA

(O) 1947A

07-24660

On December 7, 2005, based on Bally's arguments, the district court granted Bally's motion for summary judgment. Mostad's timely appeal followed.

This court reviews orders granting summary judgment de novo.¹ Summary judgment was appropriate here if the pleadings and other evidence on file, viewed in the light most favorable to Mostad, demonstrate that no genuine issue of material fact remained in dispute and that Bally's was entitled to judgment as a matter of law.² To withstand summary judgment, Mostad could not rely solely on the general allegations and conclusions set forth in his complaint, but must instead have presented specific facts demonstrating the existence of a genuine factual issue supporting his claims.³

Upon our review of the record and consideration of the parties' appellate arguments,⁴ we perceive no error in the district court's summary judgment. Although the presence of a foreign substance on the floor may be contrary to ordinary care,⁵ liability for any injuries Mostad sustained

¹See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).

²Id.

³Id. at 731, 121 P.3d at 1030-31.

⁴We decline to consider any issues that Mostad presented in his reply brief that were not first raised in his opening brief. See City of Elko v. Zillich, 100 Nev. 366, 371, 683 P.2d 5, 8 (1984) (providing that a party may not raise a new issue or argument for the first time in the reply brief).

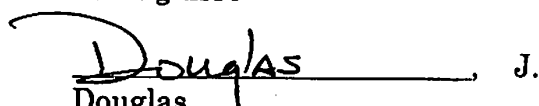
⁵See Asmussen v. New Golden Hotel Co., 80 Nev. 260, 262, 392 P.2d 49, 49 (1964) (noting that a business owes its customers a duty to keep its premises in a reasonably safe condition for the customers' use).

after slipping in the substance and falling may be found only if Bally's employees created the condition or had actual or constructive notice of its existence.⁶ Thus, in order to defeat Bally's summary judgment motion, Mostad was required to offer evidence suggesting that the employees had spilled or otherwise deposited the substance on the floor, or that they had constructive notice of its existence.⁷ Accordingly, because Mostad failed to do so, he failed to demonstrate any material factual issues with regard to Bally's negligence, and we

ORDER the judgment of the district court AFFIRMED.⁸


Hardesty


Parraguirre


Douglas

⁶Id. at 262, 392 P.2d at 50; Sprague v. Lucky Stores, Inc., 109 Nev. 247, 250, 849 P.2d 320, 322-23 (1993).

⁷Wood, 121 Nev. at 731, 121 P.3d at 1030-31; Sprague, 109 Nev. at 250, 849 P.2d at 322-23.

⁸We reject Mostad's view that a foreign substance on the floor created a per se inference that Bally's was responsible or had actual or constructive knowledge of the substance's presence on the floor before Mostad's slip and fall. "The nonmoving party 'is not entitled to build a case on the gossamer threads of whimsy, speculation, and conjecture.'" Wood, 121 Nev. at 732, 121 P.3d at 1031 (quoting Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992)).

cc: Hon. Michelle Leavitt, District Judge
Carolyn Worrell, Settlement Judge
Ryan, Mercaldo, & Worthington, LLP
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Eighth District Court Clerk

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Nevada Bar No. 11218
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brian@nettlslawfirm.com
christian@nettlslawfirm.com
Attorneys for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S FOURTH SUPPLEMENT
TO INITIAL 16.1 DISCLOSURES

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

I. **WITNESSES**

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

- 1 1. Yvonne O'Connell
2 c/o Nettles Law Firm
3 1389 Galleria Drive, Suite 200
4 Henderson, NV 89014

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

- 7 2. Person Most Knowledgeable
8 Wynn Las Vegas, LLC
9 c/o Lawrence J. Semenza, III, Esq.
10 LAWRENCE J. SEMENZA, III, P.C.
11 10161 Park Run Drive, Suite 150
12 Las Vegas, Nevada 89145
13 Telephone: (702) 835-6803

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

- 16 3. Jon Sorelle, M.D. and/or
17 Person Most Knowledgeable/Custodian of Records
18 The Minimally Invasive Hand Institute
19 8960 W. Tropicana Ave.
20 Las Vegas, NV 89147
21 Phone:(702) 739-4263

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

4. Person Most Knowledgeable/Custodian of Records
 Steinberg Diagnostics
 2950 S. Maryland Pkwy.
 Las Vegas, NV

Phone: (702) 732-6000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 15. Suresh Prahbu, M.D. and/or
16 Person Most Knowledgeable/Custodian of Records
17 Ascent Primary Care
18 653 N. Town Center Dr., Ste. 217
19 Las Vegas, NV 89144
20 Phone: (702) 545-0751

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

24 16. Person Most Knowledgeable/Custodian of Records
25 University Medical Center
26 1800 West Charleston Blvd.
27 Las Vegas, NV 89102
28 Phone: (702) 383-2000

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

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

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

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

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

This individual is expected to testify as a treating physician and as an expert regarding the injuries sustained, past present and future medical treatment and impairment, prognosis, disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records

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

12
13 17. Enrique Lacayo, M.D. and/or
14 Person Most Knowledgeable/Custodian of Records
15 2020 Goldring Avenue
16 Las Vegas, NV 89106
17

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

21 18. Nanjunda Subramanyam, M.D. and/or
22 Person Most Knowledgeable/Custodian of Records
23 Nevada Heart and Vascular Center
24 1820 Desert Inn Rd., Suite A
25 Las Vegas, NV 89169
26

27 This individual is expected to testify as a treating physician and as an expert regarding
28 the injuries sustained, past present and future medical treatment and impairment, prognosis,
disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
also a treating physician and thereby not retained or specially employed to provide expert
testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree,
let us know immediately or your failure to object will be deemed a stipulation that said

documents are not required under the rule. Further, this expert is expected to testify consistent with the medical records related to the treatment of the Plaintiff for the subject incident, and other incidents having relevance to this action. The facts and opinions to which the expert is expected to testify include any and all facts and opinions in the said medical records, and that the medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by any party in this action that contradict the same.

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

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

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

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

1 expected to testify include any and all facts and opinions in the said medical records, and that the
2 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
3 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
4 any party in this action that contradict the same.

- 5 21. Troy Valdez – brother
6 4 Starling Lane
7 Aliso Viejo, CA 92656
8 (949) 254-4550
9 (949) 228-0959

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

- 13 22. Holly Valdez – sister in law
14 4 Starling Lane
15 Aliso Viejo, CA 92656
16 (949) 254-4550
17 (949) 228-0959

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

- 21 23. Dave Brobeck – Holly Valdez' father
22 217 Monarch Bay Drive
23 Dana Point, CA 92629
24 (949) 499-9811

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

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

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

- 25 25. David Brobeck – Holly Valdez' brother
26 20 Blue Heron Lane
27 Aliso Viejo, CA 92656
28 (949) 859-3793

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

4 26. Mele Brobeck – Holly Valdez' sister in law
5 20 Blue Heron Lane
6 Aliso Viejo, CA 92656
7 (949) 859-3793

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

11 27. Larry Muro – Troy Valdez' friend
12 4739 Mascagni St.
13 Ventura, CA 93003
14 (805) 616-0274

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

18 28. Janine Muro – Troy Valdez' friend
19 4739 Mascagni St.
20 Ventura, CA 93003
21 (805) 616-0274

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

25 29. Jim Holloway – Troy Valdez' friend
26 2834 Serang Place
27 Costa Mesa, CA 92626
28 (714) 241-7777

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

33 30. Renee Holloway – Troy Valdez' friend
34 2834 Serang Place
35 Costa Mesa, CA 92626
36 (714) 241-7777

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

3 31. Allen Stroub – Plaintiff's Cousin
4 7009 Bandolero Way
5 Bakersfield, CA
(805) 838-7187

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

8 32. Helen Stroub – Plaintiff's Cousin
9 7009 Bandolero Way
10 Bakersfield, CA
11 (805) 838-7187

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

14 33. Person Most Knowledgeable/Custodian of Records
15 Las Vegas Radiology
16 7500 Smoke Ranch Road, Suite 100
17 Las Vegas, Nevada 89128
(702) 254-5004

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

34. Person Most Knowledgeable/Custodian of Records
Open Sided MRI of Las Vegas

630 South Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740

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

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

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

II. DOCUMENTS. DATA COMPILATIONS AND TANGIBLE THINGS

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

1. Medical Records and Billing Statement
Jon Sorelle, M.D.
The Minimally Invasive Hand Institute
8960 W. Tropicana Ave.
Las Vegas, NV 89147
Bate numbered PLTF000001 through PLTF000018 and attached hereto.
2. Diagnostic Records and Billing Statement
Steinberg Diagnostics
2950 S. Maryland Pkwy.
Las Vegas, NV

Bate numbered PLTF000019 through PLTF000033 and attached hereto.

3. Medical Records and Billing Statement
UMC Quickcare
1800 West Charleston Blvd.
Las Vegas, NV 89102
Bate numbered PLTF000034 through PLTF000289 and attached hereto.

4. Physical Therapy Records and Billing Statement
Matt Smith Physical Therapy
9499 W. Charleston Blvd., Suite 220
Las Vegas, NV 89117
Bate numbered PLTF000290 through PLTF000374 and attached hereto.

5. Medical Records and Billing Statement
Timothy Trainor, M.D.
Advanced Orthopedic & Sports Medicine
8420 W. Warm Springs Rd.
Las Vegas, NV
Bate numbered PLTF000375 through PLTF000396 and attached hereto.

6. Medical Records and Billing Statement
John A. Thompson, M.D.
Desert Oasis Clinic
6316 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Bate numbered PLTF000397 through PLTF000407 and attached hereto.

7. Medical Records and Billing Statement
Christopher Milford, M.D., P.C.
Silver State Neurology
9811 W. Charleston Blvd., Ste. 2-357
Las Vegas, NV 89117
Bate numbered PLTF000408 through PLTF000431 and attached hereto.

8. Physical Therapy and Billing Statement
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Bate numbered PLTF000432 through PLTF000443 and attached hereto.

9. Medical Records and Billing Statement
Edson Erkulvrawatr, M.D.
Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550

Bate numbered PLTF000444 through PLTF000526 and attached hereto.

10. Medical Records and Billing Statement
Leo Germin, M.D.

Clinical Neurology Specialists
1691 W. Horizon Ridge Pkwy., Ste. 100
Henderson, NV 89012

Bate numbered PLTF000527 through PLTF000535 and attached hereto.

11. Medical Records and Billing Statement
Andrew Cash, M.D.

Nevada Institute of Spine Care
9339 W. Sunset Road, Ste. 100
Las Vegas, NV 89148

Bate numbered PLTF000536 through PLTF000584 and attached hereto.

12. Medical Records and Billing Statement

Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710 W. Tropicana Ave., Ste. 115
Las Vegas, NV 89147

Bate numbered PLTF000585 through PLTF000598 and attached hereto.

13. Medical Records and Billing Statement

Suresh Prahbu, M.D.
Ascent Primary Care
653 N. Town Center Dr., Ste. 217
Las Vegas, NV 89144

Bate numbered PLTF000594 through PLTF000598 and attached hereto.

14. Medical Records

Thomas Dunn, M.D. and/or
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609

Bate numbered PLTF000599 through PLTF000627 and attached hereto.

15. Medical Records and Billing Statement

Yakov Shaposhnikov, M.D. and/or
Gastrointestinal and Liver Diseases
2020 Goldring Avenue
Las Vegas, NV 89106

Bate numbered PLTF000628 through PLTF000649 and attached hereto.

16. Medical Records and Billing Statement

Enrique Lacayo, M.D.
2020 Goldring Avenue

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

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

Las Vegas, NV 89106

Bate numbered PLTF000650 through PLTF000677 and attached hereto.

17. Medical Records and Billing Statement

Nanjunda Subramanyam, M.D.

Nevada Heart and Vascular Center

1820 Desert Inn Rd., Suite A

Las Vegas, NV 89169

Bate numbered PLTF000678 through PLTF000683 and attached hereto.

19. Medical Records and Billing Statement

Scott Manthei, M.D.

Nevada Eye and Ear

2598 Windmill Pkwy.

Henderson, NV 89074

Bate numbered PLTF000684 through PLTF000699 and attached hereto.

20. Medical Records and Billing Statement

Tyree Carr, M.D.

Nevada Institute of Ophthalmology

2800 N. Tenaya Way, #102

Las Vegas, NV 89128

Bate numbered PLTF000700 through PLTF000716 and attached hereto.

21. Photograph of Plaintiff and friend dancing pre-accident

Bate numbered PLTF000717 and attached hereto.

22. Photographs of Plaintiff and her brother, Troy Valdez, her sister-in-law, Holly Valdez and her niece pre-accident

Bate numbered PLTF000718 and attached hereto.

23. Photograph of Plaintiff and her cousins, Allen and Helen Stroub pre-accident

Bate numbered PLTF000719 and attached hereto.

24. Photographs of Plaintiff's injury area and bruising

Bate numbered PLTF 000720 and PLTF 721

25. Authorization for the Release of Protected Health Information executed by Plaintiff for benefit of Defendant

26. Medical Records and Billing Statement

Las Vegas Radiology

8530 W. Sunset Road

Las Vegas, Nevada 89113

(702) 254-5004

Bate numbered PLTF000722 through PLTF000728 are attached hereto.

27. **Medical Billing Statement**
Thomas Dunn, M.D.
Desert Orthopedic Center
2930 W. Horizon Ridge Pkwy, #100
Henderson, Nevada 89052
(702) 731-1616
Bate numbered PLTF000729 through PLTF000748 are attached hereto.

28. **Medical Records and Billing Statement**
Open Sided MRI
630 South Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740
Bate numbered PLTF000749 through PLTF000752 are attached hereto.

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

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

III. COMPUTATION OF DAMAGES

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

A. MEDICAL DAMAGES:

| PROVIDER | AMOUNT |
|--|-------------|
| Jon Sorelle, M.D. The Minimally Invasive Hand Institute | \$ 2,625.00 |
| Steinberg Diagnostics | \$ 2,605.00 |
| UMC – Quick Care | \$ 7,783.56 |
| Matt Smith Physical Therapy | \$ 3,235.00 |
| | |

| | |
|---|---------------------|
| Timothy J. Trainor, M.D. Advanced Orthopedic & Sports Medicine | \$ 181.00 |
| John A. Thompson, M.D. Desert Oasis Clinic | \$ 250.00 |
| Christopher Milford, M.D., P.C. Silver State Neurology | \$ 1,580.00 |
| Edwin Suarez Physical Therapy | \$ 670.00 |
| Southern Nevada Pain Center | \$ 680.00 |
| Leo Germin, M.D. Clinical Neurology Specialists | \$ 2,510.00 |
| Andrew Cash, M.D. Desert Institute of Spine Care | \$ 3,034.42 |
| Lee Wittenberg, DPM Apache Foot & Ankle | \$ 310.00 |
| Suresh Prahbu, M.D. Ascent Primary Care | \$ 270.00 |
| Thomas Dunn, M.D. Desert Orthopaedic Center | \$ 1,640.00 |
| Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases | \$ 828.00 |
| Enrique Lacayo, M.D. | \$ 175.00 |
| Nanjunda Subramanyam, M.D. Nevada Heart and Vascular Center | \$ 1,440.00 |
| Scott Manthei, M.D. Nevada Eye and Ear | \$ 750.00 |
| Tyree Carr, M.D. Nevada Institute of Ophthalmology | \$ 790.00 |
| Las Vegas Radiology | \$ 3,300.00 |
| Open Sided MRI of Las Vegas | \$ 3,290.00 |
| | |
| TOTAL | \$ 37,946.98 |

1 B. ADDITIONAL DAMAGES:

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

4 **IV. INSURANCE POLICY**

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

10 Plaintiff is unaware of any insurance agreement(s).

11 DATED this 14th day of July, 2015.

12 NETTLES LAW FIRM

13
14
15 /s/ Christian Morris

16 BRIAN D. NETTLES, ESQ.

17 Nevada Bar No. 7462

18 CHRISTIAN M. MORRIS, ESQ.

19 Nevada Bar No. 11218

20 1389 Galleria Drive, Suite 200

21 Henderson, Nevada 89014

22 Attorneys for Plaintiff
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NETTLES LAW FIRM

1389 Galleria Drive Suite 200

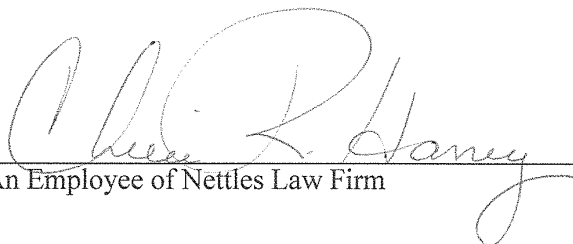
Henderson, NV 89014

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

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCF 5(b) and EDCR 7.26, I certify that on this 14th day of July, 2015, I served the foregoing *Plaintiff's Fourth Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

Lawrence J. Semenza, III, Esq.
Christopher D. Kircher, Esq.
Lawrence J. Semenza, III, P.C.
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Las Vegas, Nevada 89145
(702) 835-6803
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Wynn Las Vegas


An Employee of Nettles Law Firm